

## Editor's Note: Conversations with the Coalition that Passed the Racial Justice Act\*

The North Carolina Racial Justice Act<sup>1</sup> was a groundbreaking piece of legislation that sought to dispel racism from the State's death penalty system.<sup>2</sup> The Racial Justice Act allowed people on death row to reduce their sentence to life imprisonment without parole if they could prove that racial discrimination played a significant role in the decision to seek or impose the death penalty in their case.<sup>3</sup> The presence of racial bias could be proven through various forms of evidence, including statistics and the sworn testimonies of certain actors.<sup>4</sup> The evidence presented could be focused on the relevant county, the prosecutorial district, the judicial division, or the State.<sup>5</sup> Moreover, the evidence could be aimed at proving one of the following about the designated area: (1) death sentences were more frequently sought or imposed on members of a particular race; (2) death sentences were more frequently sought or imposed for capital offenses with victims of a particular race; and (3) race was a significant factor in the decision to exercise peremptory strikes during the jury selection process.<sup>6</sup> The North Carolina General Assembly repealed the Racial Justice Act in 2013, but in 2020, the Supreme Court of North Carolina held that claims filed under the Act prior to it being repealed could continue being litigated.<sup>7</sup>

Through this oral history project, our goal was to capture the stories of some of the individuals who played a key role in getting the Racial Justice Act enacted in North Carolina. Our goal was to preserve these narratives as a celebration of this legislative feat, but also as a call to action for those seeking to defend our democracy and its commitment to the principles of liberty and equality. In these interviews, we feature a former defense attorney,<sup>8</sup> a former

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1. North Carolina Racial Justice Act, ch. 464, 2009 N.C. Sess. Laws 1213 (codified at N.C. GEN. STAT. §§ 15A-2010 to -2012), *repealed by* Act of June 13, 2013, ch. 154, sec. 5.(a), §§ 15A-2010 to -2012, 2013 N.C. Sess. Laws 368, 372.

2. § 1, 2009 N.C. Sess. Laws at 1214 ("No person shall be subject to or given a sentence of death or shall be executed pursuant to any judgment that was sought or obtained on the basis of race.").

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. State v. Ramsey, 374 N.C. 658, 677, 843 S.E.2d 106, 118 (2020).

8. Ken Rose & Gene Nichol, *Conversations with the Coalition that Passed the Racial Justice Act: Ken Rose Interview*, 103 N.C. L. REV. F. 200 (2025).

member of the North Carolina State Senate,<sup>9</sup> a former lobbyist,<sup>10</sup> and a current member of the North Carolina House of Representatives<sup>11</sup>—all of whom were instrumental in pushing for the passage of the Racial Justice Act. As we edited the transcripts of these interviews, which were conducted by Professor Gene Nichol, our focus was on readability while maintaining the essence of the spoken content. We omitted filler words and phrases and corrected minor grammatical errors without altering the meaning conveyed by the speaker. In some places we added language in brackets to ensure absolute clarity for the reader, but we always remained faithful to the speaker's ultimate message. A theme that is woven throughout each of these interviews is the power of coalitions and of working together—diligently and adamantly—towards the ideals of fairness and equality. Our hope is that you read the following transcripts and feel emboldened by the courage, resilience, and spirit demonstrated by our interviewees.

MIA THILLET\*\* & SAM W. SCHEIPERS\*\*\*

9. Floyd B. McKissick, Jr. & Gene Nichol, *Conversations with the Coalition that Passed the Racial Justice Act: Floyd B. McKissick, Jr. Interview*, 103 N.C. L. REV. F. 239 (2025).

10. Charmain Fuller Cooper & Gene Nichol, *Conversations with the Coalition that Passed the Racial Justice Act: Charmain Fuller Cooper Interview*, 103 N.C. L. REV. F. 272 (2025).

11. Pricey Harrison & Gene Nichol, *Conversations with the Coalition that Passed the Racial Justice Act: Pricey Harrison Interview*, 103 N.C. L. REV. F. 318 (2025).

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