

Dan Bishop files defamation lawsuit against Jeff Jackson's campaign in NC AG race

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U.S. Rep. Dan Bishop is suing his opponent's campaign for defamation.

Earlier this month, Bishop and his campaign for North Carolina attorney general filed a defamation suit against U.S. Rep. Jeff Jackson's campaign, the state Democratic Party, the Democratic Attorneys General Association, and a company that conducts polls and surveys, for claims about his legal career that he said are false.

The suit, filed Oct. 3 in Union County Superior Court and first reported by Courthouse News Service, states that Bishop has been defamed by claims that he represented clients who stole from the elderly. The suit states that in July, the firm Dynata called a Union County voter to conduct a political survey, and asked them if they would be more or less likely to vote for Bishop if they "knew that, as a lawyer, he represented people who stole money from the elderly."

Bishop states in the lawsuit that the question presented the claim as a "factual assertion," and said that the question could have been asked of hundreds of other voters as part of the survey. The Republican congressman states that in his nearly 30 years of private practice, he never "represented people who stole from the elderly."

The lawsuit states the claim "vaguely echoes" reporting by The New Republic earlier this year, which wrote in June that as an attorney, Bishop "worked multiple times with organizations accused of questionable business practices." In the suit, Bishop claims that the story was "riddled with falsehoods," and was

republished last month with "substantial changes," after his lawyers contacted The New Republic about "defamatory content" in the article.

A note at the bottom of the story states that it "originally misstated the status" of one of the cases it mentioned, and "has also been updated for clarity."

Bishop claims in the suit that Dynata would have only conducted the survey after being engaged by a "direct or indirect client" that was one of, or a combination of, the named defendants. He also claims the information that formed the basis for The New Republic's story was likely "opposition research" prepared by the defendants.

The lawsuit claims that the "defective, incomplete, unrepresentative and false opposition research" was provided for the political poll and the story "with knowledge of the falsity," or "in conscious disregard of the truth as evidenced by cherry picking and distorting and mischaracterizing individual cases, and subordinating accuracy and truth to the object of competitive advantage in the campaign."

JACKSON AND BISHOP CAMPAIGNS ON DEFAMATION LAWSUIT

In a statement, Jackson's campaign told The News & Observer that it looked forward to the lawsuit's "swift resolution," and indicated that it doesn't expect it to be successful.

"Mr. Bishop says he wants to be Mark Robinson's sidekick and we imagine this will have as much success as Mark Robinson's legal actions," the campaign said.

Bishop's campaign, meanwhile, told The N&O it filed the suit "to protect

Congressman Bishop's professional reputation against false and defamatory accusations the Jackson campaign or its allies were preparing to launch."

"The campaign hasn't sought publicity about the suit, and the suit does not target Jeff Jackson personally. Frankly, we wish we didn't even have to do this. The better course would be for candidates and their allies to maintain a basic level of decency," the campaign said.

"But campaign tactics from the past two Democratic candidates for attorney general prompted widely-publicized litigation and investigations over defamation. This is becoming a pattern. The Bishop campaign will not sit back and yet again allow last-minute fabrications to be published or republished in the final weeks of a campaign."

Bishop's lawsuit follows another controversy during the bitterly fought 2020 attorney general's race, when Democratic Attorney General Josh Stein and Republican Forsyth County District Attorney Jim O'Neill criticized each other over the backlog of untested rape kits.

O'Neill filed a complaint with election officials over an ad by the Stein campaign, which later led to Wake County District Attorney Lorren Freeman opening an investigation of her own. That investigation was ultimately closed after a federal appeals court said a 1931 state law Stein's campaign had supposedly violated was likely unconstitutional.

Gov. Roy Cooper, who served four terms as attorney general before Stein was first elected in 2016, also faced a libel lawsuit from his opponent during his first bid for the office in 2000.

That suit, over a campaign ad that claimed Republican candidate Dan Boyce had charged \$28,000 an hour to represent taxpayers who were suing the state, was eventually settled in 2014 with an apology from Cooper.

