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North Carolina's high court hears case on race and death penalty

By Martha Waggoner
RALEIGH (AP) - North Carolina's highest court began weighing a claim Monday, Aug. 26 by six inmates on death row who say they are there because of racial discrimination in jury selection - and who argue they are still entitled to protections under a law that was taken off the books.

The state Supreme Court began hearing arguments in the cases of four inmates who briefly were resentenced to life without parole when legislators approved the Racial Justice Act in 2009. Legislators repealed the law in 2013. Justices also heard from attorneys for two other death row prisoners whose Racial Justice Act claims weren't decided before the law's repeal.

"Weighing on this court's shoulders is hundreds of years of racial discrimination against African Americans," attorney Henderson Hill told the justices.

The Supreme Court - which has seven justices, six of whom are Democrats - typically doesn't determine facts, but Hill suggested that perhaps it should. Prosecutors get so many opportunities to strike potential jurors from duty that "simple math means that black folks are going to be disenfranchised from service on juries," he said. "With all that history, how does the court respond?"

As Hill was concluding his arguments focused on racial discrimination in jury selection in North Carolina, Chief Justice Cheri Beasley said: "It sounds like while we are here in the context of these cases, it sounds like ... you're addressing something greater and possibly asking this court to address something greater."

Another defense attorney, Dan Shatz, argued that the justices should consider the 1866 Amnesty Act that provided blanket protection to Confederate soldiers accused of crimes. The court found that even after the law was repealed, it still provided amnesty to an officer who led a civilian massacre.

Under the RJA, condemned men and women could seek a life sentence without parole by using statistics to show that race tainted their trials. Of the 142 people on North Carolina's death row, 36% are white.

The four cases where the prisoners were briefly resentenced all come from Cumberland

County, including Hill's client, Christina Walters, a Native American who is one of three women on North Carolina's death row. The justices were scheduled to hear five of the cases Aug. 26 with one scheduled for Aug. 27.

Senior Deputy Attorney General Danielle Elder argued that justices' decision is limited and narrow - whether a lower court judge was correct to rule that the RJA, once appealed, no longer applied to Walters who was then returned to death row.

"What is properly before this court is a review of that court's legal conclusion," Elder said.

Elder also argued that the defendants still retain

the right to a trial free of prejudicial error that could cause harm to the defendant. The repeal of the RJA did not affect the commitment of the nation "to the eradication of racial discrimination, which is odious in all respects, but especially in the administration of justice," she said.

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Former Mayor William V. "Bill" Bell, right, accepts the "Taking Care of Home" award for years of service from the Durham Committee on the Affairs of Black People. Chairman Omar Beasley, left, made the presentation.



NCCU SOCIETY FOR HUMAN RESOURCE MANAGEMENT STUDENT CHAPTER

The Society for Human Resource Management (SHRM) has recognized North Carolina Central University's SHRM student chapter for the third consecutive year with the 2018-2019 Superior Merit Award for providing superior growth and development opportunities to its student chapter members. See story on page 2.

Biden: Racism in US is institutional, 'white man's problem'

By Errin Haines and Juana Summers

WASHINGTON (AP) - Racism in America is an institutional "white man's problem visited on people of color," Vice President Joe Biden said Tuesday, Aug. 24, arguing that the way to attack the issue is to defeat President Donald Trump and hold him responsible for deepening the nation's racial divide.

Taking aim at incendiary racial appeals by Trump, Biden said in an interview with a small group of reporters that a president's words can "appeal to the worst damn instincts of human nature," just as they can move markets or take a nation into war.

Biden is leading his Democratic challengers for the presidential nomination in almost all polls, largely because of the support of black voters. He has made appealing to them central to his candidacy and vowed to make maximizing black and Latino turnout an "overwhelming focus" of his effort. The interview, more than an hour long, focused largely on racial issues.

"White folks are the reason we have institutional racism," Biden said. "There has always been racism in America. White supremacists have always existed, they still exist." He added later that in his administration, it would "not be tolerated."

By highlighting the nation's racial tensions and placing blame on Trump, Biden is showing that he, too, is willing to make race a core campaign issue, but from the opposite perspective of the president. Turnout and enthusiasm among black voters will be critical for the Democratic nominee, notably to try to reclaim states like Pennsylvania, Michigan and Wisconsin. He also emphasized a crossover appeal to both black voters and non-college-educated white voters.

To accentuate his appeal to black voters, Biden said that he will advertise in black publications and engage with cultural institutions like the black church, black fraternities and sororities, and historically black colleges.

"The bad news is I have a long record. The good news is I have a long record," Biden said when asked about his enduring support among black voters. "People know me - at least they think they know me. I think after all this time, I think they have a sense of what my character is, who I am."

"I've never, ever, ever in my entire life been in a circumstance where I've ever felt uncomfortable being in the black community," he added, suggesting that his familiarity was not matched by many of his competitors.

While he did not specify to whom he was referring, Biden said he believes there are "assertions and (Continued On Page 3)

Man pleads guilty to punching girl, 11, at N. Carolina mall

ASHVILLE (AP) - A 51-year-old white man has pleaded guilty to assaulting two young black girls and will have to participate in a racial justice workshop along with anger management counseling.

News outlets report David Steven Bell pleaded guilty Monday, Aug. 26 to two different misdemeanor assault charges for striking an 11-year-old and pushing 13-year-old. An additional assault charge was dismissed.

A viral video shows Bell pushing an 11-year-old girl then punching her in the face at Ashville Mall in January. An incident report describes Bell as 6-foot-5 and 250 pounds (113.4 kilograms).

Two 13-year-olds told authorities Bell also pushed them. Bell's attorney Andy Banzhoff said Bell felt threatened and regrets using physical force. Banzhoff did not say why Bell felt threatened. He was also sentenced to 12-months of unsupervised probation and a "60 day suspended sentence."

It's unclear what caused the altercation.

White cyclist gets prison for beating black driver with lock

WASHINGTON (AP) - A white bicyclist in Washington, D.C., has been sentenced to three years in prison for severely beating a black driver.

News outlets report 25-year-old Maxim Smith was sentenced Aug. 27 being convicted of offenses including assault with a dangerous weapon. Authorities said Smith was slowly biking ahead of 35-year-old Ketchazo Paho last year; Paho tried to pass him and Smith smacked the car. Paho said he stopped, called 911 and grabbed Smith's bike to detain him.

Prosecutors said Smith then used his metal U-lock to beat Paho, who later required more than 20 stitches. Prosecutors called the attack a hate crime as Smith called Paho a racist slur, but the jury didn't reach a unanimous verdict on that. Smith's attorney said Smith was under the influence of alcohol and cocaine.

Smokies recognizes its first African American naturalist

GATLINBURG, Tenn. (AP) - The Great Smoky Mountains National Park is recognizing the contributions of its first African American naturalist.

Park Superintendent Cassius Cash on Thursday, Aug. 29 presented Joe Lee with a mounted ranger hat in honor of his contribution to the history of the National Park Service.

Cash said in a park news release that Lee's service fifty years ago "broke employment barriers that once discouraged people of color from seeking employment in National Parks."

Cash, who is African American, said Lee's service paved a path for him and others.

Lee said he was "overwhelmed" by the recognition he received after reaching out to park staff to share his recollections.

The park recently begun a project to research the African American experience in southern Appalachia and share those stories.