

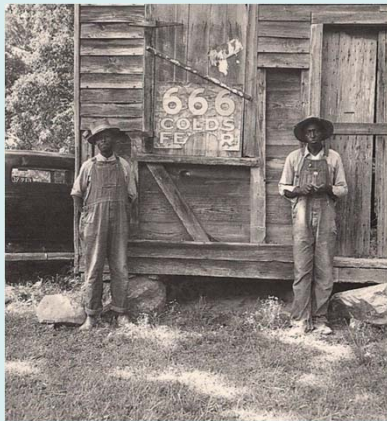
Race and the North Carolina Criminal Justice System

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"The act of 1831 directs that when a free negro or free persons of color shall be convicted of an offense against the criminal law and sentenced to pay a fine, if it shall appear to the satisfaction of the court that he is unable to pay the fine imposed, the court shall direct the sheriff of the county to hire out the free negro or free person of color so convicted to any person who will pay the fine for his services... It further makes it the duty of the sheriff... publicly, at the door of the courthouse to hire out the convict."

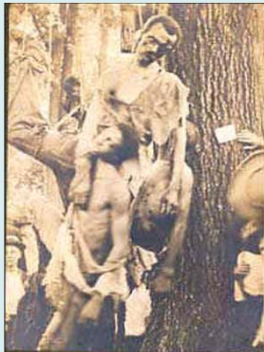
State v. Manuel, 20 N.C. 144 at 147- 48 (1838)

Excerpt from NC Black Codes

"If any person shall willfully bring into the State... any [writing], the evident tendency whereof is to cause slaves to become discontented with the bondage in which they are held by their masters and the laws regulating the same, and free negroes to be dissatisfied with their social condition and the denial to them of political privileges, and thereby to excite . . . a disposition to make conspiracies, insurrections, or resistance against the peace and quiet of the public, such person so offending shall be deemed guilty of felony, and on conviction thereof shall, for the first offence, be imprisoned not less than one year, and be put in the pillory and whipped, at the discretion of the court, and for the second offence shall suffer death."

Lynching in NC

1865-1948: 168 African-Americans



“Modern” Lynchings

1981 – Michael Donald lynched in Mobile, AL

1992 – Carlos Stoner lynched in Winston-Salem, NC

1995 – Jackie Burden and Michael James
lynched in Fayetteville, NC

1998 – James Byrd, Jr. lynched in Jasper, TX





NC Governor W.W. Holden

U.S. v. Cruikshank



ws and Observer.

WILM., N.C., FRIDAY MORNING, NOVEMBER 4, 1898. FIVE CENTS.
POLINA DAILIES IN NEWS AND CIRCULATION.
"THESE NEGROES WILL RISE AGAIN."

But They Won't Rise in North Carolina this Year.

THE STATE REDEEMED.

North Carolina Buries Negro Domination Beyond Resurrection.
WHITE PEOPLE WILL RULE.

The Disgrace of Fusionism Wiped From the Reputation of the Commonwealth—The Democratic Party Returned to Power by a Cyclone of Ballots—Unexpected Victories.

Wilmington, NC circa 1898

WHITES KILL NEGROES AND SEIZE CITY OF WILMINGTON

By Revolutionaries Led by...
The Black Men Are Shot Down...
WILMINGTON, N.C., NOVEMBER 10, 1898.



Jim Crow in NC



Moore v. Dempsey

**TO THE NEGROES
OF PHILLIPS COUNTY**
Helena, Ark., Oct. 7, 1919

The trouble at Hoop Spur and Elaine has been settled. Soldiers now here to preserve order will return to Little Rock within a short time.

No innocent negro has been arrested, and those of you who are at home and at work have no occasion to worry.

All you have to do is to remain at work just as if nothing had happened. Phillips County has always been a peaceful, lawabiding community, and normal conditions must be restored right away.

STOP TALKING!
Stay at home—Go to work—Don't worry!

E. K. KITCHENS, Sheriff COMMITTEE
Edward Bowen J. C. Moore S. Brown E. M. Allen
T. W. Moore D. A. Randleman Amos Jordan
H. D. Moore J. G. Knight Jas. L. Moore E. C. Harmon
Helena Print. Helena, Ark.





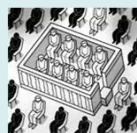
Jury Service



NC Interprets *Batson*

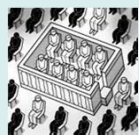
When an objection is made to the exercise of a peremptory challenge on the ground that the challenge is racially motivated, the trial judge must first determine whether the objecting party has made a prima facie case of discrimination. If the court determines he has done so, the proponent of the strike must come forward with a racially neutral explanation. The explanation may be implausible or even fantastic, but if it is racially neutral the opponent of the challenge has satisfied his requirement in this step in the process.

State v. Best, 342 N.C. 502, 511 (1996)



Kenneth Rouse

7. During the course of our discussions, Mr. Baynard also expressed views concerning racial matters. Mr. Baynard stated that "blacks do not care about living as much as whites do." Further, he stated that black men rape white women so that they can brag to their friends about having done so, and that such probably was Mr. Rouse's motivation for attacking Ms. Broadway. In my presence Mr. Baynard used the word "niggers" to refer to members of the black race.



