

## For first degree murder; rape excluded

# Legislature enacts punishment

By **STEPHEN HARRIS**  
Staff Writer

While most UNC students were vacationing, the N.C. General Assembly passed a new capital punishment law May 18. Beginning June 1 anyone convicted of first degree murder in North Carolina may face the gas chamber.

The death penalty law applies to first degree (premeditated) murder or murder while certain felonies are being committed or attempted with a deadly weapon. Such a crime would involve two trials. The first trial would decide guilt or innocence. If the defendant is found guilty, a second trial would be held to decide if the defendant should be executed.

Writers of the death law based it on the death penalty laws of Florida and Georgia, which have been judged constitutional.

North Carolina is the 31st state to have capital punishment laws and the 10th state to enact one since the 1976 U.S. Supreme Court rulings on capital punishment.

North Carolina's last death penalty was struck down by the U.S. Supreme Court. Death was the sentence for first degree murder and rape, not given by a jury. Because of this, Raleigh's Central Prison became bloated with as many as 116 prisoners on death row, far more than any other state.

The jury would go over a list of 10 "aggravating" circumstances (such as a defendant's record) and a list of nine "mitigating" circumstances (such as age). Jurors must agree on the aggravating circumstances outweigh the mitigating circumstances to give a death sentence.

No one foresees any immediate executions in North Carolina. All death penalty cases must be reviewed by the N.C. Supreme

Court and the American Civil Liberties Union is expected to test the new N.C. death law in the U.S. Supreme Court. Experts believe this process would take at least two years.

The Senate began debate on the House's capital punishment bill on May 17. Five amendments were submitted during debate and all but one were rejected. The accepted amendment dealt with court procedure.

The final Senate vote was 30-18. Hours before the death penalty became law, Gov. Jim Hunt said at a press conference that he would not commute any death sentences without good reason.

"The law will be carried out," Gov. Hunt said. "When the majority of people say through the proper processes this is our law to save lives and maximize life, for me to step in without good cause and say that I will abdicate by personal actions the will of the people is wrong."

Gov. Hunt also announced a plan to supply first degree murder defendants with quality defense. "If we're going to have capital punishment," Gov. Hunt said, "we must be absolutely sure those charged with it have an excellent defense so that we don't discriminate against the poor."

Because the Senate added one amendment, the bill was sent back to the House. The House interrupted its regular business to vote on the revised bill. Thirty minutes later North Carolina had a death penalty.

The controversial issue, at least in North Carolina, has been decided.

## Reactions

"The people of North Carolina want justice and the only way we're going to give them justice to put this bill in force."—Sen. Ollie Harris (Cleveland)

"If the death penalty can save the life of one innocent person, it's worth the risk and we ought to take it."—Rep. Ed Davenport (Nash)

"There is a point in human conduct... where a person forfeits the right to life."—Sen. Cecil Hill (Transylvania)

"We've had capital punishment throughout the history of the world and I feel the people of North Carolina want to keep it."—Rep. Robert Jones (Rutherford)

"How sad that society has confused divine justice with public revenge."—Sen. Fred Alexander (Mecklenburg)

"We're playing with divine intervention when we talk about restoring the death penalty. It is obscene for North Carolina to adopt a policy of killing people."—Rep. Patricia Hunt (Orange)

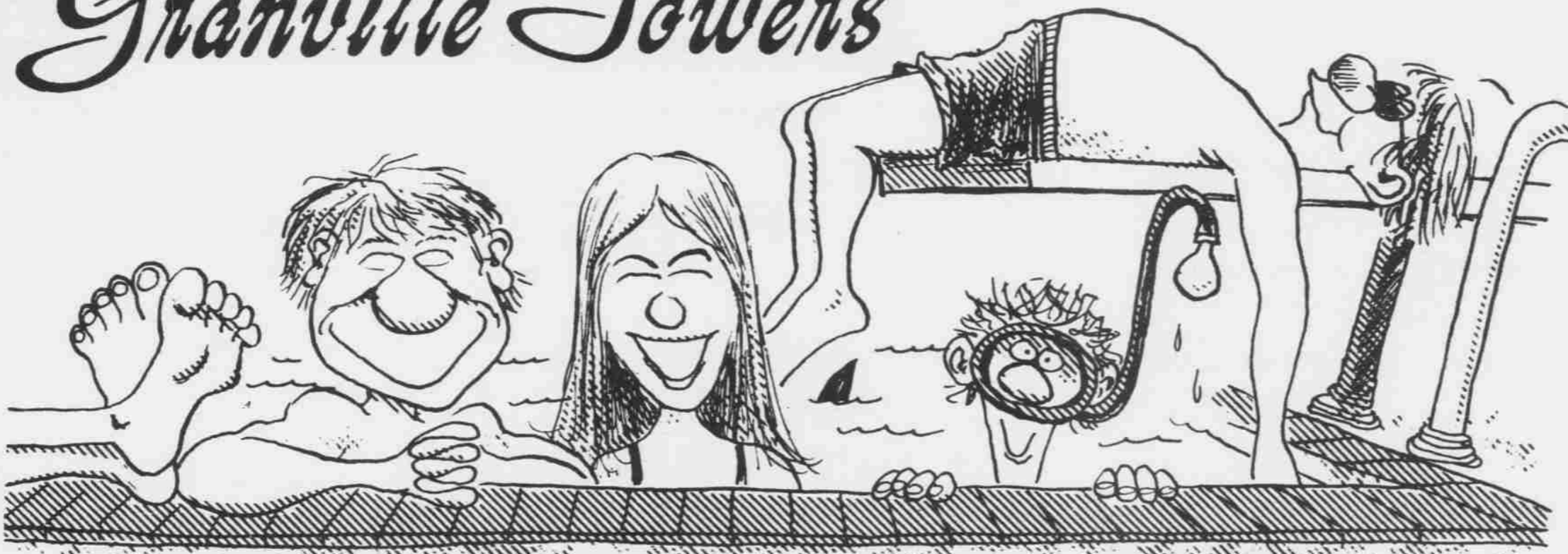
"When we take a life, it cannot be restored."—Rep. Richard Erwin (Forsyth)

"It seems to me that the state has some obligation to set the moral tone, the philosophical tone for its people. There can't be any more premeditated (of a killing than (an execution))"—Sen. William Smith (New Hanover)

"The state's policy is 'appropriate punishment... Surely, these people deserve no mercy.'—Sen. James McDuffie (Mecklenburg)

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## Granville Towers

University Square  
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26	every thursday BLUEGRASS EXPERIENCE
27	friday - saturday
28	THE CONTENDERS Country Rock from Nashville
29	sunday JAZZ NIGHT w/ PAUL MILES! and the ISLEY TRADITION
31	tuesday - wednesday
june	
7	CRISPCHUCK Jazz

405 W. Rosemary 967-9053  
(next to Tijauna Fats)