



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

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Rev. Dr. William J. Barber, II
President

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Executive Director

October 22, 2010

Mr. Thomas Fetzer
Chairperson
North Carolina Republican Party
1506 Hillsborough Street
Raleigh, NC 27605

Via FAX and First Class Mail

Dear Mr. Fetzer:

I write on behalf of the thousands of NAACP members and justice advocates regarding the lies and distortions in your mailer you sent to voters about the Racial Justice Act. People from many different walks of life supported the RJA, those who believe in the death penalty and those that do not. No North Carolinian, even if they don't support the Racial Justice Act, can support the lies and distortions in your mailer.

In a news article you admitted your executive committee mailed "the flier . . . to several legislative districts across the state and aimed against several Democrats up for re-election." You said that "the legislators' names were changed for the respective districts." *W-S Journal, 10/21/10*

We demand you renounce and repudiate this mailer and pledge not to use fear-mongering tactics based on race again. The NAACP was formed 101 years ago with one objective—to eliminate race discrimination and race hatred from our society. This mailer matched the low-point in racist election tactics in North Carolina, set by Jesse Helms' infamous 'white hands' ad, aired just a few days before that Election Day to prevent any intelligent rebuttal.

Your mailer refers directly to the Racial Justice Act. To lie and distort a bill that was passed to fight race discrimination is racist. We demand a public apology to the N.C. General Assembly, to the advocates who fought for the Racial Justice Act, and to the public at large for this egregious mailer. We note you had a couple of photos of white men in it, but we both know that when the average voter thinks of someone benefiting from the Racial Justice Act, they think of a black person. The mailer's obvious purpose is to get people to vote their fears, before any factual rebuttals and enlightenment might bring some reason into play in this important election. We are sure that the timing of the mailers was designed to prevent the truth about these glaring untruths from reaching the voters:

UNTRUTH 1: Your Mailer declared in big letters: Under the Racial Justice Act, some men on death row could be "made eligible for parole immediately."

FACT: The Racial Justice Act only allows death-row inmates to make statistical-based appeals that might, if successful, change their sentences *to life in prison without the possibility of parole*. But this inconvenient fact would have spoiled the whole flier. So your executive committee chose to use an untruthful statement to pander to racial fears.

UNTRUTH 2: Your mailer implied that the white man on death row might get out on parole “immediately” and use a crow-bar to break into homes in the recipients' neighborhood.

FACT: The white man on death row you put on the mailer did not file with the Racial Justice Act. He will, as the law now stands, be executed by the State of North Carolina.

UNTRUTH 3: Your mailer implies that “activist judges” will let men on death row out on parole “immediately,” to wantonly terrorize “your” neighborhood.

FACT: The Racial Justice Act allows prisoners on death row to present evidence of racial bias in their case and, if race discrimination is proved, the successful petitioner shall be resentenced to life in prison without the possibility of parole. The General Assembly passed this Act after the courts had found wrongful convictions and subsequent exonerations of three black men from death row in North Carolina in the last few years. In each of these cases, at least one victim of the crime was white. There were no black jurors in one case, and only one black juror in the other two. Out of the 159 people on death row in North Carolina, 31 of them had all-white juries and 38 more had only one person of color on their jury. A recent study by Michigan State University found that N.C. prosecutors struck qualified black jurors at more than twice the rate at which they struck white jurors. This study also found that in cases with at least one white victim, the defendant is 2.6 times more likely to be sentenced to death than if the case did not involve a white victim. This racial difference was corroborated by a July 2010 study by Radelet and Pierce which found the odds of receiving the death penalty increased by 2.96 times for defendants convicted of killing white victims.

These empirical facts were the basis for the legislature to pass the Racial Justice Act. This past the summer the gross misfeasance and malfeasance in the SBI's labs was revealed. This has caused district attorneys, judges, and many law enforcement officials to re-think their positions on whether our criminal justice system is fair to poor and minority defendants.

The NAACP is non-partisan. We endorse no partisan candidates, and we support no political party. We are, however, very zealous in our efforts to stop race discrimination. Your sloppy research, your not-so-subtle appeal to racial fears, and your boorish behavior toward the Holliman family, who themselves suffered the great family tragedy of losing a daughter to a violent crime, are over-the-top.

We've been through this before, whether it's the infamous “Willie Horton” ad, or Jesse Helms' “White Hands” ad. Honest debate is one thing, but deliberate dishonesty is another.

Repudiate and apologize for this mailer, Mr. Fetzer. Help us build One Nation, with Liberty and Justice for All. Stop your divisive, cynical, tactics now.

Sincerely,

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Rev. Dr. William J. Barber II
President, N.C. NAACP

C: North Carolina State Conference NAACP Adult and Youth Branches

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