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LDF to Argue Death Penalty Cases Before North Carolina Supreme Court

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF)'s Senior Deputy Director of Litigation [Jin Hee Lee](#), and several other prominent capital defense attorneys, will be presenting arguments to the Supreme Court of North Carolina on behalf of six individuals facing death sentences who are appealing their convictions under the Racial Justice Act that was repealed by the North Carolina legislature in 2013.

Enacted in 2009, the North Carolina Racial Justice Act allowed individuals facing death sentences to prove race was a significant factor in imposing their sentences. If a capital defendant was successful in proving the existence of racial discrimination, the death sentence would be reduced to life imprisonment without parole. LDF will be arguing in support of Rayford Burke, one of six individuals who filed a claim before the law was repealed. LDF's amicus brief submitted in February 2019 on behalf of Mr. Burke can be found [here](#).

"The North Carolina Supreme Court must confront the egregious racial discrimination in Mr. Burke's case," says Jin Hee Lee. "The prosecution deliberately struck qualified African-American jurors in Mr. Burke's trial, securing an all-white jury. The prosecution then used racial stereotypes to influence that jury – at one point describing Mr. Burke as 'a big black bull' in closing arguments."

LDF President and Director-Counsel [Sherrilyn Ifill](#) says, "The same legislature that repealed the Racial Justice Act in 2013 enacted an omnibus voter suppression law that a federal court later found to be unconstitutional and racially-motivated. This is no coincidence. Racial discrimination in our justice and electoral systems erode our democracy. For individuals like Rayford Burke racial discrimination is a matter of life and death. The court cannot ignore the evidence of clear racial discrimination in this case."

LDF has long been involved in the fight against capital punishment. One of our seminal victories came in 1972 when the Supreme Court ruled in LDF's favor and found the death penalty, as then administered, unconstitutional in *Furman v. Georgia*, thereby ushering in a nationwide moratorium on capital sentences.

Then Supreme Court Associate Justice and LDF Founder Thurgood Marshall illustrated the inherent flaws with the death penalty in his concurring opinion when he wrote, "...[C]apital punishment is imposed discriminatorily against certain identifiable classes of

people.” Marshall went on to say, “[I]t is usually the poor, the illiterate, the underprivileged, the member of the minority group - the man who, because he is without means, and is defended by a court-appointed attorney - who becomes society's sacrificial lamb.” Forty-seven years later, Marshall’s words continue to ring true in courts today.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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