

## CONVERSATIONS WITH THE COALITION THAT PASSED THE RACIAL JUSTICE ACT: PRICEY HARRISON INTERVIEW\*

SPEAKERS: PRICEY HARRISON\*\* & GENE NICHOL\*\*\*

*Pricey Harrison was instrumental in getting the Racial Justice Act enacted. She has been a dedicated member of the North Carolina House of Representatives since 2004. During her tenure, she has fought to defend our democracy, environment, public education, women's reproductive rights, and more. Pricey Harrison is known for being a leader on environmental and social justice issues in North Carolina, and she has received several awards recognizing her brilliant legislative work from organizations such as the Southern Environmental Law Center and the North Carolina Sustainable Energy Association. Pricey Harrison is currently the Vice Chair of the Environment Committee, and she serves on several other House Committees, including the Election Law and Campaign Finance Committee, the Energy and Public Utilities Committee, and the Redistricting Committee.*

**Gene Nichol**

You want to get started?

**Pricey Harrison**

Yeah, I don't want to disappoint y'all. But honestly, I just don't feel like I have a lot to add to probably a lot of the work you've already done. But I'm happy to give my perspective and I appreciate your asking.

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2025]

PRICEY HARRISON INTERVIEW

319

Gene Nichol

We want your perspective, and I don't believe there's any possibility that what you [said] is true. It will be great. And there are ways in which your perspective is unique, too. So [this will] be cool. Thanks very much for doing this. You are the most respected progressive legislator in North Carolina—have been for 20 years—[and a] hero to folks like me.

Pricey Harrison

Thank you.

Gene Nichol

Also, thankfully, even though you went to Duke [as an undergraduate], you went to [the University of North] Carolina [(“UNC”)] for law school.

Pricey Harrison

I made up for it.

Gene Nichol

You got yourself straightened out. I think of you as North Carolina's leading environmental person, and I have for a long time. I know you've had an interest in all things which are heartening. I think of you with regard to defending democracy a lot.

Pricey Harrison

That's a big priority of mine, for sure. Yes, top priority, I'd say. Environmental second.

Gene Nichol

You have tried to explain that, even though you were a sponsor of the Racial Justice Act, you weren't a big player in its success, and we've heard exactly the opposite from everybody we've talked to. So, I just concluded that your modesty precedes you and leads you to inaccuracy.

Pricey Harrison

I think they were being kind.

### Gene Nichol

Well, I don't think so. We are doing this oral history project about the [North Carolina] Racial Justice Act<sup>1</sup> for all kinds of reasons having to do with what's coming next in the Racial Justice Act and its recent history and its ancient history and [with] people passing away who were involved in it.

### Pricey Harrison

Yeah, all of them. All of them except me. Well, not Floyd [McKissick].<sup>2</sup> Floyd [McKissick] and me.

### Gene Nichol

Floyd [McKissick] insisted very much that he's still alive, and he was very lively in his interview, too.<sup>3</sup>

I happened to have been doing research this year on two, what I think of as, singular legislative efforts—the 1964 Civil Rights Act<sup>4</sup> and the Racial Justice Act. Those [two statutes] are essentially singular kind of efforts to change the world with legislation. They both brought together big coalitions to sustain them. They did things that people didn't think could be done. They've both, of course, been under attack ever since.

For these students, [and] folks their age, I'm just guessing that they find it very hard to even contemplate the thought of doing something big and heroic and ambitious and earth-changing—life-changing—through the legislative process. Their expectations are so low because of the lives that they've witnessed. So, I think it's great to think about how [the North Carolina Racial Justice Act] came to pass, what was entailed in it.

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 19, 2013, ch. 154, § 5.(a), 2013 N.C. Sess. Laws 368, 372.

2. Floyd B. McKissick, Jr. is a former member of the North Carolina Senate and has been practicing law since 1984. *Commissioners*, N.C. UTILS. COMM'N, <https://www.ncuc.gov/Overview/commissioners.html> [<https://perma.cc/XNT4-BZHP>]. He is currently serving on the North Carolina Utilities Commission and became the chair of the Durham Committee on the Affairs of Black People in January 2025. *Id.*; Mary Helen Moore, *Influential NC Political Group Gets New Leaders. You May Know Some of Their Names*, NEWS & OBSERVER (Dec. 25, 2024, 7:00 AM), <https://www.newsobserver.com/news/politics-government/article297306779.html> [<https://perma.cc/M4HW-ZXDE> (staff-uploaded, dark archive)].

3. 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, 239 (2025).

4. Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (codified as amended at 42 U.S.C. §§ 2000a–2000h).

This is supposed to be oral history, and we're not looking at everything with regard to the Racial Justice Act, but we're focusing on the process of getting it enacted. We're [really] grateful for your help. We've done real long interviews with Ken Rose,<sup>5</sup> Floyd McKissick, Charmaine Fuller Cooper,<sup>6</sup> and as I said, they've all mentioned your role in this, so that's why we're wanting to talk to you.

I'm going to ask you about the coalition that came together to support this. I'm going to ask you about the process in the House. Before that: You are a lawyer, of course, but unlike some of these other folks [that we have interviewed], like Ken [Rose], you weren't doing criminal justice?

### Pricey Harrison

No, not at all. I was terrible at trial [advocacy]. I had David [Rudolf]<sup>7</sup> and Charles Becton<sup>8</sup> [as professors].

### Gene Nichol

So, I don't know why you didn't excel!

### Pricey Harrison

I just had no real talent.

5. Ken Rose was instrumental in getting the Racial Justice Act enacted and he was also "a key player in North Carolina's lethal injection litigation, which has kept executions on hold here for more than a decade." *"Fearless & Relentless"—Ken Rose Retires After 35 Years on Death Penalty's Front Lines*, N.C. COAL. FOR ALTS. TO DEATH PENALTY (Jan. 11, 2017), <https://nccadp.org/ken-rose-retires-cdpl/> [<https://perma.cc/7D6Y-VWHD>]. Ken Rose had a long career as an attorney defending death row inmates, who were often "damaged by poverty, racism, mental illness, intellectual disabilities, or abuse." *Id.*; see also Ken Rose & Gene Nichol, *Conversations with the Coalition that Passed the Racial Justice Act: Ken Rose Interview*, 103 N.C. L. REV. F. 200, 200 (2025).

6. Charmaine Fuller Cooper worked at the Carolina Justice Policy Center as a "pretty tenacious" advocate and lobbyist. Samiha Khanna, *Charmaine Fuller Cooper*, INDY WK. (Jan. 18, 2012), <https://indyweek.com/guides/archives-guides/charmaine-fuller-cooper/> [<https://perma.cc/634W-KGEK>]. She played an instrumental role in getting the Racial Justice Act to enactment. See *id.*; see also Charmaine Fuller Cooper & Gene Nichol, *Conversations with the Coalition that Passed the Racial Justice Act: Charmaine Fuller Cooper Interview*, 103 N.C. L. REV. F. 272, 272 (2025).

7. David Rudolf is a highly distinguished trial attorney who is known for "specializing in high-profile and complex criminal and civil rights cases." *David Rudolf*, PFEIFFER RUDOLF ATT'YS L., <https://www.pr-lawfirm.com/attorneys/david-rudolf/> [<https://perma.cc/XD9R-LTXZ>]. In addition to his career as a criminal defense lawyer, he has also taught trial advocacy at UNC School of Law and criminal litigation at Duke University School of Law. *Id.*

8. Charles Becton is a renowned criminal and civil rights attorney who has "received numerous awards including three national trial advocacy teaching awards." *Legal Legend of Color: Charles L. Becton*, N.C. BAR ASS'N (June 4, 2024), <https://www.ncbar.org/member/focus/legal-legend-of-color-charles-l-becton/> [<https://perma.cc/3N66-SGBM>].

### Gene Nichol

Those were some [excellent] teachers you had.

### Pricey Harrison

Yeah, I know, really. Who knew back then they would turn out [to be] such big deals?

I will say, just a little bit of my background is that [my family emphasized a] commitment to give back to the community—“for who much is given, much is expected.” So, I never wanted to practice law, really. I really was more interested in policy and politics, not running for office, but getting involved in policy. I never thought that I would be doing criminal law, but I actually have developed a real fondness for it since I got elected because I see all the need for it.

