



**NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
NORTH CAROLINA STATE CONFERENCE**

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Greetings!

**Immediate Release
17 August 2010**

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**NC NAACP Letter to Attorney General Cooper and other State Leaders Regarding
Recently Revealed Evidence of Unconstitutional Bias in Jury and SBI Procedures**

**Honorable Roy Cooper, Attorney General
State of North Carolina
North Carolina Department of Justice
P. O. Box 629
Raleigh, NC 27610**

**Governor Beverly Perdue
State of North Carolina
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301**

**Honorable Sarah Parker, Chief Justice
North Carolina Administrative Office of the Courts
P.O. Box 2448
Raleigh, NC 27602-2448**

**Senator Marc Basnight, President Pro Tempore
NC Senate
16 W. Jones Street, Room 2007
Raleigh, NC 27601-2808**

**Representative Joe Hackney, Speaker of the House
NC House of Representatives
16 W. Jones Street, Room 2304
Raleigh, NC 27601-1096**

**Representative Alma Adams, Chair
NCLBC
P.O. Box 27862
Raleigh, NC 27611-7862**

Dear Attorney General Cooper and State Leaders:

Since our founding in 1909, the NAACP has been concerned about inequalities and abuses by the United States and the individual states' prosecutorial and law enforcement agencies. Agencies in North Carolina have not been exempt and have engaged in many of these abuses. Racially discriminatory hiring and voting practices created virtually all-white prosecutorial, law enforcement and judicial agencies as late as the 1970's in North Carolina. The nature of these white agencies tended to reinforce the racially prejudiced attitudes many of their personnel brought into the agency. Unfortunately these attitudes still persist in some of these agencies. When these prejudices are mixed in with the legacy of systemic poverty, linked to past discrimination, African American families find themselves facing double jeopardy. It is an open secret that systemic inequities exist in courtrooms, jails, and prisons of practically every part of our state.

When the North Carolina NAACP and our 100 local Branches identify and verify such abuses, we seek to confront and correct them -- case by case. Our most important work has been and still is however, the mission of addressing systemic racial discrimination-in education, in housing, in employment, in elections, in health, and in the criminal justice system.

We are proud of the recent progress North Carolina has made in the legislative/policy arena. And we are pleased with the efforts by the executive and judicial branches to address some of systemic bases for the misconduct and abuse.

We write today, however, because of deeply troubling scientific studies and critiques that have laid bare for all to see how biased our jury selection procedures remain, and the obvious bias of the pseudo-science being practiced in the State Bureau of Investigation (SBI). Although the Attorney General has the constitutional responsibility to rectify the obvious deficiencies, we also address our concerns to the Governor, the Chief Justice, and the leaders of the Senate and the House, since it is obvious that all North Carolina leaders must be mobilized to rectify the "unequal protection under the law" that is being practiced.

The back-to-back revelations of bias in this long hot summer have caused our faith in these "justice" systems to dip to a new low. Even the strongest supporters of the criminal justice system must have been forced to question some of their assumptions by these reports' conclusions. For those of us who view the system through lens molded by the dark and gloomy past of legalized racial discrimination, these revelations are a disturbing reminder of the old times that are not forgotten.

We believe the agencies involved have forfeited the trust and faith which people should have in them. In spite of North Carolina's recent progress in reforming and strengthening our criminal justice process and protecting our citizens, it appears much needs to be done. The conclusion is inescapable from these recent serious revelations of wrongdoing. The people of North Carolina can not place

much faith in convictions which have been obtained within our court system. We note that while the primary victims of the abuse and corruption described in these recent studies are racial minorities, every citizen in this State has been hurt and remains as a potential victim.

We believe to reverse this cascade of distrust, there are three immediate steps that should be taken by the Attorney General and other State leaders should embrace:

Empanel a high caliber, impartial, and independent commission that includes civil rights advocates, to both conduct a thorough examination of bias within our criminal justice processes and also recommend and oversee fundamental reforms of the agencies and processes found to be biased and unfair, to comply with our constitution's requirement of equal and impartial justice for all.

While this equal justice commission is empaneled, there is no need for more hesitation in addressing the egregious abuses that have cost many years of imprisonment for wrongly convicted individuals, and will cost millions of dollars in restitution as their claims against the state ripen. We are aware of several men, all of them African American, who were released after scores of years on death row, in the past three years because of gross negligence and intentional misrepresentations in the court by prosecutors. The State of North Carolina has not yet found its collective voice to apologize to them, or to compensate them for the many years they were unconstitutionally incarcerated. Now, with the mounting evidence against SBI employees who, under color of law, apparently violated the constitutional rights of many individuals caught up in the court system, we must act without further delay. There is no reason to wait for another federal grand jury. Can't the state begin to deal with some of its dirty laundry itself?

We should begin an in-house review of all convictions which may have been tainted by biased SBI lab work or testimony, so those who were denied their constitutional right to an open, impartial, fair trial will have a reasonable opportunity to raise this new evidence quickly and competently.

These three steps are the minimum required to begin the long journey of restoring faith in the criminal justice system and officials -- faith which the people of North Carolina deserve and demand.

We have confidence at this point that our Attorney General will act swiftly and strongly. We stand ready to meet with the Attorney General, the Governor, the Chief Justice, and our Legislative Leaders, to discuss these proposals.

The NAACP of North Carolina shall make these revelations of bias and our proposals to rectify the systemic bias a major topic at our October 2010 State Convention. I personally invite each of you to take part in our Convention's plenary. I am confident we can work together to swiftly address and correct these constitutional breaches. I know you all agree that when our criminal justice agencies have violated their constitutional duty to provide equal justice for all, immediate comprehensive actions are essential to our people.

Yours for Justice,

**Rev. Dr. William J. Barber, II
President, NC NAACP
National Board Member, NAACP**

**cc: Attorney Irv Joyner
Legal Redress Chair, NC NAACP**