

## Registering for racial justice

Thursday, August 12, 2010

DURHAM — When it comes to race in North Carolina, Lady Justice's blindfold slips.

Studies from Michigan State University and the University of Colorado show that North Carolina prosecutors in capital cases strike qualified black jurors from serving at twice the rate of qualified white jurors. Defendants convicted of killing whites are 2.6 times more likely to get the death penalty than those who kill blacks. This isn't new, but neither is it old news: These trends remain consistent over the past 20 years.

The studies reaffirm why North Carolina needed the Racial Justice Act.

The law, barely a year old, provides inmates on death row the chance to present evidence that racial bias played a role in their case -- and it has already weathered one challenge in the General Assembly.

Tuesday was the deadline for North Carolina's 159 death row inmates to file claims that race was a factor in their sentences.

Durham inmate Isaac Stroud convicted of first degree murder, was one of 135 claims that the N.C. Attorney General's office had counted by Wednesday afternoon.

While there are some examples of blatant bigotry -- one juror who sentenced Kenneth Rouse to death in 1992 for robbery, attempted rape and murder said "blacks do not care about living as much as whites do" and frequently referred to blacks as "n-----s" -- this is not the norm.

But bias is very real.

"When people hear about racial justice they think, 'You are accusing me of being a racist,'" said Malcolm Hunter, executive director of the Durham-based Center for Death Penalty Litigation.

These people are not Ku Klux Klan members, he said, but average people whose ideals and conscious actions are at stark odds with their subconscious attitudes about race.

Project Implicit, a Harvard University-based online project that examines unconscious biases, shows 75 to 80 percent of self-identified whites

and Asians show preference for whites relative to blacks. Self-identified blacks split evenly in their preference for whites and blacks.

The study also reports that most people honestly believe they lack or are able to consciously overcome these biases.

The evidence is clear and startling: Without checks that force us to examine our practices, anyone can be swayed by racial bias.

It's these unconscious biases that propel us to place checks like the Racial Justice Act in our established institutions.

Conservative legislators are campaigning to amend or appeal the law in the 2011 legislative session, and with 124 legislative seats in contention, it's essential that North Carolinians remain vigilant in the battle against bias.

*A redesign of The Herald-Sun's website deleted the original online article.*