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## NEWS RELEASE

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FOR IMMEDIATE RELEASE

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### **61 HOUSE DEMOCRATS VOTE FOR RACIAL QUOTAS ON THE DEATH PENALTY AND FOR A MORATORIUM ON EXECUTIONS OF FIRST DEGREE MURDERERS**

On July 15, 2009 61 House Democrats [voted](#) for the “NC Racial Justice Act” [SB461](#). Federal and State law already prohibit racial discrimination in imposing death sentence for first degree murder (and any crime). This bill goes far beyond that by allowing use of statistics in a particular county or district to prove that since some other person was possibly discriminated against, that this murderer may not be subject to the death sentence for first degree murder notwithstanding lack of real evidence of actual discrimination. And since there is not a single county or district in the state with enough numbers for a valid statistical study, the evidence presented will be complete nonsense (based on population proportion rather than offender proportion).

Murderers have not agreed to this quota system and will continue their crimes. But they do appreciate the effective moratorium on executions.

#### **WHO LOSES?**

1. *Primarily, the families of victims of first degree murderers currently on death row.* It is only the worst of the worst of the first degree murderers who actually get the death sentence. Some of the families of these victims have been waiting 8 to 15 years (typical) and up to 20 and 25 years for these sentences to be carried out. This bill will lengthen that period by several more years. Why? See Section 5 below. And none of these victims had any choice in the race of the person who murdered them.
2. *Future homicide victims.* We have presented to the public and the press detailed studies gathered by the Attorney General that demonstrate the strong deterrent effect that a sentence of death for murder has on future homicides. Conservative estimates of the number of additional innocent homicide victims for every year during a moratorium would be about 50. We estimate that if this bill becomes law it will add 3 to 4 additional years to the time on death row and that much time before any executions are carried out in this state. A death penalty that is not carried out has no deterrent effect. These 150+ additional

victims are predominantly African American. We do not know their names, yet, and may never know their names because this is only the excess number of homicides caused by this moratorium. But they are real people whose families will grieve over their deaths.

3. *A half-dozen Democrats who promised their District Attorney or Sheriff that they would not vote for this legislation but did so.* How will they explain that to the chief law enforcement officers of their districts? How will they explain it to the taxpayers and citizens of their districts, and how will they explain it to the families of the victims? The Sheriffs Association and the conference of District Attorneys strongly opposed the bill. These associations are majority Democratic by party.
4. *Taxpayers.* Democrats are planning to raise an additional \$1 billion in new taxes on our people in the middle of a recession. Is it really an appropriate use of resources to spend tens of millions of dollars to give additional hearings to 163 first degree murderers already on death row? Each of these have had multiple hearings already in front of 47 different judges (typically) over a span of 8 to 15 years, or even more. Could these funds not have been used to prosecute this year's murderers or to hire teachers?
5. *A functioning law enforcement system.* Attached are letters from four District Attorneys explaining this process.

Tom Keith, District Attorney for Forsyth County, explains the tremendous cost involved not just in money but in diversion of time from prosecuting all the new murderers and rapists that need their attention.

District Attorney Peter Gilchrist of Charlotte, explains why this bill is so disingenuous.

District Attorney Jeff Hunt of Transylvania explains all of the procedural protection that every person on death row already enjoys.

District Attorney Locke Bell of Gaston County explains this irony: Under this bill (in his district, and this is true of many districts) prosecutors who want to comply with its mandates will have to make sure to seek executions of more African Americans so that they will not be prohibited from executing white first degree murderers who have otherwise exceeded their quota for the county.

### **The Winners**

There are a few winners by this legislation. The 163 blood thirsty criminals convicted of first degree murder now on death row are the principal beneficiaries. Collectively, 163 of them have committed 270 murders, 58 rapes, 40 kidnappings and hundreds of other violent felonies. Almost 1,200 felonies in total. Let me share with you some of their stories. You decide whether they are on death row because of their race or whether they are there because of their crimes.

*Inmate Wallace (Meckleburg): 9 murders / 13 rapes*  
*Inmate Frogg (Forsyth): 6 murders*  
*Inmate Robinson (Bladen): 6 murders*  
*Inmate Phillips (Moore): 5 murders*  
*Inmate Smith (Buncombe): 4 murders / 1 manslaughter*  
*Inmate Wilkinson (Cumberland): 3 murders / 5 rapes*  
*Inmate Lane (Wayne): 1 murder / 1 child rape*

For more details on these and other murderers see [this link](#) at the Department of Corrections.

### **The Debate**

You may want to hear the July 14, 2009 debate on this bill. See the House audio archive at [this link](#). The debate starts at 34:57 minutes into the session and ends at 03:09:45. If you want to see a shorter debate between the principal sponsor, Sen. Floyd McKissick, and Rep. Paul Stam on UNC TV's *Legislative Week in Review*, visit [this link](#) and click on the July 3<sup>rd</sup> video. The discussion starts at 28:00 minutes into the video and ends at 41:38.

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