



**NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE**

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**BENJAMIN TODD JEALOUS**  
*President & Chief Executive Officer*

**ROSLYN M. BROCK**  
*Chairman, Board of Directors*

October 22, 2010

The Honorable Michael Steele  
Chairman  
Republican National Committee  
310 First Street, SE  
Washington, DC 20003

Dear Chairman Steele:

On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I am writing to ask that you contact the Chairman of the North Carolina Republican Conference, Mr. Thomas Fetzer, and urge him in the strongest possible terms, to cease, desist and immediately repudiate the mailers sent out to citizens of North Carolina which contained blatantly misleading, disingenuous and distorted information regarding the Racial Justice Act. These mailers were clearly intended to evoke fear-mongering tactics based largely on race to dissuade racial and ethnic minority voters from pursuing their democratic right to cast a free and unfettered vote. Mr. Fetzer's motives, as well as his tactics are, frankly, deeply offensive. I further urge you to immediately contact the other 49 Republican State Conference chairs and urge them to refrain from similar fear and intimidation tactics.

You know, as well as I do, that North Carolina's 2009 Racial Justice Act, which allows defendants to use statistical evidence to establish racial bias as a motive for prosecutors seeking or jurors rendering the death penalty when appealing their sentences, was supported by proponents and opponents of the death penalty. It was also supported by North Carolinians of diverse racial and ethnic communities, as well as a wide diversity of faith groups. To then distort the Racial Justice Act in campaign literature, this close to the election, to inspire race-based fears among voters is simply reprehensible, irresponsible and reckless. I think you agree that it is incumbent upon us, as civic leaders, to encourage voters to pursue their civic rights and responsibilities and to vote and to participate in our Constitutionally protected rights and privileges as Americans. The mailers distributed by Mr. Fetzer, and their attempt to dissuade some from voting, while inspiring racial fear among other people, are not only wrong they are un-American.

I urge you again, in the strongest terms possible, to contact Chairman Fetzer immediately and let him know that his actions are unacceptable. I further urge you, as I said earlier, to contact his peers in the other 49 states and let them know that his actions are not endorsed and will not be tolerated by the national Republican

Committee. Thank you in advance for your action on this matter; I look forward to hearing from you soon to let me know what you are doing and what I can do to help mitigate the negative impact these mailers may have had and to maximize voter participation throughout our great Nation.

If you have any questions or concerns about this issue, as always you can call me in my office or reach out to Hilary Shelton, Director of the NAACP Washington Bureau and Senior V.P. for Advocacy and Policy (202) 463-2940.

Sincerely,

A handwritten signature in black ink that reads "Ben Jealous". The signature is written in a cursive, flowing style.

Benjamin Todd Jealous  
President & CEO

cc: Dr. William J. Barber II  
President  
North Carolina State Conference



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

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[www.naacpn.org](http://www.naacpn.org) [www.ncprosecutorialmisconduct.com](http://www.ncprosecutorialmisconduct.com) [www.hkonj.com](http://www.hkonj.com)

Rev. Dr. William J. Barber, II  
President

Amina J. Turner  
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

HkonJ Partners

General Assembly Leadership  
Racial Justice Act Advocates

**Thanks To Hugh Holliman, death row inmates could leave prison early and move in next door....**



**WAYNE A. LAWS**  
MURDER FIRST DEGREE  
DOC NUMBER: 0234897  
SENTENCE TYPE: DEATH ROW



**HENRY L. MCCOLLUM**  
MURDER FIRST DEGREE, CHILD RAPE  
DOC NUMBER: 0268106  
SENTENCE TYPE: DEATH ROW

**jdnews.com**  
"The law would also allow some convicted killers to go from death row to parole almost immediately."  
The Daily News, Jacksonville, N.C., 08/10/2009

Meet Wayne Laws. He brutally **MURDERED** two people. And get to know Henry McCollum. He **RAPED AND MURDERED AN 11 YEAR OLD CHILD**. Both are on Death Row today. But thanks to ultra-liberal **Hugh Holliman**, they might be moving out of jail and into Your neighborhood sometime soon. **Holliman** voted to allow activist judges to weaken the sentence of Death Row inmates... making some eligible for parole immediately!

1-877-2009-SB-461-GERI North Carolina Racial Justice Act

**Keep Death Row Inmates Where They Belong And Get Rid of Criminal Coddler Hugh Holliman**

Bill # 4 by the North Carolina Republican Executive Committee

**Meet Your New Neighbors...**

**You're not going to like them very much**

10 15 \*\*\*\*\*AUTO\*\*3 DIGIT 272 8006  
or Current Resident  
PO Box  
Lexington, NC 27293

NC Republican Executive Committee  
1526 Hollibaugh Street  
Raleigh, NC 27605

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State Executive  
Committee