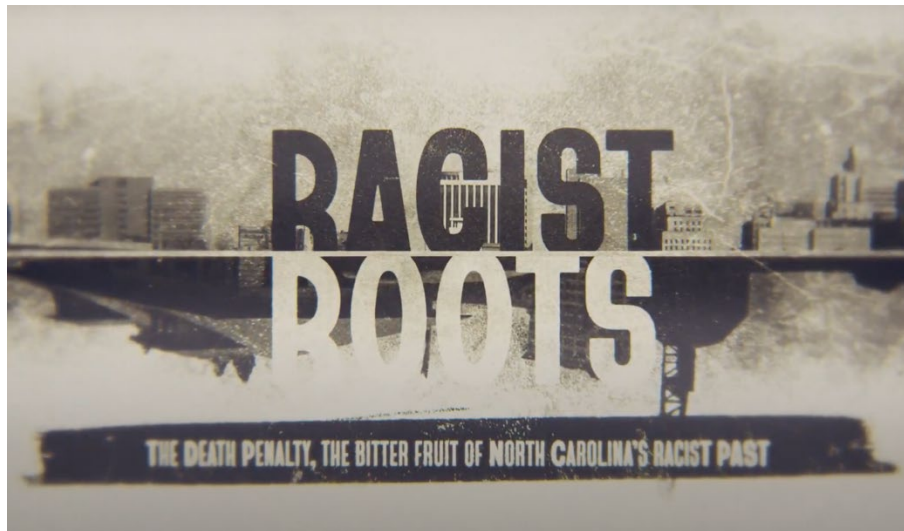


# Racist Roots: The Film



**Warning:** This film depicts images and stories of racist violence and lynchings.

In 2020, the Center for Death Penalty Litigation launched an ambitious project seeking to unearth the roots of the North Carolina death penalty, and the many ways in which it allows racism to flourish.

It's known that our modern criminal punishment system has racist outcomes. An epidemic of mass incarceration means one in three Black men will end up in prison in their lifetimes. But an often-overlooked piece in this discussion is the death penalty.



Henderson Hill, Founder & First Director of CDPL:

Having the death penalty makes every other form of violence possible, and palatable. So I think if you're going to get rid of Life Without Parole, if you're going to get rid of mandatory sentencing, you've got to take the big gorilla out of the room – and that's the death penalty.



Capital defense attorney and state Rep. Vernetta Alston reads a poem by Clint Smith:

I think of those sentenced to die  
by juries who looked nothing like them. I think of those sentenced to die  
who left their families behind. I think of those sentenced  
to die for something they were too young to understand.  
I think of those sentenced to die who did not do  
what they have been told they did. I think of all  
the ways this country failed them before they ended  
up in this room. I feel the hot rush of blood behind my  
ears, the shame of being alive in a room built to kill.

This is a painful history but one we must confront if we are ever to bring about justice. This is what we learned.



When the first English colonists came to the United States, the death penalty came with them. Under English common law, people could be executed for a long list of crimes including theft, arson, and assault. But when kidnapped Africans began arriving on these shores, the death penalty took on a whole new function – execution was a tool used to prevent resistance among enslaved people.

Laws evolved to justify their executions for any reason at all. For example, any act of self-defense by an enslaved person was punishable by death. At the same time, the law allowed an enslaver to use any form of brutality he wished. He could, and frequently did, beat, rape, or execute a person in front of a crowd with no fear of punishment.



In 1829, the North Carolina Supreme Court expressly condoned this violence when it ruled that enslavers could not be punished for crimes against enslaved people. “The power of the master must be absolute,” the court said, “to render the submission of the slave perfect.”

The man who wrote those words was Chief Justice Thomas Ruffin, a notoriously brutal enslaver. Until 2020, his life-sized portrait held the place of honor in the N.C. Supreme Court chambers, where every North Carolina death sentence is reviewed. Former Chief Justice Cheri L. Beasley, the first African American woman to hold this position, had to sit beneath it as she presided over the court.



