

North Carolina legislature moves to gut Racial Justice Act, resume executions

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A move is under way in North Carolina to implement changes to a law that has allowed death row inmates to use evidence of racial bias to challenge their sentences. The North Carolina House of Representatives on Tuesday passed Senate Bill 416 in a 73-47 vote, essentially rewriting the state's Racial Justice Act (RJA) to render it ineffective.

Passed in 2009, the RJA allows death row inmates to present statistical evidence alleging racial bias in their trials, convictions and sentencing. If a condemned prisoner is able to demonstrate racial bias, his or her sentence can be converted to life in prison. The prisoner cannot, however, be paroled or set free on this basis.

An attempt last year by House Republicans to gut the bill was vetoed by Democratic governor Bev Perdue. The state Senate overrode the veto, but the House had insufficient votes to do so. This time around, five House Democrats voted with Republicans to pass the bill, insuring the 72 votes needed for an override if the governor vetoes the measure again.

Proponents of rewriting the legislation clearly aim to halt efforts by prisoners challenging their death sentences. About half of North Carolina's 165 death row inmates are African-American, while by comparison blacks make up about 20 percent of the state's population. All but a few of these black prisoners have challenged their death sentences under provisions of the RJA.

In the first case to be reviewed under the RJA in April, a Cumberland County Superior Court judge ruled that racial bias played a role in sending Marcus Robinson to death row. Judge Greg Weeks resentenced Robinson, convicted in the 1991 murder of a white teenager, to life imprisonment. The judge also found credible a study showing that a North Carolina defendant is nearly three times more likely to be

sentenced to death if one of the victims is white.

Under the changes proposed to the 2009 legislation, condemned inmates would only be allowed to present statistics of racial bias for the county or judicial district where the crime was committed, rather than statewide. Prisoners would also be restricted to demonstrating racial bias in the period 10 years before the crime and 2 years after imposition of the death sentence. Finally, statistics alone would be insufficient for overturning a sentence, and inmates would be required to come up with additional evidence to prove racial bias in their cases.

North Carolina death penalty proponents are angered that the RJA has effectively put a halt to the state killing machine since it was enacted, as death row prisoners challenge their sentences. No executions have been carried out in 2010, 2011, or so far in 2012.

"This action is necessary to end the moratorium on the death penalty," declared House Republican leader Skip Stam in a statement on the proposed changes to the RJA. "The death penalty acts as a deterrent only if it is used. The death penalty will obviously not deter if the state only pretends to have a death penalty and never carries out the sentence."

Speaking to the Raleigh, North Carolina, *News-Observer*, Republican Rep. Nelson Dollar commented, "This is about monsters. Monsters. Evil people doing unspeakable, inhuman acts. That's what is all about." In reality, it is the state of North Carolina that has had a monstrous record of state-sanctioned killing throughout its history, in which African-Americans have been disproportionately sentenced and executed.

North Carolina has the sixth largest death row population among US states that practice capital punishment. Of these 165 prisoners, 84 are African-American. Since the state reinstated the death penalty

in 1977, 43 condemned individuals have been sent to their deaths, including one woman. Eight death row prisoners have been exonerated of their crimes and freed.

According to the Death Penalty Information Center, in the period from 1726 to 1976, from the colonial period to the four-year interruption of the death penalty nationally caused by Supreme Court action, North Carolina executed 784, the fifth highest number among US states and their colonial precursors. Almost three quarters of those executed, 569, were black. Crimes punishable by execution included murder, slave revolt, attempted runaway slave, burglary, and horse theft.

It is this legacy of vengeful retribution and bigotry that the pro-death penalty forces seek to uphold—both in North Carolina and the 34 US states that continue the barbaric practice.



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