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FROM PAGE 1A HELENE

across the region almost two weeks ago.

In the wake of that storm, some have decided that if they could weather Helene, they can weather anything. Others are shifting the other way, rattled by Helene's torrential rains and the flooding and hundreds of landslides that followed, leaving wide swaths of the region without basic services like cell signal, electricity and water for days.

Margie Derwort is in the latter camp, keenly interested in selling her home on U.S. 176 about four miles east of Saluda's downtown after Helene's impacts came so close.

"I am scared now. I need to leave if I can sell it. I need to do that," Derwort told The News & Observer on Monday.

Derwort's age is part of her thinking, as is her son's health. Michael is still coping with the effects from a battle with colon cancer.

'A MESS' OUTSIDE OF SALUDA

When a reporter approached, Derwort and Michael were sitting on their porch with a friend.

They had just returned home after six days in a nearby inn, taken into downtown Saluda by the National Guard after the worst of Helene passed through. The yard around the slightly raised porch was still squishy to the step, and the power wasn't back on inside the house yet.

Margie Derwort said the home has a "bad history" and described how her husband had been killed about 20 years ago when a tree fell on his car nearby.

As badly as she wants to leave, the Derworts can't afford to just pick up and go. She needs somebody to buy her current house first.

"You don't know what to do or which way to turn. Finances aren't where you can just go out and make a change, I'd have to sell the house. Now, how long will it take me to sell it? I can't move without money," Derwort said.

About 400 feet to the

west, where the home had collapsed, a gate was pulled shut. A hand-written sign was laced through the iron bars, black letters traced with orange highlighter reading, "DANGER NO TRESPASSING!! MUDSLIDE IN PROGRESS."

Large chunks of debris had collected in a stream bed along that home's property line.

"This is a mess," Michael Derwort said.

U.S. 176 is closed just to

the east of the Derworts' home. The road is damaged in several places by landslides from above, while shelves of asphalt dangle over the North Pacolet River in other places, the earth that was supporting them washed away.

RAPID RESPONSE IN MOUNTAIN RETREAT

About a mile down that road is a long, steep driveway that wends past two waterfalls before ending at a home overlooking U.S. 176 and the river below.

Michael Bell has lived at the top of that driveway for about nine months. He moved there from Los Angeles, seeking to escape the chaos and crowds of the city.

Like many others in the region, Bell admits that he did not expect that Helene would be so severe.

"I wasn't prepared for this. I didn't think that the rain was going to hit as hard as it did," Bell said Monday. While one work crew dug in the soil around his front door and another spread gravel at the base of his 1,900-foot driveway.

As Helene passed over

the 30-acre property on Sept. 27, Bell walked down

to the uppermost waterfall, one short hill down

from his house. There, he

saw the normally relaxing falls gushing, black water

flying off of the mountain

side to meet water flying

off the mountain in two

other places just to the

east.

"I never saw something

more disgusting in my life," Bell said.

Debris carried in that

water clogged a culvert at

the bottom of Bell's drive-

way. That led to signif-

icant erosion of the driveway, which along with downed trees would leave Bell stranded at the top of the hill for days after the storm.

Bell returned to the house and noticed that the wind was starting to roar. Trees in the forest around the house were tilting in the gusts, some toppling over.

Then, Bell said, a red oak toppled over and slammed into the roof. The mature tree miraculously did not break through, but its weight was braced against the roof.

Bell scrambled as soon as the storm passed over, taking his chainsaw and cutting an A-shaped notch into the log to ease the weight that was resting on the roof.

Asked if he was worried about his safety at any point, Bell said, "I was so caught up with just trying to save the structure and everything else, there wasn't really time for that."

The tree cracked an eave inside, but it didn't cause any leaks or more significant damage.

In the days that followed, Bell rewired his well so he could power it with his generator and draw water from it. It would take nine days for power to be restored.