But back then, I was just really interested in fairness and equality and justice. Before I got elected, I was going [to] all the death penalty rallies because I just thought, “This is terrible.” I had read about all the cases and these people that had been exonerated on death row. I remember being out there with Paul Luebke<sup>9</sup> at these rallies before I had run for office. I was really interested in ending the death penalty, so I paid a lot of attention to that.

There was a death penalty study committee that [Joe] Hackney<sup>10</sup> chaired.<sup>11</sup> We had two big committees. There was one [focused] on the ethics because of Jim Black.<sup>12</sup> But we had this other one [that was] significant looking at the death

9. Paul Luebke was a Democrat who served as a member of the North Carolina House of Representatives for twenty-five years. *Rep. Paul Luebke Dies at Age 70*, WRAL NEWS (Oct. 30, 2016, 8:05 PM), <https://www.wral.com/story/rep-paul-luebke-dies-at-age-70/16177700/> [<https://perma.cc/JUK9-6EWH> (staff-uploaded)]. He has been described by his colleagues as an “unflinching progressive champion” and a “dedicated servant.” *Id.*

10. Joe Hackney “served 32 years in the North Carolina House of Representatives.” *Joe Hackney*, EPTING & HACKNEY ATT’YS L., <https://eptingandhackney.com/hackney.shtml> [<https://perma.cc/7A4A-LZBY>]. He was Speaker of the House for several years and “also served as Majority Leader, Speaker Pro Tem, and Minority Leader before retiring from the House in 2012.” *Id.*

11. The House Select Committee on Capital Punishment began meeting in December 2005 to “examine issues related to the ‘accuracy and fairness’ of North Carolina’s death penalty” and “review misconduct by prosecutors and the role of race in capital cases.” *North Carolina Death Penalty Panel Urged to Halt Executions*, DEATH PENALTY INFO. CTR., <https://deathpenaltyinfo.org/north-carolina-death-penalty-panel-urged-to-halt-executions> [<https://perma.cc/8LZX-96EE>] (last updated Sept. 25, 2024) [hereinafter *Halt Executions*].

12. Jim Black served in the North Carolina General Assembly for twenty years and was speaker of the house for eight years. Chris Fitzsimon, *The Rise, the Fall Jim Black’s Desire for Power Seen as Factor*, NEWS FROM STATES (Dec. 23, 2021, 4:33 AM), <https://www.newsfromthestates.com/article/rise-fall-jim-blacks-desire-power-seen-factor> [<https://perma.cc/72HH-GTDZ>]. He resigned from his political

penalty from all aspects—expense, fairness. And two items in that study committee were, [one] looking at the racial bias in the implementation of the death penalty, and [two] should we be executing the mentally ill? Guy LeGrande was sort of the showcase at that point [with] his obviously not sane behavior in the courtroom, and [he illustrated] a sense that [we should not] be executing people who are mentally ill.<sup>13</sup>

Those were issues that [the North Carolina House of Representatives was] thinking about. I remember racial discrimination was something that we discussed briefly in the study committee. We had some legislation that came out of that study committee. I know there were some improvements on [Indigent Defense Services]<sup>14</sup> and we talked about [district attorney (“DA”)] behavior and whether we should initiate sanctions.

### Gene Nichol

This is separate from the earlier move to try and get a moratorium on the death penalty?<sup>15</sup> Or were those related?

### Pricey Harrison

It was part of the same effort, as I recall, because the efforts to get a moratorium were sort of tied up to [the idea of studying the death penalty

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career in 2021 because of his involvement at “the center of a corruption scandal.” *Id.*; *Black Pleads Guilty to Corruption Charge*, WRAL NEWS, <https://www.wral.com/story/1203494/> [<https://perma.cc/R5Y8-F3MZ>] (last updated Feb. 15, 2007, 11:19 PM) (“Once one of the most powerful politicians in North Carolina, Black pleaded guilty to one count of corruptly accepting something of value, a felony charge that carries a maximum sentence of 10 years in prison and a \$250,000 fine.”).

13. Guy LeGrande was convicted and sentenced to death for the 1993 contract killing of a white woman. *Guy LeGrande*, N.C. COAL. FOR ALTS. TO DEATH PENALTY, <https://nccadp.org/stories/guy-legrande-2/> [<https://perma.cc/JT6V-7NBN>]. Prior to his trial, a state psychiatrist had determined that Guy LeGrande was psychotic. *Id.* He remains on death row even though “a Superior Court Judge finally declared Guy incompetent to be executed” in 2007. *Id.* His case “is perhaps the most striking example of the lack of protections afforded to people with mental illness in North Carolina’s capital punishment system.” *Id.*

14. The Office of Indigent Defense Services was created in 2001 by an act of the North Carolina General Assembly and is tasked with legally representing “indigent defendants and others entitled to counsel in North Carolina.” *Who We Are*, N.C. OFF. INDIGENT DEF. SERVS., <https://www.ncids.org/about/> [<https://perma.cc/YAL8-NAXC>].

15. The first attempt to pass a bill establishing a two-year moratorium on the death penalty in North Carolina was in 2003. *See* S.B. 972, 146th Gen. Assemb., Reg. Sess. (N.C. 2003); *Senate Bill 972*, N.C. GEN. ASSEMBLY, <https://www.ncleg.gov/BillLookup/2003/S972> [<https://perma.cc/6BLW-A7LD>]; *see also* Press Release, ACLU of N.C., ACLU Hails North Carolina Senate for Passing Death Penalty Moratorium Bill (Apr. 30, 2003, 12:00 AM), <https://www.aclu.org/press-releases/aclu-hails-north-carolina-senate-passing-death-penalty-moratorium-bill> [<https://perma.cc/9KYJ-D73C>]. The bill passed in the North Carolina Senate but failed to go to a vote in the North Carolina House of Representatives. *See* H.B. 1199, 146th Gen. Assemb., Reg. Sess. (N.C. 2003); *House Bill 1199*, N.C. GEN. ASSEMBLY, <https://www.ncleg.gov/BillLookup/2003/H1199> [<https://perma.cc/7DWH-6RQP>].

system]. I don't think we got the moratorium because we didn't have enough votes. I think we were short on votes, maybe one or two short in the House.<sup>16</sup> There were some Republicans that I served with that first year—Doug Vinson,<sup>17</sup> who was Catholic and [an] army guy, and Carolyn Justice,<sup>18</sup> who was a county commissioner who was very moderate—[who] were both interested in it, but I think it was too much on the spot for them to join in the moratorium. But maybe they did.

But yeah, it was tied up with the moratorium efforts—“let's stop it and study it.” We couldn't get it stopped, but we studied it and that brought up all these issues. A lot that came up was the improvements that were made before I got elected, [including] open discovery. But then, we were looking at these other issues like: Is [the death penalty system in North Carolina] racially biased? Are we executing [the] mentally ill, which are basically the *non compos mentis*, like those who might have mental disabilities?

I have some recollection that Charmaine [Fuller Cooper] [and] some others were interested in specific legislation related to racial bias. That was an earlier version of [the Racial Justice Act], and I can't remember if we filed those bills.

### Gene Nichol

Yeah, there were earlier efforts in the House that didn't go very far, and probably weren't as ambitious as the Racial Justice Act. It seems like it had a couple of kind of false starts.

You sound like you studied this quite a while. [I] have studied the history of race and the death penalty in North Carolina. It's immensely demoralizing. And I've wondered, did people involved in this know a great deal about that history? Was that part of the driving force?

16. The 2005 version of the bill establishing a two-year moratorium on the death penalty in North Carolina did not end up receiving a vote on the floor in the North Carolina House of Representatives. See H.B. 529, 147th Gen. Assemb., Reg. Sess. (N.C. 2005); *House Bill 529*, N.C. GEN. ASSEMBLY, <https://www.ncleg.gov/BillLookup/2005/H529> [<https://perma.cc/BLK3-AQRM>]; see also *Halt Executions*, *supra* note 12 (“In 2003, the North Carolina Senate approved a two-year moratorium on executions, but the House failed to take up the issue that year. A similar measure was approved by a House committee in 2005, but the measure never received a vote on the House floor.”).

