

DEATH PENALTY HISTORY

A look at efforts to enact a moratorium on the practice in the state.

JAN. 11, 2003

Outgoing Illinois Gov. George Ryan commutes the sentences of the state's 156 death row inmates.

APRIL 30, 2003

The N.C. Senate passes a 2-year moratorium. It becomes the first legislative body in the South to do so.

JULY 20, 2003

The legislature adjourns in the early-morning hours. The moratorium has not won approval from the House.

FEB. 18, 2004

At the end of his 2nd trial, death row prisoner Alan Gell is found not guilty of the 1995 murder of Allen Ray Jenkins..

TODAY

The General Assembly is set to reconvene. A halt on the death penalty has a place on many lawmakers' agendas.

Executions might see challenge

Lawmakers circle moratorium issue

BY LAURA YOUNGS
SENIOR WRITER

After six months away from Raleigh, lawmakers are kicking into high gear for the 2005-06 legislative session as they prepare to tackle the much-debated possibility of a moratorium on the death penalty.

The idea is not new, and several proposals have been put forth in the past, including one in 2003 that made it through the Senate but died in the House.

But this year, the climate could be ripe for such a bill, with Democrats controlling the legislature and Rep. Richard Morgan, R-Moore, possibly leaving his post as co-speaker.

Rep. Jennifer Weiss, D-Wake, said momentum for a moratori-

um seems to be strong, even from legislators who support the death penalty.

But it is too early to tell how successful such a move would be, she said, and it is important that she and other supporters work to get the votes.

Weiss said a number of factors have led to innocent people landing on death row, from poor counsel to geographic, economic and racial factors.

"We know for a fact that innocent people have been put on death row," she said, citing recent cases such as Alan Gell and Darryl Hunt.

Gell was awarded a new trial after it was found that prosecutors had withheld evidence in his original trial.

Hunt, though not on death row, served 18 years for the murder of Deborah Sykes. In 2004, he was exonerated after DNA testing was applied to the case.

"There are a lot of incongruities that are very troubling," Weiss said. "The last thing I want to do is execute somebody who's innocent."

But Sen. Hugh Webster, R-Alamance, said a moratorium is the first step to ending the death penalty system, something he said he is against.

"I don't think the system is broken," he said. "As far as I know, we have never executed anyone who is not guilty."

Webster said that although there are problems with any system — such as inconsistencies in sentencing — the death penalty is an important and effective deterrent against other crimes.

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SEN. HUGH WEBSTER, R-ALAMANCE

"No system is perfect," he said. "Never has been, never will be. We should do everything we can to make sure the system works accurately, fairly, and we should come down hard on any prosecutor who lies to get a prosecution."

"But the execution of the death sentence is a very important part of our system."

Webster said he is opposed to any sort of moratorium but added that it is impossible to predict the future actions of 170 legislators.

Still, the moratorium is important to make sure the

system is working right, said Amy Fulk, press secretary for Sen. President Pro Tem Marc Basnight, D-Dare.

She added that the senator voted for the moratorium previously but said the atmosphere is hard to read because 24 percent of the senators are new to the General Assembly.

"Senator Basnight supports the death penalty, but at the same time, he feels that there is no room for error."

Contact the State & National Editor at stntdesk@unc.edu.

KEY PLAYERS

These leaders will play roles in shaping state and campus policy in the 2005 session.



Marc Basnight, D-Dare, is entering his 5th term as president pro tem, the leader of the Senate.



Tony Rand, D-Cumberland, is the Senate majority leader. He is also chairman of the powerful Rules Committee.



Jim Black, D-Mecklenburg, likely will be the sole speaker of the House. He keeps an optimistic budget outlook.



Richard Morgan, R-Moore, likely will not keep his speaker's slot but could be rewarded for his loyalty.



Ellie Kinnaird, D-Orange, will fight in the Senate for reform on many fronts. A champion of student causes.



Verla Insko, D-Orange, focuses on swaying the House toward expanding involvement in health care.



Joe Hackney, D-Orange, will push the House toward tuition stability as well as stronger laws against driving drunk.

POWER

FROM PAGE 1

tion that he may very well be the speaker pro tem ... and I don't think that's a bad idea at all."

Speaker pro tem is a largely ceremonial position.

Across the hall, Democrats gained two seats in the Senate, where they already held a substantial majority.

"The Senate has always been controlled by Democrats," said Amy Fulk, spokeswoman for Senate President Pro Tem Marc Basnight, D-Dare.

Basnight's lack of opposition as leader allows senators to push forward with legislation — the most important being the budget.

The Senate will get the first crack at the appropriations bill and has a challenge of plugging an estimated \$1.2 billion hole.

Fulk said the Senate always

prioritizes the UNC system when considering any legislation, especially the budget.

Though she said there's not much buzz about tuition yet, Fulk noted that Basnight and Black have sent a letter to Gov. Mike Easley expressing their desire to put enrollment growth in the continuation budget.

If the legislature approved this measure, enrollment growth at UNC-system schools automatically would be funded every year.

While the Senate and House work out their game plans for the session, a new fracture might have developed between the General Assembly and the UNC system.

The General Assembly this summer approved \$468 million in capital projects — most of them for the UNC system — before the BOG rubber-stamped them, disrupting the normal order of approval.

Though the BOG approved the projects later, some thought legislators overstepped their bounds.

BOG Chairman Brad Wilson said that though he does not fear that the General Assembly will take it too far, he has stressed that the board should take preventative measures.

In January, he told a BOG committee that failure to enforce a punitive policy for overenrolling nonresident students would make way for legislative intervention.

"If we fail to enforce this policy, we will increase the chance we'll have legislative intervention on a policy that should be left up to this board," Wilson told the committee.

During the General Assembly's short session last summer, Rep. Alex Warner, D-Cumberland, co-sponsored a bill that would legislate an out-of-state enrollment cap.

His bill would have allowed legislators to take up the issue but ultimately was referred back to committee.

The UNC system already has submitted its budget request, which includes a recommenda-

tion for no systemwide tuition increase.

"We recognize that the General Assembly ... are our bankers," Wilson said. "The legislature can devise its own agenda, but my experience is that they will do it in concert with the university."

To ensure this collaborative atmosphere, Wilson said, he and the UNC-system lobbyist, Mark Fleming, will find opportunities during the coming weeks to build relationships with legislators and to start new ones.

Perhaps the most important issue for Wilson, besides the system budget, is his re-election to the board. If re-elected by the legislature, this will be Wilson's last four-year term as the board's chairman.

The legislature also will review 13 board members for re-election and at least three new applicants for open seats.

BOG members Jack Cecil, Irvin Aldridge and Bert Collins have served three terms on the board and are no longer eligible for re-election.

Contact the State & National Editor at stntdesk@unc.edu.

Tobacco company denies charges

THE ASSOCIATED PRESS

WINSTON-SALEM — The executive chairman of Reynolds American Inc. testified in federal court that its main operating division, R.J. Reynolds Tobacco Co., does not market cigarettes to children.

Andrew Schindler was questioned Monday by Sharon Eubanks, a Department of Justice attorney in the government's \$280 billion racketeering trial against the major tobacco companies.

The government charges that the industry's past and present actions violate the Racketeer Influenced and Corrupt Organizations Act, or RICO.

The government is asking the court to compel the companies to return the "ill-gotten gains" they are accused of making over the years — \$280 billion.

The tobacco companies deny any wrongdoing and argue that they will go bankrupt if they are forced to pay the money.

One of the key parts of the government's case is its allegation that the tobacco companies intentionally marketed cigarettes to people under the legal smoking age.

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