



**NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
NORTH CAROLINA STATE CONFERENCE**

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Immediate Release

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PROPOSED GANG LEGISLATION
An Open Letter to the General Assembly Leadership
From the State NAACP

5 June 2008

Via First Class Mail and Electronic Mail

The Honorable Marc Basnight
President *Pro Tempore*
North Carolina State Senate
2007 Legislative Building
Raleigh, NC 27601

The Honorable Joseph Hackney
Speaker of the House
North Carolina House of Representatives
2304 Legislative Building
Raleigh, NC 27601

Dear Mr. President *Pro Tempore* and Mr. Speaker of the House:

Soon members of the North Carolina House of Representatives and Senate will meet in conference to hammer out a compromise on new gang legislation (HB 274 & SB 1358, which are called *Street Gang Prevention Act* and *Street Gang Suppression Act*). The North Carolina Conference of NAACP Branches states unequivocally that our members have serious problems with these bills. Like most citizens, we are concerned with increasing gang violence and the toll it is taking our communities. However, stated simply, we fear that imprudent reactions to sensationalized crime coupled with irresponsible election year political jockeying may be pushing legislators further away from striking the necessary balance between prevention and punishment. The current bills are tilted strongly in the direction of suppression and punishment. In our judgment, if we miss this opportunity to institute real gang prevention programs, we will regret this mistake for years to come.

Our 14-Point People's Reform Agenda, the centerpiece of the Historic Thousands on Jones Street Movement, governs our position on gang prevention. *Point 1* demands all children receive a high quality education and a moratorium on prison construction. We demand more

investment in education, recreation and work programs as critical tools for crime prevention. *Point 8* addresses criminal justice reform and the necessity of transforming our racist criminal justice system to lessen and eventually eliminate its gross racial disparities. Other Points in our HKonJ Agenda address the infamous school-to-prison pipeline by providing programs to help our kids track themselves into higher education and good jobs. Our seven objections to the proposed gang legislation, therefore, come from the values and programs found in our 14-Point Program that over 80 partner organizations and religious faiths have fully endorsed.

Seven Objections to Gang Bills

1. We object strongly to the fact that under the Senate bill children under the age of 16 could be prosecuted and 13- and 14-year olds could be imprisoned.
2. We support the provision to expunge an offender's record after one offense—a provision that was removed from one version of the legislation. Expunction would give many youth, who may have made one mistake, another chance and thus the opportunity to become positive contributors to society.
3. We strongly oppose the redirection of funds from meeting educational needs to building more prisons. The Legislature's own estimates predict the price tag will be almost \$60 million over five years for new prison construction and incarceration costs while the unconstitutional educational deficits exposed by *Leandro* remain severely underfunded.
4. We object to the title and theme of the Senate Bill--"Gang Suppression." It may be good politics to imply a strong imbalance favoring punitive measures over prevention, but it is bad policy. According to the Justice Policy Institute, the promotion of jobs, education, healthy communities and lower barriers to the reintegration into society of former gang members are more effective ways to divert youth from gang involvement. Hence there must be adequate attention to, and funding for, prevention. This can be no less than the \$10 million proposed by Representative Mickey Michaux.
5. North Carolina prosecutors already have a comprehensive repertoire of laws to combat crime. Increasing penalties under the proposed gang legislation will only add to this overstocked repertoire. Until the North Carolina Bar and the General Assembly do more to monitor and control prosecutorial misconduct, and until more is done to right the crooked ship that is the current criminal justice system, we must object to the guilt by association nature of the bills. These vague and ambiguous definitions will enhance the potential for abuse by overzealous prosecutors in our state.
6. We note that measures to control or eliminate easy accessibility to firearms are conspicuously missing from these bills. It stands to reason that taking more guns off the street would be a necessary part of any comprehensive approach to controlling gangs.
7. Both bills fail to acknowledge the most notorious gang activity in the history of the state--the criminal actions of white supremacist groups such as the Klu Klux Klan and their

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progeny. Today such groups continue to terrorize North Carolina citizens with no fear of felony prosecution – an incredible oversight in 21st century North Carolina. We urge the legislature to show the same fervor for this brand of gang activity that it has for the racialized street gangs it seeks to criminalize and suppress. In short, along with balanced legislation about street gangs, we need a Hate Crimes bill that will classify as felonies actions such as hanging nooses and issuing threats against human rights activists.

Our 14-Point agenda that informs our position on the gang legislation is based on empirical data. It is a rational analysis of the issues that are important to our communities, not mere emotional or knee-jerk responses. We hope the members of the North Carolina Legislature will approach the gang legislation likewise. Something must be done about the gang problem. But the current legislation, which will have a disproportionate impact on African American and Hispanic youth, is too vaguely written, too draconian, and channels too much of our scarce resources into building prisons. To be really tough on crime is to enact measures that would protect more and more of our children from gang life.

We urge you to exercise your collective wisdom and far-sightedness in deliberating these gang bills. We pray you will resist the temptation to take the easy way out.

Sincerely,

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