17. Doug Vinson was a Republican member of the North Carolina House of Representatives from 2004 to 2006. *Doug Vinson's Biography*, VOTE SMART, <https://justfacts.votesmart.org/candidate/biography/40873/doug-vinson> [<https://perma.cc/F7Z6-CR7A>].

18. Carolyn Justice was a Republican member of the North Carolina House of Representatives from 2003 until 2013. *Carolyn Justice*, BALLOTEDIA, [https://ballotpedia.org/Carolyn\\_Justice](https://ballotpedia.org/Carolyn_Justice) [<https://perma.cc/EP77-XZNW>]. During her tenure, she represented District 16 and was Deputy Minority Whip from 2006 until she retired. *Id.*

[For example,] Jack Boger<sup>19</sup> had done a study about racial disparity in North Carolina in the period leading up to [this].<sup>20</sup> Do you think that folks were fairly reasonably aware of the history?

### Pricey Harrison

I am not sure that we gave it enough attention. I had a specific individual interest in this and the horror of the injustices that I was reading about and had come to the legislature with this real skepticism about the implementation of the death penalty. I remember Jack [Boger] because he became Dean [of UNC School of Law] for a while, and I remember referencing that study.

We had a pretty serious counterpart in Skip Stam.<sup>21</sup> He was on [Judiciary 1]<sup>22</sup> with me, [which Joe] Hackney chaired. Deborah Ross<sup>23</sup> was also on that committee too. Some of [the bills we were talking about] came through there.<sup>24</sup> [Skip Stam] was always very skeptical about the racial bias piece of it, and he was always disputing the facts associated with it. He probably read a lot of it and looked at Jack Boger's good scholarship with a healthy skepticism.

19. John Charles Boger “joined the UNC Law faculty in 1990 and served for 27 years, until his retirement in 2017 as Wade Edwards Distinguished Professor of Law.” *John Charles Boger*, UNC SCH. L., <https://law.unc.edu/people/john-charles-boger/> [https://perma.cc/3372-WMQF]. His areas of expertise included civil rights and discrimination and constitutional law. *Id.*

20. Isaac Unah & Jack Boger, *Race and the Death Penalty in North Carolina*, reprinted in DEATH PENALTY INFO. CTR. (2001), <https://deathpenaltyinfo.org/resources/publications-and-testimony/studies/race-and-the-death-penalty-in-north-carolina> [https://perma.cc/2RSS-BEJD] (finding “clear and disturbing evidence” of racial discrimination in North Carolina’s death penalty system).

21. Paul “Skip” Stam was first elected to serve as a representative in the North Carolina House of Representatives in 1989 and again in 2003, serving his eighth and last term in 2015–16. *Welcome to My Policy Website!*, PAUL STAM, <https://paulstam.info/> [https://perma.cc/DRL2-D7D5]. During that time, he “served as the House Republican Leader (2007–2010), the House Majority Leader (2011–2012), and the Speaker Pro Tem (2013–2016).” *Id.*

22. The Judiciary 1 Committee is a standing committee of the North Carolina House of Representatives. *Judiciary 1*, N.C. GEN. ASSEMBLY, <https://www.ncleg.gov/Committees/CommitteeInfo/HouseStanding/35/Membership> [https://perma.cc/2GWZ-4HDJ].

23. Deborah Ross is an attorney living in Raleigh, North Carolina, whose career in public service began “when she ran for and won a seat in the N.C. House of Representatives” in 2002 and was re-elected to hold office through 2012. *Meet Deborah Ross*, DEBORAH ROSS, <https://deborahross.com/meet-deborah-ross/> [https://perma.cc/D34F-35W4]. In 2020, she was “elected to represent North Carolina’s 2nd Congressional district,” winning re-election in 2022 and 2024. *Id.*; *Deborah Ross*, BALLOTPEdia, [https://ballotpedia.org/Deborah\\_Ross](https://ballotpedia.org/Deborah_Ross) [https://perma.cc/6EYT-8LXL]. Prior to running for office, she served as the state director of the American Civil Liberties Union of North Carolina for eight years. *See* Colin Campbell, *Deborah Ross’ ACLU Leadership Looms Large in US Senate Race*, CHARLOTTE OBSERVER, <https://www.charlotteobserver.com/news/politics-government/election/article105164571.html> [https://perma.cc/QV9S-94VU (staff-uploaded, dark archive)] (last updated Oct. 1, 2016, 1:51 PM).

24. *See, e.g.*, H.B. 472, 149th Gen. Assemb., Reg. Sess. (N.C. 2009) (Racial Justice Act); *House Bill 472*, N.C. GEN. ASSEMBLY, <https://www.ncleg.gov/BillLookUp/2009/H472> [https://perma.cc/U9CL-RBAC].



### Gene Nichol

I'm fairly certain that Jack [Boger's] scholarship didn't change Skip Stam's view on this question. It's possible I'm wrong, but I don't think so.

We've heard from a lot of folks [about] this coalition that came together—the folks from the Center for Death Penalty Litigation,<sup>25</sup> the [National Association for the Advancement of Colored People (“NAACP”)],<sup>26</sup> Steve Dear,<sup>27</sup> and the People of Faith Against the Death Penalty.<sup>28</sup> I think they had originally worked on the moratorium and then it kind of morphed into the Racial Justice Act. But we've heard from a lot of folks that, without this coalition, the success wouldn't have been at least as assured as it eventually became. Is that your view too, Pricey?

### Pricey Harrison

Yes, and I think having the victim's piece in there [was also helpful]. I've seen [how impactful coalitions can be] at the legislature in general. [For example], our clean energy standard—that was a massive coalition of seventy advocates sitting in a room for months writing that bill. And everybody trading [ideas]. I think [that's] the way that the legislature works best is when you get these coalitions together. I think that some of these issues seem to be a little bit intractable, and I don't know why because if you just pay attention to the injustice of it and [try to find] a way to right the wrong, it should [be] an easy thing to do.

But you know how it is, there's just this “soft on crime” piece that people constantly—particularly with the implementation of the death penalty—feel

25. The Center for Death Penalty Litigation (“CDPL”) is “a non-profit law firm that represents people on North Carolina's death row and serves as a clearinghouse for accurate and timely information about the North Carolina death penalty.” *About*, CTR. FOR DEATH PENALTY LITIG., <https://www.cdpl.org/about/> [https://perma.cc/PZ5A-WMAD].

26. The North Carolina State Conference of the North Carolina chapter of the National Association for the Advancement of Colored People's (“NAACP”) work “is rooted in racial equity, civic engagement, and supportive policies and institutions for all marginalized people.” *About*, NAACP, <https://ncnaacp.org/mission-vision/> [https://perma.cc/4TRY-GJA2]. The organization is “committed to a world without racism where Black people enjoy equitable opportunities in thriving communities.” *Id.*

27. Steve Dear was a “fixture in the restless circle of social justice work in the Triangle” joining the People of Faith Against the Death Penalty in 1997 and stepping down as the executive director in 2015. Bob Geary, *Bidding Adieu to Anti-Death Penalty Activist Steve Dear*, INDY WK. (July 29, 2015), <https://indyweek.com/news/bidding-adieu-anti-death-penalty-activist-steve-dear/> [https://perma.cc/4UG7-MQC8].

28. People of Faith Against the Death Penalty was “[f]ounded in North Carolina in 1994” with a mission “to educate and mobilise faith communities to act to abolish the death penalty in the United States,” particular in the South. *People of Faith Against the Death Penalty*, WORLD COAL. AGAINST DEATH PENALTY, <https://worldcoalition.org/membre/people-of-faith-against-the-death-penalty/> [https://perma.cc/WG3P-X4XK].

the DA's strong influence on. The DAs, along with Republicans, [were] the hardest piece of [the Racial Justice Act] to bring along. And I can't even remember how they got them. I mean, they were kicking and screaming the whole way, including [Attorney General ("AG") Roy] Cooper's office,<sup>29</sup> I believe—discussions about the expense of it.

There was a notorious lawyer in Cooper's office who was head of [the] criminal justice division. I can't remember his name, [but] he was always complaining. He [thought the Racial Justice Act was] going to be way too expensive. It was hard to even get the AG's office. They were a big problem. But [the coalition was] able to get all these other groups together. And I think it was critical for sure. And you're right, it did morph out of that coalition against the death penalty and coalition for the moratorium.

