



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

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North Carolina NAACP Statement on NC Senate's Vote to Repeal the Racial Justice Act

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Shame Fills the People's House

(DURHAM)- As expected, the North Carolina Senate voted yesterday to repeal the historic Racial Justice Act. The Act was passed only two years ago to begin the difficult task of eliminating race discrimination from N.C.'s criminal justice system. The Racial Justice Act Repeal Bill now sits on the Governor's desk. The North Carolina NAACP and its 110+ partners in the Historic Thousands on Jones Street (HKonJ) People's Assembly are hopeful she will veto the Repeal the RJA Bill. We believe the Racial Justice Act she signed and celebrated two years ago should be given a chance to begin its work.

The Conference of 44 Elected District Attorneys provided the impetus to destroy the RJA. First they wrote a letter "on behalf of 44 District Attorneys" (actually only 42, since the two Black D.A.'s distanced themselves from the Repeal the RJA agenda) that contained wild distortions of the truth. Yesterday they organized victims of horrendous murders to come to the Senate microphone to repeat the horror they had suffered. Many of us in the NAACP could tell similar stories, and other victims' families spoke in favor of the RJA yesterday, as they have in the past. This has nothing to do with the ethical duty of the District Attorneys to be "ministers of justice" and to uphold the Constitution, which bans race discrimination in State actions.

The NC NAACP asked the D.A.'s to disassociate themselves from the gross distortions written on their behalf two weeks ago. And we have made a public records request for the documents of this state agency referring to the drafting and dissemination of the distorted letter.

Yesterday, the Senate leadership allowed the DA's shameful shepherding of the families of murder victims to the microphone to speak against a law that will bring closer the day of real justice. The NAACP would never make light of the heartbreaking experiences of murder victims' families. Our community has experienced more than its share of these experiences. However, when the leaders of the Conference of District Attorneys spend taxpayer's money to travel to Raleigh and manipulate the pain of victims' families for their agenda to take North Carolina backwards, the NC NAACP and all North Carolinians have a responsibility to say: Shame! Shame!

Ms. Susan Doyle, Mr. Ben David and Ms. Peg Dorer, the President, President-elect and Executive Director, respectively, of the NC Conference of District Attorneys, must open their files and e-mails, and explain to the taxpayers how the 42 White D.A's stooped to support shameful misrepresentations in their letter, and their shameful use of the families' sorrow to achieve the far right's objectives to take us back to the days of Jim Crow. **North Carolina knows from its bloody history that the only place where people are not concerned whether someone is being executed because of their race is at the base of the lynching tree. At the lynching tree, the mob doesn't want to know more information about the circumstances of the defendant's trial and crime.**

The Racial Justice Act is not a "fishing expedition" as Republican leader Paul "Skip" Stam called it. The Act provides the courts with a tool to ensure race did not play a role in any death sentence. **To deny the courts this tool to measure the impact of racial bias on a death penalty trial is akin to denying a doctor the ability to measure a patient's blood pressure to diagnose her patient's condition. Racial bias is a fact that we ignore at our own peril.**

Defendants with White victims are 2.6 times more likely to receive the death penalty than if their victims are African-American. Potential African-American jurors are dismissed from juries at over twice the rate of their White counterparts. Thirty-one defendants on death row were sentenced by all-White juries. And 38 more defendants were sentenced to death by juries with only one person of color. The Racial Justice Act provides access to these statewide facts, in addition to the facts of local and regional courts. These patterns of racial bias are not coincidental. The Racial Justice Act includes the use of numerical facts to show the larger scope of how racism plagues the death penalty system. This self-perpetuating system is intact and powerful. It goes way beyond acts of overt racism, such as when a prosecutor refers to the defendant with the n-word, or wears a "noose" pin while giving his closing argument. The use of these numerical facts, or statistics, is an unbiased way to show intentional or unintentional bias.

The use of these numerical facts does not ensure a defendant who files an appeal under the Racial Justice Act will automatically have his or her sentence changed to life in prison without parole. Judges will review each case. If the claims are without merit, the court will dismiss them. Only if the claims **prove** that racial bias played a part in the defendant's receiving a death sentence will they receive relief of life in prison without parole under the Racial Justice Act. Not a single person will ever be released from prison under the Racial Justice Act. Neither does it nullify the application of the death penalty.

The Racial Justice Act revealed what the Racial Justice Movement argued all along: Racism hurts White people too. If a White person is more likely to be sentenced to death because he or she murdered a White person instead of a person of color, the Act gives the courts the opportunity to correct that disparity. Whether Black, Latino, White, Asian or Native American, all persons' right to an impartial jury of his or her peers requires a cross-section of our communities. The Michigan State study shows that this right is being systematically violated by the disproportionate percentage of minorities ejected from jury service. Make no mistake about it, the crowd that is upset because White men on death row are filing claims under the Act would be screaming reverse racism if they were not permitted to do so.

We know with seven men having been exonerated from death row in North Carolina, five African-Americans, one Latino and one European-American, we have living proof that the system is flawed. Two years ago, pro-death penalty and anti-death penalty proponents, victims'

families and exonerees all came together to pass the Racial Justice Act because they wanted to see a fair justice system instead of a biased one.

We urge the Governor to protect the Racial Justice Act in its entirety and veto Senate Bill 9.

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Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization. Its members throughout the United States and the world are the premier advocates for civil rights in their communities, conducting voter mobilization and monitoring equal opportunity in the public and private sectors.