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LETTER: No evidence of discrimination in death penalty sentencing

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Regarding the Racial Justice Act, Chris Fitzsimon claims that “no one seriously responded to the studies cited by RJA supporters that prove race plays a role in who is sentenced to death in North Carolina.” Actually I have responded to these claims for some 28 years, following the assertion that North Carolina murderers of blacks are less likely to get the death penalty than murderers of whites. I testified in the case of John Rook, a white man who raped and murdered a white woman. His attorneys unsuccessfully argued exactly this type of racial discrimination. This was long before the Racial Justice Act was passed.

In 2001 Fitzsimon issued a press release and held a news conference announcing a new study by UNC Political Scientist Issac Unah and UNC School of Law Dean Jack Boger, said to be “the most comprehensive race study to come out of the South in nearly two decades.” The News and Observer reported on April 19 that Chris Fitzsimon, the sponsor of the study, “twice invited critics of the study to examine the data,” but the authors said “they won’t release all their data until they’ve submitted a scholarly report of publication.” I have pointed out that their analyses were deeply flawed, and none of their three versions has been accepted for publication to this date. These versions contradicted one another; indeed, one version said “local prosecutors in the South who once made race-conscious decisions ... now appear race-neutral.”

I have repeatedly asked Unah and Boger for their data but have been refused. It was produced in court in Durham two years ago, but Unah succeeded in having it sealed by the court. The past year has seen references to a new study by Catherine Grosso that claims to produce similar results, but it has not been subjected to peer review and no report has been issued. Like Unah, Grosso is trying to have the data sealed by the court; what do they have to hide?

It is a fact that murders involving white victims tend to be more aggravated than murders involving black victims and more deserving of the death penalty. Unah’s data showed that 96 percent of the murderers of blacks are black themselves, so this supposed discrimination could be remedied by executing more black murderers. I doubt that this is what Fitzsimon has in mind.

I do not believe there is valid statistical evidence of racial discrimination in the death penalty. Death penalty opponents should focus their attention on other issues such as morality of the death penalty.

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