#### Gene Nichol

When this began, Dan Blue<sup>30</sup> was the speaker. Is that right?

#### Pricey Harrison

No, [Joe] Hackney [was]. I mean, it was the tail end of Jim Black [being the speaker] when we had the death penalty [study] committee, so [Joe] Hackney chaired. But then [Joe] Hackney became the speaker because he was pro tem. Dan [Blue] was in the House, but he was not speaker anymore.

29. Roy Cooper, a Democrat, is a lifelong North Carolinian who earned his undergraduate and law degrees from the University of North Carolina at Chapel Hill. *States' Co-Chair: Governor Roy Cooper*, SE. CRESCENT REG'L COMM'N, <https://src.gov/About/gov-roy-cooper> [<https://perma.cc/NK55-FSXR>]. He served as North Carolina's seventy-fifth governor after completing several terms as North Carolina's attorney general. *Id.*

30. Daniel Blue, Jr. is "a Democratic member of the North Carolina Senate," and has been representing the 14th District in that role since 2009. *Dan Blue, North Carolina State Senator, Senate Democratic Leader*, CONGRESS.GOV, <https://www.congress.gov/116/meeting/house/109315/witnesses/HHRG-116-HA08-Bio-BlueD-20190418.pdf> [<https://perma.cc/6MB3-NSQU>]. Dan Blue "was first elected to the North Carolina House of Representative in 1980," and was later elected as Speaker of the House in 1991. *Id.* He ran for United States Senate in 2002 but returned to the North Carolina House of Representatives in 2006. *Id.*

I don't even remember [Dan Blue] being engaged. It was really Alma [Adams]<sup>31</sup> and Earline [Parmon]<sup>32</sup> because of the reporting. And there was Darryl Hunt.<sup>33</sup> I think that's why Larry Womble<sup>34</sup> and Alma [Adams] and Earline [Parmon] were so engaged on this.

#### Gene Nichol

Could you talk some about their roles—Alma [Adams] and Earline [Parmon] and Larry [Womble]?

#### Pricey Harrison

I don't know the internal workings of the Black Caucus,<sup>35</sup> but they made [the Racial Justice Act] a top priority. Alma [Adams] was chair of the Black Caucus back then. I remember sitting in [Joe] Hackney's office when she came

31. Alma Adams first began her political career in the 1980s when she was elected to the Greensboro City School Board. *Full Biography*, U.S. CONGRESSWOMAN ALMA ADAMS, <https://adams.house.gov/about-me/full-biography> [<https://perma.cc/5FGN-4JXK>]. She proceeded to serve on the Greensboro City Council before being elected to represent District 26 in the North Carolina House of Representatives. *Id.* She is currently serving her sixth term in the United States House of Representatives. *Id.* Throughout her career Alma Adams has advocated for quality education for all students, affordable housing, affordable health care, and has fought against social injustice. *Id.*

32. Earline Parmon represented District 72 in the North Carolina House of Representatives from 2003 to 2013, and then as a senator in the North Carolina Senate she represented District 32 from 2013 to 2015. *Earline Parmon*, BALLOTPEDIA, [https://ballotpedia.org/Earline\\_Parmon](https://ballotpedia.org/Earline_Parmon) [<https://perma.cc/YGZ5-ZGKM>]. She was the first African American woman in Forsyth County elected to serve on the North Carolina Senate and, prior to that, she was a school principal. Todd Luck, *Earline Parmon, Winston-Salem Public Servant, Dies at Age 72*, CHRONICLE (Mar. 17, 2016), <https://wschronicle.com/winston-salem-public-servant-dies-age-72/> [<https://perma.cc/PX4Y-8AGS>]. She was known for her commitment to fighting for justice and for her community. *Id.*

33. Darryl Hunt was “arrested, charged, and convicted of a 1984 North Carolina murder he didn’t commit. Although DNA results proved his innocence in 1994, it took another 10 years of legal appeals to exonerate him.” *Darryl Hunt*, INNOCENCE PROJECT, <https://innocenceproject.org/cases/darryl-hunt/> [<https://perma.cc/ZM28-LKYG>].

34. Larry Womble was a representative in the North Carolina House of Representatives who represented District 71 from 1995 to 2013. *Larry Womble*, BALLOTPEDIA, [https://ballotpedia.org/Larry\\_Womble](https://ballotpedia.org/Larry_Womble) [<https://perma.cc/ALD7-3S8J>]. He was a “public-school teacher and administrator, community organizer, alderman, and state representative.” *WSSU Remembers Alumnus and Former N.C. State Rep. Larry Womble*, WINSTON-SALEM STATE UNIV. (May 19, 2020), <https://www.wssu.edu/about/news/articles/2020/05/wssu-remembers-alumnus-and-former-n.c.-state-rep.-larry-womble.html> [<https://perma.cc/GGB9-ZM8W>]. He is most known for his work advocating for the victims of North Carolina’s forced sterilization program and for the role he played in supporting the Racial Justice Act. *Id.*

35. The North Carolina Legislative Black Caucus was founded in 1983 and “has worked to advocate for the interests and concerns of minority communities across our state.” *The North Carolina Legislative Black Caucus*, N.C. LEGIS. BLACK CAUCUS, <https://www.nclegislativeblackcaucus.com/> [<https://perma.cc/69HW-XCV4>]. Moreover, it “serves as a platform for black legislators to collectively address issues of civil rights, social justice, education, economic empowerment, healthcare disparities, criminal justice reform, voting rights, and equitable representation.” *Id.*

2025]

PRICEY HARRISON INTERVIEW

329

in with Larry Womble and she just said, “You’ve got to do this. This is our top priority. This is a racist death penalty that we have.”

It was shortly after that that [Joe] Hackney gave the green light for the bill to move in the House. [Joe] Hackney said, “You can’t have the Racial Justice Act and the bill that ends the execution of the mentally ill. You can’t have both of those this session. We’ll do the mentally ill the next session.” He just said, “We can only have one death penalty bill now.”

He was just getting major pushback from the DAs and the AG. The Black Caucus, which is a powerful force in the Democratic Caucus, was what pushed it. We had a House bill, and it moved, and then it didn’t move in the Senate.<sup>36</sup>

Gene Nichol

And so, [Floyd] McKissick started [one] in the Senate?

Pricey Harrison

Yes, [Floyd] McKissick started it in the Senate and was a very powerful part of it. It was after we had made an effort in the House.

Gene Nichol

[For the other] bill in the House, I know that Earline [Parmon] and [Alma] Adams and Larry Womble had been central parts of that bill and getting it moving. Would you say that [Joe] Hackney’s role was really crucial as well?

Pricey Harrison

Well, [Joe Hackney] was the gatekeeper. I wouldn’t say he was excited about it, but I think he felt the pressure from the Black Caucus. He had been involved in the death penalty [study] committee. I guess his background as a former prosecutor showed through a couple times on bills—bills related to alcohol and criminal bills. He was fair. I just think that he let it go. I don’t remember him pressuring our caucus to support it because I don’t think that was his style very often to pressure us for caucus votes. He was the gatekeeper, and he made sure the bill got to the floor and got a fair hearing and vote.

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36. The initial effort to pass the Racial Justice Act failed when the bill died in committee after the House version of the bill was referred to the Judiciary II Committee in the North Carolina Senate on May 29, 2007, but was not further referred. H.B. 1291, 148th Gen. Assemb., Reg. Sess. (N.C. 2007); *House Bill 1291*, N.C. GEN. ASSEMBLY, <https://www.ncleg.gov/BillLookup/2007/h1291> [https://perma.cc/64D4-FEHV].

**Gene Nichol**

Do you know or recall differences in the substantive approaches [between] the House and the Senate? One thing Floyd [McKissick] talked about was [that] there were somewhat mixed feelings about allowing the data of discrimination to be used in the Senate, and it was more powerfully supported in the House. In other words, allowing statistics [to be] used rather than just [evidence of] a specific intent [to discriminate from] the prosecutors and the jurors.