As the sound of the work crews' heavy machinery buzzed around him, Bell sounded a defiant note. Having made it through Helene, he said, his confidence in his new home was bolstered, his ability to live through any disaster there upheld.

"I don't care what it takes. I'm going to rebuild and I can bounce back," Bell said. "I can get through anything."

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FROM PAGE 1A DEBATE

master's in business administration from Harvard University

Harris is a former economic consultant and has been a state representative from Mecklenburg County since 2019. He has a PhD in economics from Clemson University

Harris spoke on his background growing up in rural North Carolina, saying "we didn't have a lot, but I was so blessed that we had a state that invested in me, and I had great teachers, and I had great treasurers that took care of them for my parents, so that I was able to have those opportunities."

This position "is about the future of North Carolina, making sure we're investing in our people and this knowledge," he said.

North Carolina's state treasurer manages the state's pension plan and the State Health Plan, which provides medical and pharmaceutical benefits to more than 750,000 current and retired public employees.

The debate, hosted by the NC Institute of Political Leadership in partnership with Spectrum News, lasted for an hour and spanned various topics. It was moderated by Spectrum News 1 political reporter and anchor Loretta Boniti.

Here are four highlights from the debate.

LOCAL RECOVERY EFFORTS FOLLOWING HURRICANE HELENE

The Department of State Treasurer approves debt issuance for local governments and assists them with fiscal management via its Local Government Commission. The treasurer heads that commission.

Asked how the treasurer's office would help local recovery efforts in Western North Carolina, Harris said local finances need to be solid.

Citing a bill in the

General Assembly that would be released Wednesday morning providing \$273 million in state funding for recovery efforts, Harris said "that's just scratching the surface."

He said "we have to be serious about making sure that we're making the investments on the state level, because these counties in the western part of the state are going to take years to recover."

He said he thinks it's a responsibility of the treasurer's office to make sure people around the state understand local finances and that if a local government cannot make investments — such as for recovery efforts — "it's because the state is simply not doing their job."

Briner said Harris's answer "has nothing to do with what the state treasurer does" as the state treasurer is not "involved in economic development."

"We need to grow the assets of our state, deliver checks to our benefici-

aries, make sure their health care is in place, and really stay in our lane to make sure that all the services the State Treasurer's Office are provided to all of the people in the western part of the state," he said.

INVESTMENT APPROACH FOR THE PENSION PLAN

North Carolina's state treasurer manages the state's pension plan.

The North Carolina Retirement Systems — which administer the pension plan, as well as the other supplemental retirement plans — returned a net 5.3% for the fiscal year that ended June 30, 2023. This was below the plan's benchmark for a 6.5% return.

The Retirement Systems returned a net 8.2% for the fiscal year that ended in June, according to a quarterly investment report.

The state's pension fund, which is among the largest public pensions in the country, was valued as of June 30 at \$123 billion.

It has a 88.3% funded ratio, which means it can cover a large part of accrued benefits owed with assets.

Yet the current state

treasurer, Republican Dale Folwell, who is not run-

ning for reelection, has

been scrutinized for his

investment approach, with

some saying he is too

averse to risk and keeps

too many assets in cash.

Both candidates honed in

on this, but their suggested investment approach differed.

Folwell took office in January 2017 and was reelected in 2020. This year, he ran unsuccessfully for governor in the Republican primary, meaning he could not run again for treasurer, leaving the seat open.

Harris said "we have one of the best-funded pension plans in the country, but we also have the worst performing pension plan in the country," due to the plan being cash-heavy.

He said the treasurer's office needed to take advantage of the "good times in the stock market" for investments and lower the cash balance to get higher returns. This would allow the state to give state employees a cost of living adjustment (COLA), he said.

Briner said the state needs to have a more "assertive" investment strategy to give COLAs to state employees without needing to increase taxes and crowding out other state funding priorities. To do this, the pension plan needed to hit a 6.5% return and investments would need to go toward stocks but toward assets like mortgages, Briner said.

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