Robert Bacon

There is, of course, some risk of racial prejudice influencing a jury's decision in a criminal case. There are similar risks that other kinds of prejudice will influence other criminal trials. The question "is at what point that risk becomes constitutionally unacceptable..." McCleskey asks us to accept the likelihood allegedly shown by the [statistical] study as the constitutional measure of an unacceptable risk of racial prejudice influencing capital sentencing decisions. This we decline to do.

McCleskey's claim "taken to its logical conclusion, throws into serious question the principles that underlie our entire criminal justice system. [If McCleskey's claim were accepted] we could soon be faced with similar claims as to other types of penalty. Moreover, the claim that his sentence rests on . . . race easily could be extended to apply to claims based on . . . membership in other minority groups and even to gender.

McCleskey v. Kemp, 481 U.S. 279 (1987)

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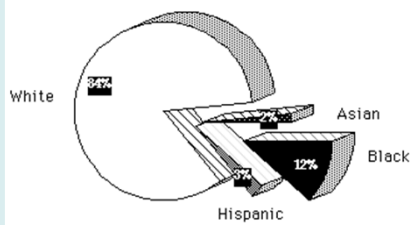
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McCleskey v. Kemp, 481 U.S. 279 (1987)

NC 1930-1940

	Black Defendant & White Victim	White Defendant & White Victim	Black Defendant & Black Victim	White Defendant & Black Victim
Total Cases	51	165	581	24
Indicted as First Degree Murder	48	138	530	17
# of Death Sentences	15	11	15	0
% of Indicted Cases	31.2%	7.9%	2.7%	0% ¹⁹⁵

Fig. 3: Race of Victim in Cases Resulting in Execution Since 1976





Oxford, NC circa 1970



White Hands...



"You needed that job, and you were the best qualified, but they had to give it to a minority, because of a racial quota. Is that really fair? Harvey Gantt says it is. Gantt supports Ted Kennedy's racial quota law that makes the color of your skin more important than your qualifications. Your vote on this issue next Tuesday. For racial quotas, Harvey Gantt. Against racial quotas, Jesse Helms."

State v. Ivey, 360 N.C. 562 (2006)

- "Although neither party briefed this issue, there was discussion at oral argument concerning whether this traffic stop was a case of "driving while black."
- "From the record in the instant case, we cannot determine whether the stop of the defendant, a black male, was a selective enforcement of the law based upon a citizen's race."
- "[T]his Court will not tolerate discriminatory application of the law based upon a citizens race".

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Published: 07:14 AM EDT (14:28, 2011)

Justice Department offers racial profiling training for Fayetteville police

By Andrew Barksdale
Staff writer

The U.S. Justice Department has offered to train Fayetteville police officers how to avoid racial profiling, City Manager Dale Inman said.

In December, Inman asked the agency to review the Police Department and its practices after it was reported that black drivers were three times as likely to be searched as white drivers.

Members of the National Association for the Advancement of Colored People and the Fayetteville Area Minority Lawyers Association say the discrepancy is disturbing and raises the possibility that police use racial profiling.

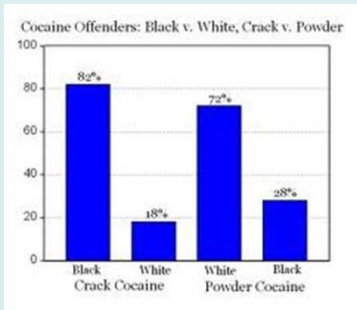
Inman has defended the Police Department, pointing out that many of the traffic stops leading to vehicle searches have been in black neighborhoods experiencing more crime.

To help restore confidence in the department and attempt to improve police practices, Inman said, he sought the review.



Dwight Robinson





THE NEWS & OBSERVER

City & State

PROSECUTORS' focus missed facts

Darryl Hunt's lawyer says that whenever new evidence surfaced, the state would adjust its version of the crime.



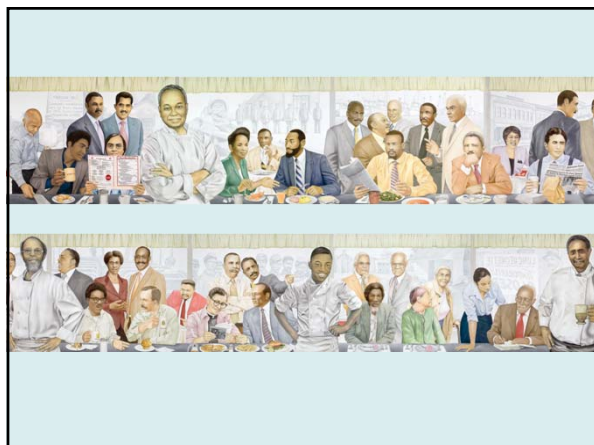
Darryl Hunt wipes a tear during a news conference in Winston-Salem after he was released from prison Wednesday after serving 30 years.

Over a lawyer's desire that not more than 1000 people have had to see this because I have been a growing one of wrongfully convicted people in North Carolina. Mark Rubin, Hunt's lawyer since his arrest in 1984, said that throughout the

SEE FOCUS, PAGE 30

ONLINE

Go to [newsobserver.com](#) for a link to the Winston-Salem Journal's series on the Darryl Hunt case.

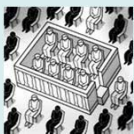


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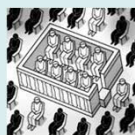
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Quincy Allen



Andrew Ramseur



Guy LeGrande