**Pricey Harrison**

I don't remember with specificity, but I do know that the racial bias that the statistics revealed had a strong impact on the House vote. I just think, at that point, the Black Caucus was pretty influential, and so it was a little bit of deference to [them].

I [was] just trying to figure out why the DAs [did not] kill it. That's what I can't remember because they did such a good job of killing all these criminal justice reform efforts in the House, and I [was] just trying to figure out how we got around that. The specifics of it I can't remember, but yeah definitely the data had an impact in the House.

**Gene Nichol**

Let's switch and talk a little bit about the opposition. You've mentioned Skip Stam and the prosecutors. How would you describe the major cornerstones of the opposition to the Racial Justice Act?

**Pricey Harrison**

Well, I also remember being in a conference room with Larry Womble and Thom Tillis.<sup>37</sup> [Thom Tillis] was worried about the pre-trial language in the bill because there was a situation where a policeman got killed—there [had been] a bad crime in Charlotte.<sup>38</sup> He was trying to work with Larry Womble to

37. Thom Tillis was elected to serve on the Board of Commissioners for Cornelius, North Carolina in 2003, and after he completed that term, he was elected as a Republican to the North Carolina House of Representatives. Gregory Lewis McNamee, *Thom Tillis*, BRITANNICA (Dec. 25, 2024), <https://www.britannica.com/biography/Thom-Tillis> [https://perma.cc/H5LQ-MQT3]. He served as North Carolina Speaker of the House from 2011 until 2014 and has represented North Carolina in the United States Senate since 2014. *Id.*

38. In 2007, two Charlotte-Mecklenburg police officers, who were responding to a domestic disturbance call, were fatally shot by Demetrius Antonio Montgomery. *Two Cops Killed, Suspect Charged*, CBS NEWS (April 1, 2007, 7:52 AM), <https://www.cbsnews.com/news/two-cops-killed-suspect-charged/> [https://perma.cc/7J4K-F6WA]. This was the first time in over a decade that a Charlotte

fix that piece of it—it could have been a good compromise, [and] they could have [potentially] gotten more Republican votes. He was trying to work out a way that [would] satisfy his people back in Mecklenburg County. [But] Larry [Womble] just wouldn't budge on it. I think he felt like he had the high road, and he didn't need to [compromise]. But I think if he had, it might have passed a little more easily.

There was some resistance that was coming from the DAs, like I said, [and] from the AG's office because they just said it was going to be too expensive and burdensome on them and they didn't have the staff to deal with vetting the cases before they went to trial.

And then [there is the] whole white defendant piece. It became more of a thing after the bill was passed, but it did start to come up. The primary opposition was just conservative Republicans and DAs. I think it was more [the] DAs—maybe I just have PTSD about all the bad stuff that the DAs have done through our need for reform.

#### Gene Nichol

Were folks surprised that so many white folks made challenges under the Racial Justice Act?

#### Pricey Harrison

Yes, they didn't really understand it. And I'll admit, in the beginning I was like, "Oh yeah, this doesn't look good." It took a little bit of explaining. But the more I dove into it and the Michigan State study<sup>39</sup> and all that information and the trials that came up afterwards, it was much easier to understand. But yeah, I mean, even Larry Womble was like, "Oh, we never meant for this to apply to white defendants."

#### Gene Nichol

That wasn't as strategic as some have suggested, no?

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police officer was killed while on duty. *Id.* The incident was described as "heartbreaking" and as "a real tragedy" for the entire community. *Id.*

39. BARBARA O'BRIEN & CATHERINE M. GROSSO, MICH. STATE UNIV. COLL. OF L., REPORT ON JURY SELECTION 11–18 (2011), [https://assets.aclu.org/live/uploads/document/jss\\_revised\\_report\\_with\\_appendix\\_29\\_sept\\_2011.pdf](https://assets.aclu.org/live/uploads/document/jss_revised_report_with_appendix_29_sept_2011.pdf) [<https://perma.cc/HBX6-KGQX>].

**Pricey Harrison**

I think that was a little bit unnerving to the advocates that Larry Womble was going around talking about what a bad idea it was that white defendants were included [in being able to make claims under the Racial Justice Act]. You probably have better insight from Ken [Rose] because the advocates worked so hard on this.

**Gene Nichol**

Ken [Rose] suggested that he thought that had to be done. I don't think he was saying it just for political reasons. You had to have the cause of action available for anyone, but I think he was surprised by the extent to which it was deployed afterwards [by white defendants].

For a civil rights lawyer, there's an interesting familiarity between the structure and the findings that are required in the Racial Justice Act and the 1964 Civil Rights Act—moving away from specific demonstrated intent of the decision makers and allowing a plaintiff to challenge a conviction based on statistics and data, even statewide, but also district wide and the like.

You being a lawyer, did you see a kinship between those two kinds of structures? If you're a civil constitutional lawyer, it almost looks like the Racial Justice Act took some aspects of the Civil Rights Act, which were quite successful—allowing [plaintiffs] to prove discrimination based on disparate impact, for example—and applied that to the criminal justice system. Was that part of the discussions that you recall?

**Pricey Harrison**

Not in my discussions. That's just Ken [Rose's] brilliance in pulling the bill together. I'm thinking perhaps [Paul] Luebke [too], but maybe not even [Paul] Luebke because he's a sociologist, not a lawyer. I know I wasn't ever engaged in those conversations. Ken [Rose] gets a lot of the credit, Ken [Rose] and Tye [Hunter],<sup>40</sup> [as] being the brilliant minds behind the drafting, the language [of the Racial Justice Act].

40. Malcolm Ray "Tye" Hunter, "a defense attorney, grew up in Greensboro. He attended UNC for undergraduate and then continued at UNC School of Law. After graduation he worked in the Fayetteville Public Defender's office and then served as Chapel Hill's assistant town attorney." *Malcolm Ray "Tye" Hunter*, CAROLINA ORAL HIST. PROJECT, <https://oralhistoriesproject.law.unc.edu/oral-histories/malcolm-ray-tye-hunter/> [https://perma.cc/7K3H-JTJP]. He successfully argued *McKoy v. North Carolina*, 494 U.S. 433 (1990), before the United States Supreme Court in 1989, which "resulted in relief for nearly 50 men and women who had received unconstitutional death sentences." Kristin Collins, *Tye Hunter Wins CDPL's 2020 J. Kirk Osborn Award*, CTR. FOR DEATH PENALTY LITIG. (Sept. 21, 2020), <https://www.cdpl.org/tye-hunter-wins-cdpls-2020-j-kirk-osborn-award/> [https://perma.cc/2PSQ-XNP4].

**Gene Nichol**

With Ken [Rose], it was like a life's work coming together in one capsule. His preparations for the Racial Justice Act were like forty years in the making.

**Pricey Harrison**

I was on the Heinz Foundation's selection committee for their Heinz Awards,<sup>41</sup> so I nominated Ken [Rose] and Tye [Hunter] for their work on the Racial Justice Act a couple of times. They didn't get it, but I was happy to do it because they really deserve a lot of the credit.

**Gene Nichol**

As do many folks.

**Pricey Harrison**

Yeah. It was just so sad the efforts to repeal it, and then finally, [the] successful repeal.<sup>42</sup>

**Gene Nichol**

What were your conversations like?

**Pricey Harrison**

From my perspective, it was more about what's fair [and] the evidence of the unfairness of our death penalty [system]. And honestly, in the back of my mind, this was the first step to just ending the death penalty, which is basically what the DAs and the Republicans said. For me, it was just like, "This isn't fair, and it's clear it's not fair, and this is a way to right the wrong, or at least take a

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41. The Heinz Awards were "[e]stablished to honor the memory of U.S. Senator John Heinz and to celebrate the vision and the spirit that produce achievements of lasting good." *About the Awards*, HEINZ AWARDS, <https://www.heinzawards.org/pages/about> [<https://perma.cc/CXP9-TLFF2>]. Originally, "one award was given in each of five categories: Arts and Humanities; Environment; Human Condition; Public Policy; and Technology, the Economy and Employment." *Id.* Today, "the Heinz Awards recognize individuals making contributions to the Arts, the Economy and the Environment. There are six recipients annually, two recipients in each of the three categories." *Id.*

42. 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 19, 2013, ch. 154, § 5.(a), 2013 N.C. Sess. Laws 368, 372.



step towards righting the wrong.” That’s what my conversations were like with my colleagues.

