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Opinion Editorial

North Carolina Must Ensure Racial Justice: Veto Senate Bill 9

I call on the Governor to immediately veto Senate Bill 9, Republican legislation that allows the death penalty to be executed without court review confirming that race was not a factor in the death sentence.

We are a nation and a people of laws. Our laws and procedures keep both the government and powerful people from running over us as individuals. I have worked hard in the Legislature to protect people. In contests between rich and powerful businesses and people, I always choose people. In contests between the power of governments and individual rights, I always choose individuals. Our laws are our shield and protection and the heart of those laws are the steps required before any penalties can be imposed.

It is hard to imagine anyone saying it is 'ok' to impose a 'death penalty' rather than 'life in prison without benefit of parole' just because of someone's race, no matter what the race may be. It is worth remembering that 72 percent of North Carolinians support life in prison without the possibility of parole as the most appropriate punishment for first degree murder according to an Elon University poll conducted in 2009.

Two years ago, the Legislature passed a law making it clear that race cannot be a factor in imposing the death penalty. More than two thirds of North Carolinians support what this law does according to Public Policy Polling. The hurdles to proving race as a factor are tough to meet, and the same trial judges who impose death sentences hear the evidence. The steps for proof allow consideration of testimony from prosecutors, law enforcement officers, jurors, lawyers and other members of the criminal justice system as well as statistical evidence. The judge is searching for the truth. Reliable information helps the judge reach a decision. Sometimes that truth lies in the cold hard mathematical numbers, but no matter where the truth lies, it should be on the table. Remember, even if race is found to be a factor, then the sentence becomes life in prison without the possibility of parole.

This law, The Racial Justice Act, was led by NC House by Reps. Larry Womble and Earline Parmon, and Senator Floyd McKissick. I co-sponsored the bill in the House and shepherded it through the committee I chaired, Ways and Means. On the floor of the House, I argued along with others for its passage, saying, “no man should be executed for the color of his skin.” The bill passed the House on a party line vote. On final reading, all voting Democrats but one voted for it and all voting Republicans voted against it. Within five days of being presented to the Governor, I stood with the Acts’ principle sponsors and many of my colleagues in the Old House Chamber in the Capital as the Governor signed the bill in a very public ceremony. North Carolina was the second state to pass landmark Racial Justice legislation.

Now, the Republicans continue focusing on a radical social agenda rather than focusing on the State’s high rate of unemployment and the economy. Now, they have repealed the Racial Justice Act in a rushed, post-Thanksgiving mini session of the General Assembly that cost the NC taxpayers \$150,000. They do not have any plans for dealing with the economic problems that we all face or the unemployment crisis. The Republicans’ focus on a social agenda is sacrificing our children’s education and their future. They are cutting teachers, teachers’ aides and school funding, dropping us to 49th nationally in per pupil spending. Education is the escalator to success and they are trying to unplug the escalator. They have even gone after women, treating them as if neither they nor their doctors have enough sense to do what is needed to provide for their personal medical care. They are wasting over a million dollars of our money on “do-nothing” legislative sessions and constitutional amendments that do nothing to change the existing law.

African Americans have been hit harder by the Great Recession than folks in general. The jobless rate among African Americans is about twice that of the rest of the State. Moreover, the loss of wealth in the recession hit African Americans three times harder than other folks. Rather than looking for ways to help the African American community recover, they are focused on issues that disproportionately affect African Americans and promote racial divide rather than racial unity. We are one people. We are Americans and we are North Carolinians. This is not the way we treat each other and not the way we ought to be treating each other.

The Governor signed the Racial Justice Act into law in a public ceremony within five of its passage. The radical Republican repeal of the Act was presented to the Governor on November 29. Almost two weeks have passed and the Governor has not vetoed this divisive, misguided legislation. I call on the Governor to veto this bill now. I call on the Republican Leadership in the General Assembly to set aside their radical social agenda and go to work on the economic and educational issues that matter to all of us.

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