I’m not sure that I had the credibility talking with my African American colleagues. Back then, Alma [Adams] and Earline [Parmon] and Larry Womble and [William] Wainwright<sup>43</sup> and Mickey Michaux,<sup>44</sup> and all those leaders had their caucus together and it was more about getting the rest of us [involved]. I wish I remembered more. So much [has] happened over my twenty-one years there.

### Gene Nichol

Twenty-one years, that’s right.

The way that we sort of heard it from Senator [Floyd] McKissick—and it sounds a lot like that was reflected in some of the Black Caucus discussions in the House—was that at some point people just said, “I’m not going to compromise on this. It’s time. The Democratic Party has gone too long without doing anything for Black folks, and we insist and we’re not going to change. We’re not going to compromise on this. This is what needs to be done in North Carolina. We’re gonna call in our chips at this point.” Did it seem like that to you, too?

### Pricey Harrison

Yeah, that was basically the sense I got from Alma [Adams] and Larry [Womble] when we were in the speaker’s office. Another big piece that kept coming up, not related at all to this, was the [historically Black colleges and

43. William Wainwright, “a presiding elder in the African Methodist Episcopal Zion church, first joined the Legislature in 1991” and went on to represent Carver County in the North Carolina General Assembly for over twenty years. *Longtime State Lawmaker William Wainwright Dies*, WRAL NEWS, <https://www.wral.com/story/11325140/> [<https://perma.cc/3A4E-HEGH>] (last updated July 17, 2012, 8:07 PM) (quoting Joe Hackney: “[William Wainwright] conducted his business at the General Assembly with as much passion as anyone I encountered during my time in office. He was a talented negotiator motivated only by what was best for the people of his district.”).

44. Henry M. “Mickey” Michaux, Jr. “became Durham County’s first black representative in the North Carolina state legislature” in 1972 and has since become “the longest serving member of the North Carolina House of Representatives.” *Henry M. “Mickey” Michaux Jr., AND JUST. FOR ALL*, [http://andjusticeforall.dconc.gov/gallery\\_images/henry-m-mickey-michaux-jr-longest-serving-member-in-the-north-carolina-house-durhams-first-african-american-state-representative/](http://andjusticeforall.dconc.gov/gallery_images/henry-m-mickey-michaux-jr-longest-serving-member-in-the-north-carolina-house-durhams-first-african-american-state-representative/) [<https://perma.cc/FD5G-4XWD>]; see also Jeff Tiberii, *Purple Ballot: A Conversation with North Carolina Rep. Mickey Michaux*, WUNC (Sept. 17, 2024, 10:20 AM), <https://www.wunc.org/show/du-south/2024-09-17/purple-ballot-a-conversation-with-rep-mickey-michaux> [<https://perma.cc/B3QJ-LVX7>] (interview with Mickey Michaux); *Rep. Henry M. ‘Mickey’ Michaux, Jr.*, DUKE EXPRESS, [https://sites.duke.edu/pjms364s\\_01\\_s2016\\_mickeymichaux/](https://sites.duke.edu/pjms364s_01_s2016_mickeymichaux/) [<https://perma.cc/2KG7-PP4F>].

universities (“HBCU”)] funding.<sup>45</sup> They were so aggrieved on so many issues [and the Racial Justice Act] was a big one for them. With Larry [Womble] and Earline [Parmon], it was, largely, Darryl Hunt’s injustice that got them fired up to do it.

### Gene Nichol

It had a huge impact on life in North Carolina.

### Pricey Harrison

I forgot to mention [this] too: [Elias] Syriani killed his wife, [was sentenced to death], and his kids were begging Governor [Mike] Easley<sup>46</sup> not to execute him because then they would be orphans.<sup>47</sup> They were the only victims.

Ellie Kinnaird<sup>48</sup> brought them over—maybe Ellie [Kinnaird] and Verla Insko<sup>49</sup>—to the legislative building. This was another one of those end the death

45. See Kate Murphy & Lucille Sherman, *North Carolina’s HBCUs have Fought Years of Funding Inequity. Is a Change Finally Coming?*, NEWS & OBSERVER, <https://www.newsobserver.com/news/local/education/article258219933.html> [<https://perma.cc/PRY6-LBDU> (staff-uploaded, dark archive)] (last updated Mar. 9, 2022, 3:58 PM) (covering the historic inequities in funding for historically Black colleges and universities (“HBCU”) as compared to predominantly white institutions).

46. Michael Francis “Mike” Easley “served as the 72nd governor of North Carolina, from 2001 to 2009. Prior to serving as governor, Easley served eight years as attorney general and 14 years as a local prosecutor, eight as the elected District Attorney.” *Meet Governor Mike Easley*, GOVERNOR MIKE F. EASLEY, <https://www.mikeeasleync.com/> [<https://perma.cc/EFQ2-9AB5>].

47. *State v. Syriani*, 333 N.C. 350, 406, 428 S.E.2d 118, 149 (1993) (holding that “the defendant received a fair trial and sentencing hearing, free of prejudicial error” and “the death penalty was [not] disproportionate or excessive [as a matter of law]”); *Syriani v. Polk*, 118 F. App’x 706, 721 (4th Cir. 2004) (affirming “the district court’s denial of Syriani’s petition for writ of habeas corpus”); see also *Facing Controversy: Struggling with Capital Punishment in North Carolina, Elias Syriani*, UNC UNIV. LIBRS., <https://exhibits.lib.unc.edu/exhibits/show/capital-punishment/biographies/syriani> [<https://perma.cc/WF39-E6SU>] (exhibit on Elias Syriani) [hereinafter *Facing Controversy, Elias Syriani*].

48. Ellie Kinnaird resigned in 2013 after representing Orange and Chatham counties for seventeen years in the North Carolina Senate. Catherine Brand, *Nine-Term Senate Democrat Ellie Kinnaird Resigns*, WUNC (Aug. 19, 2013, 4:28 PM), <https://www.wunc.org/politics/2013-08-19/nine-term-senate-democrat-ellie-kinnaird-resigns> [<https://perma.cc/2Z53-SSHZ>]. Prior to serving in the North Carolina General Assembly, she was the mayor of Carrboro. *Id.* For a collection of Ellie Kinnaird’s personal papers “chiefly concerning the death penalty, discrimination in capital punishment, and people with mental disabilities and capital punishment,” see *Ellie Kinnaird Papers*, UNC UNIV. LIBRS., <https://finding-aids.lib.unc.edu/05356/> [<https://perma.cc/93RA-NR62>]; see also THE HONORABLE ELLIE KINNAIRD (2014) (short documentary).

49. Verla Insko retired in 2022 after representing the Chapel Hill area since 1997 for thirteen terms in the North Carolina House of Representatives. Matthew Burns, *Rep. Verla Insko, Who’s Represented Chapel Hill Area in NC House for Decades, to Retire*, WRAL NEWS (Sept. 15, 2021, 1:02 PM), <https://www.wral.com/story/rep-verla-insko-who-s-represented-chapel-hill-area-in-nc-house-for->

penalty efforts. And [it] was very emotional—the kids coming to the legislature saying, “Don’t kill my father.” It was all during this discussion of the moratorium and in the beginnings of the racial bias [discussions], although [this] wasn’t a racial bias thing.

I do remember it being really powerful in putting a face on it—just like [it was when] Darryl Hunt was coming around the building to advocate for ending the death penalty. It [is] really effective when you [can] put a face [to] this kind of injustice.

**Gene Nichol**

Did it move Governor [Mike] Easley?

**Pricey Harrison**

No.<sup>50</sup>

**Gene Nichol**

I did a pardon case with him,<sup>51</sup> and we had a very long set of sessions about it, and I was convinced that he knew [applying the death penalty] was wrong and a mistake in this case. But he didn’t do anything. I chalked it up to politics. A lot of [anti]-death penalty folks think there’s nothing worse than a Democratic governor if you’re trying to [get] a pardon because they [think] they [have to] pay a huge political price for [granting such pardons]. Republicans would [maybe] look at it differently. I don’t know how much truth there [is] to that, but I remember being very broken hearted about brother Easley’s decision.

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decades-to-retire/19877476/ [https://perma.cc/84CU-T8GQ] (quoting Joe Hackney: “All North Carolinians owe Verla Insko a debt of gratitude for her productive and fruitful public service. Her expertise and experience in health care and public education, in particular, will be missed.”).

50. *Facing Controversy, Elias Syriani*, *supra* note 47 (“Despite [his children’s] attempts to persuade Governor Easley to commute their father’s sentence, Easley denied [Elias Syriani’s] appeal for clemency in mid-November 2005. After nearly fifteen years on North Carolina’s death row, Elias Syriani was executed on 18 November 2005.”); *see also* Press Release, N.C. Dept. Correction, Execution Date Set for Elias Hanna Syriani (Oct. 13, 2005), [https://www.doc.state.nc.us/news/2005/releases/syriani\\_dateset.htm](https://www.doc.state.nc.us/news/2005/releases/syriani_dateset.htm) [https://perma.cc/JZ5T-KQXH].

51. Ronald “Ronnie” Frye was represented in his capital trial by Tom Portwood, “a notorious alcoholic who would later admit to drinking 12 shots a day during Ronnie’s trial.” *Ronald Frye*, N.C. COAL. FOR ALTS. TO DEATH PENALTY, <https://nccadp.org/stories/ronald-frye/> [https://perma.cc/MT3S-NT46]. During the trial, Tom Portwood failed to present any evidence of the horrific abuse and abandonment Ronnie Frye suffered in his childhood. *Id.* Even though “some jurors said they would have refused to vote for death if they had heard the story of Ronnie’s tortured youth,” Ronnie Frye was executed on August 31, 2001. *Id.*

### Pricey Harrison

You know, [Pat] McCrory's<sup>52</sup> Chief Counsel, Bob Stephens,<sup>53</sup> was a death penalty lawyer. I remember meeting with him about the Janet Danahey case back in Greensboro and trying to get some relief there.<sup>54</sup> He was very sympathetic to death penalty appeals [and] commutations.

Yeah, it's frustrating—we keep electing these AGs as governors. The mailer that went out in the 2010 election when they were going to flip, and did flip, the House and Senate.<sup>55</sup> It was part of the 10 Point Plan, and so they sent out this scary mailer to a lot of vulnerable districts. I wasn't really vulnerable, but I guess it was close enough that they thought they could flip that seat.

So, they sent it out against me, and my opponent, at the time, was [Jon] Hardister<sup>56</sup> because he was in the same district at that point. It was a picture of Henry McCollum, who was eventually released from prison, exonerated.<sup>57</sup> That

52. Pat McCrory, who was originally from Guilford County, North Carolina, served as the seventy-fourth governor of North Carolina from 2013 to 2016. *Gov. Pat McCrory*, NAT'L GOVERNORS ASS'N, <https://www.nga.org/governor/pat-mccrory/> [<https://perma.cc/KG42-VCLA>].

53. Bob Stephens served as Chief Counsel to Governor Pat McCrory and has been described as “highly regarded by legal professionals . . . in Charlotte, where he’s a lifelong resident and respected attorney.” Editorial, *Is McCrory’s Chief Counsel Really This Bad?*, CHARLOTTE OBSERVER (July 19, 2015, 10:02 PM), <https://www.charlotteobserver.com/opinion/editorials/article27704638.html> [<https://perma.cc/AWS8-LLWY> (staff-uploaded, dark archive)].

54. For media coverage of Janet Danahey’s case, see San Swofford, *Prank May Have Sparked Fire; Friends and Family Say the Janet Danahey They Know Could Never Intentionally Harm Anyone*, NEWS & REC. (Mar. 2, 2002), [https://greensboro.com/prank-may-have-sparked-fire-friends-and-family-say-the-janet-danahey-they-know-could/article\\_696b9474-5cb9-53cd-b0c9-8d8801f78b2e.html](https://greensboro.com/prank-may-have-sparked-fire-friends-and-family-say-the-janet-danahey-they-know-could/article_696b9474-5cb9-53cd-b0c9-8d8801f78b2e.html) [<https://perma.cc/75PF-HTFM>]; Tamara Jones, *Backfire*, WASH. POST (Apr. 30, 2005), <https://www.washingtonpost.com/archive/lifestyle/2005/05/01/backfire/98077903-a018-4a35-8673-c88489103d8b/> [<https://perma.cc/4BK8-BL4U>]. In 2023, Janet Danahey was denied parole after her sentence was commuted in 2022. Joshua Davis, *Family of 2002 Greensboro Apartment Fire Victims Speak Out After Janet Danahey Denied Parole*, WXII 12 NEWS, <https://www.wxii12.com/article/family-2002-greensboro-apartment-fire-victims-janet-danahey-denied-parole/46096327> [<https://perma.cc/5RLM-APE5>] (last updated, Dec. 11, 2023, 6:14 PM).

55. For a reprinting of the mailer, see Mark Binker, *GOP Featured McCollum in a 2010 Attack Ad*, WRAL NEWS, <https://www.wral.com/story/gop-featured-mccollum-in-a-2010-attack-ad/13950897/> [<https://perma.cc/Z67Z-BM4H>] (last updated Sept. 4, 2014, 1:26 PM) (covering the mailer that was used in 2010 after Henry McCollum, who was featured in the mailer and described as having “raped and murdered an 11 year old child,” was exonerated in 2014); see also John Boyle, *No GOP Apologies for Nasty McCollum Ad*, CITIZEN TIMES (Sept. 6, 2014, 9:07 PM), <https://www.citizen-times.com/story/news/local/2014/09/06/boyle-column-gop-apologies-nasty-mccollum-ad/15221163/> [<https://perma.cc/B9U6-AZFP>] (“Unfortunately, politics requires no shame. Or decency. Or apologies.”).

56. Jon Hardister was not elected in 2010 but was elected in 2012 to serve in the North Carolina House in a different district, and went going on to serve “six terms before retiring in 2024.” *About Jon*, HARDISTER STRATEGIES LLC, <https://jonhardister.com/about> [<https://perma.cc/ZSC9-LLGA>].

57. Henry McCollum and his brother, Leon Brown, were exonerated based on DNA evidence in 2014, regaining their freedom after being sentenced to death for the rape and murder of Sabrina Buie in Robeson County in 1984. *North Carolina v. McCollum*, No. 83 CRS 15506-07, 2014 WL 4345428, at \*1–2 (N.C. Super. Ct., Sept. 2, 2014); Kenneth Rose, *McCollum is Free, but Anger Grips His NC*

was really something, that mailer. I remember when I was knocking on doors, which I did a lot of in my early years, and people had just gotten the mailer, and they were just slamming the door in my face, and considering [me the] most evil person in the world because I was going to let these horrible people, murderers, come into their neighborhoods.

It was [a] very effective mailer. I don't know how much of that played into the election flip, but that was something. [Jon] Hardister was [angry] because it came out of the Republican Party, it wasn't him, and he is actually against the death penalty, so he didn't love that they were using that in his race. But yeah, it was terrible, the anger and vitriol that they stirred up about [the Racial Justice Act].

Gene Nichol

It was more localized than just the anti-Obama stuff?

Pricey Harrison

Yeah. Art Pope<sup>58</sup> poured tons of money into the flyers and they flipped a ton of seats, but I prevailed. But it was much closer than any other of my races.

Gene Nichol

You obviously had to do a good bit of explaining this to your constituents. The Racial Justice Act is actually a fairly complicated piece of legislation. What was your elevator pitch to folks?

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*Lawyer*, NEWS & OBSERVER, <https://www.newsobserver.com/opinion/op-ed/article10051685.html> [<https://perma.cc/2WKR-N6JQ> (staff-uploaded, dark archive)] (last updated Sept. 6, 2014, 5:00 PM) ("I am angry that we live in a world where two disabled teenagers can have their lives stolen from them, where cops can lie and intimidate with impunity, where innocent people can be condemned to die and where injustice is so difficult to bring to light. As I lie awake at night, mulling over the maddening details of this case, I wonder: How many more Henry McCollums are still imprisoned, waiting for help that will never come?"). In 2021, "[a]n eight-person jury awarded McCollum and Brown \$31 million each in compensatory damages—\$1 million for every year they spent in prison after they were wrongfully convicted, twice, of the 1983 rape and murder of an 11-year-old girl in Red Springs." Andrew Carter, *Jury Awards Wrongfully Convicted NC Brothers \$75 Million in Federal Civil Rights Case*, NEWS & OBSERVER, <https://www.newsobserver.com/news/local/crime/article251411148.html> [<https://perma.cc/FTA8-NVMF> (staff-uploaded, dark archive)] (last updated May 15, 2021, 5:48 PM).

58. Arthur "Art" Pope "served four terms (1989–1992, 1999–2002) in the North Carolina House of Representatives. He was also special counsel to Governor Jim Martin (1985) after working on his campaign. In January 2013, he was appointed as state budget director Governor Pat McCrory and served nearly two years." *James Arthur 'Art' Pope*, JOHN WILLIAM POPE FOUND., <https://jwpcf.org/team/james-arthur-art-pope/> [<https://perma.cc/C6U8-VPFF>].

2025]

PRICEY HARRISON INTERVIEW

339

**Pricey Harrison**

I probably led with the fact that [the people making claims under the Racial Justice Act] were never getting released, [their sentence would be adjusted to] life without parole. So that was a piece of it. [I also emphasized that] these were people who might be innocent, or [I would talk about how] we knew that we had racial bias throughout our criminal justice system and [the Racial Justice Act] was a way to right that wrong. I believe that's what I [would say].

**Gene Nichol**

What did you say when people said, "This is just a covert way to get rid of the death penalty?"

**Pricey Harrison**

Well, in my head, I'm like, "Yeah." [But] I think what I said back was, "This is just a way that we administer it fairly. We aren't now, and so this is a way to correct some wrongs and administer it henceforth fairly." And I would brag about how it's us and Kentucky.<sup>59</sup>

**Gene Nichol**

So, you knew of the Kentucky statute then, right? But ours is much more impressive than the Kentucky statute was.

**Pricey Harrison**

No doubt. I assume that Ken [Rose], like I said, applied his brilliance and made it better.

**Gene Nichol**

[The Kentucky Racial Justice Act] doesn't allow statistics. I know Floyd [McKissick] thought that the Kentucky version was hardly worth doing. So, there's some distinction.

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59. KY. REV. STAT. ANN. § 532.300 (2024); see also Justin R. Arnold, Note, *Race and the Death Penalty After McCleskey: A Case Study of Kentucky's Racial Justice Act*, 12 WASH. & LEE J. CIV. RTS. & SOC. JUST. 93, 102–07 (2005) (outlining the passage of the Kentucky Racial Justice Act and how it paved the way for other bills to follow).

Were you surprised that [the Racial Justice Act] passed in the House, Pricey?

**Pricey Harrison**

I was cautiously optimistic [that it would] because so much work had gone into it and the vote counts were getting nailed down. It looked like we were in. The reason why they started it in the Senate [was] because the Senate didn't take it up before, they didn't pass our bill before. So, I had some confidence that the House was going to [pass it]. [William] Wainwright and Mickey [Michaux] were powerfully persuasive people. I have some memory of [William] Wainwright just standing up and giving us this impassioned speech about how this is really important and the right thing to do.

**Gene Nichol**

In the caucus or on the floor?

**Pricey Harrison**

It was in our caucus.

**Gene Nichol**

Did you worry about whether [Governor] Bev [Perdue]<sup>60</sup> would sign it?

**Pricey Harrison**

No.

**Gene Nichol**

Would you mind saying a little bit about your recollection of the discussions when [the Racial Justice Act] was repealed? Was that a big surprise to you, that it got repealed, and what led them to that effort?

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60. Beverly Perdue was a public-school teacher before starting her political career as a member of the North Carolina House of Representatives. *Beverly Perdue*, NAT'L ASSESSMENT GOVERNING BD., <https://www.nagb.gov/about-us/board-members/beverly-perdue.html> [https://perma.cc/UEH4-GAJY]. She then served "five terms in the North Carolina Senate before she was elected as the 32nd Lieutenant Governor. She then became the 73rd governor of North Carolina from 2009 to 2013, the state's first female chief executive." *Id.*

2025]

PRICEY HARRISON INTERVIEW

341

**Pricey Harrison**

Well, it wasn't a surprise. It was, you know, a tricky coalition to get [the Racial Justice Act] passed in the first place.

I remember I had files and files on this bill. [I would go] through and point out the Michigan State study information and other flaws in our system and why this act was so important and that it was a landmark.

I had gone down to the Marcus Robinson trial.<sup>61</sup> I [went] down to Fayetteville for a couple [of] days and met his mother and listened to the application of [the Racial Justice Act]. So, I think I talked about [that case] and Judge [Gregory] Weeks<sup>62</sup> on the floor debate.

**Gene Nichol**

I was saying to Ken [Rose] that when I read Judge [Gregory] Weeks's opinion, what surprised me was that it was so empirical data driven that it sounded like a PhD student's graduate thesis.<sup>63</sup> I asked him if that was a surprise to him, [and] I think he said [that it was], a little bit. It was heavy, empirical work for a law trial.

It shows a pretty strong commitment, if you went down to the trial, Pricey.

**Pricey Harrison**

Oh yeah, well, I was really interested because, you know, I'd worked on the bill, and I just wanted to see how it was playing out.

**Gene Nichol**

What was your reaction going to the trial?

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61. Order Granting Motion for Appropriate Relief, *State v. Robinson*, No. 91 CRS 23143 (Super. Ct., Cumberland Cnty., Apr. 20, 2012), *vacated by* 368 N.C. 596, 780 S.E.2d 151 (2015).

62. Gregory Weeks was a judge for the Fourth Division of the Superior Court of North Carolina and "oversaw some of North Carolina's first hearings on whether racism played a part in death sentences" following the passage of the Racial Justice Act. Joe Killian, *Veteran NC Judges: State's Bail System is a "Scam," "Immoral," and in Need of "Massive Change,"* NC NEWSLINE (April 4, 2018, 2:08 PM), <https://ncnewsline.com/2018/04/04/veteran-nc-judges-states-bail-system-is-a-scam-immoral-and-in-need-of-massive-change/> [<https://perma.cc/3FTP-EUUU> (staff-uploaded, dark archive)].

63. See Order Granting Motion for Appropriate Relief, *supra* note 61, at 44–108 (making extensive findings of fact concerning statistical evidence).



**Pricey Harrison**

Well, I got a big hug from Mrs. Robinson when she found out I was a sponsor. A sponsor, not *the* sponsor, [but] *a* sponsor.<sup>64</sup> It was probably a little bit dull and technical. Whatever day I was there they were probably going through the Michigan State professor that did the study.<sup>65</sup> I think I maybe went down there twice. It was something I worked on, not as hard as Ken [Rose] and all those others, but [I was] interested [in it].

**Gene Nichol**

I started by saying that [the Racial Justice Act] seems like a singular piece of legislation, really unusual in its ambition and its accomplishment. You've been in the legislature twenty years. Does it seem like that to you, or does it seem just part of the regular order of business?

**Pricey Harrison**

Not the regular order of business. When there are big pieces of legislation like that that make [a] major change, involving huge coalitions of disparate parties, that's not the usual course of events, but it's the best course of events. And we should do it more, and we do it a lot less now.

I appreciate your persistence in tracking me down, and I'm sorry I didn't have better memory, but I'll be interested in reading y'all's oral history. It might spark my memories a little bit.

**Gene Nichol**

You were wonderful. It's just what we want. So, thank you very much, Pricey.

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64. Larry Womble, Earline Parmon, Paul Luebke, and Pricey Harrison were listed as primary sponsors of the House bill. H.B. 472, 149th Gen. Assemb., Reg. Sess. (N.C. 2009); *see also House Bill 472*, N.C. GEN. ASSEMBLY, <https://www.ncleg.gov/BillLookup/2009/H472> [<https://perma.cc/PQ6M-TXGV>].

65. Order Granting Motion for Appropriate Relief, *supra* note 61, at 6, 44; *see also* O'BRIEN & GROSSO, *supra* note 39, at 11–18.