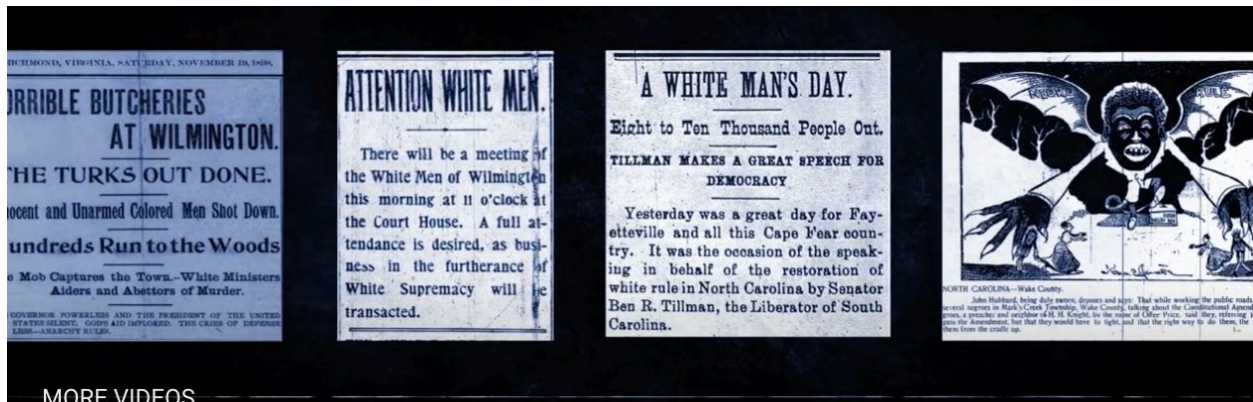
Now, think of the death penalty as a tree that grew from a seed planted in the soil of slavery. It found plentiful nourishment in the era of Jim Crow.



In 1863, Emancipation offered a brief moment of hope for enslaved people in America. As the war ended and Reconstruction began, it seemed that white supremacy might lose its grip on our young nation. In places like Wilmington, North Carolina, free Black people began to build political and economic power. By the late 1800s, Wilmington had a thriving Black business district, along with Black judges, police officers and journalists — as well as a multi-racial fusion government.



Some of North Carolina's white leaders were incensed at this display of Black political power. They began a propaganda campaign, designed to stir up fear of "Negro Rule." They invented an epidemic of interracial rape. In newspaper columns and cartoons, Black men were portrayed as sexual predators who, if not violently suppressed, would menace white women. On Nov. 10, 1898, a white mob massacred dozens of Black residents, torched a Black newspaper office, and drove Black elected officials from power in an orchestrated and successful coup.



The Wilmington massacre began an era of white supremacist rule in North Carolina that lasted until the Civil Rights Movement. This was the era of Jim Crow, when the death penalty matured into a sturdy tree.



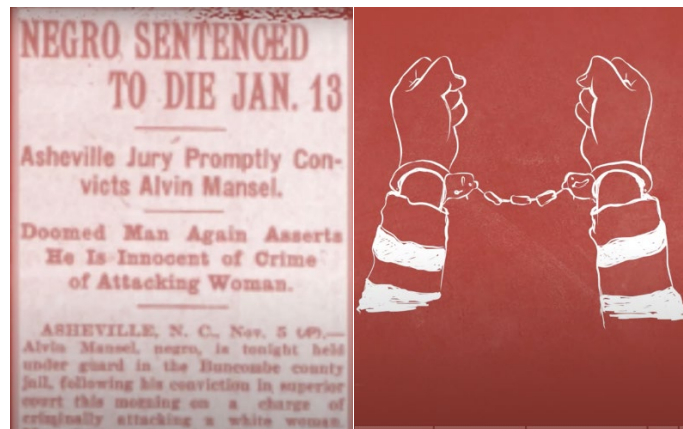
Told by UNC historian Seth Kotch:

It's 1925 on Sunset Mountain outside of Asheville, North Carolina in the western part of the state. There's a white woman selling flowers at a sanitarium, the kind of place a doctor might send you if you were having lung problems and needed to breathe some fresh mountain air.

Returning from her flower sales, this woman was raped. She reported her rape to sheriff deputies who showed up at the scene and she told them that the person who raped her was a “light-skinned, middle aged...black man.”

Not long thereafter sheriff deputies made their arrest - Alvin Mansell. He was dark-skinned, he had an alibi, and he was 17 years old. That night, a lynch mob attacked the jail in Asheville, trying to kill Mansell. But the sheriff deputies had taken him away and hid him from the mob. This was not uncommon in a state and in a time when a rape accusation by a white woman against a Black man could lead to exactly that result.

Mansell was returned to Asheville for his trial under the full guard by state militia, armed with bayoneted weapons. He was quickly tried and quickly given a death sentence.



But, after that sentence something unusual happened. Thousands of North Carolinians wrote to the governor, petitioning for the commutation or the pardon of Alvin Mansell.

He was clearly innocent, they argued. And this was an argument that was also made by the rape survivor who testified against him in his trial. But the message was an important one – the death penalty was rightly given they said to send a message to the Black people of the state of North Carolina but now this innocent boy should be let go. It took five years of Alvin Mansell living in a prison camp in Wake County, North Carolina until he was finally pardoned and released.



Alvin Mansell outlived a lynch attempt; he outlived a death penalty. But the system itself, that aimed to send a message with his death, remained.

Mansell left the prison camp where he was working in Wake County. He moved to South Carolina, the place of his birth, and then disappears for a time from the historic record. But later he turns up, living in a small community in Connecticut. His last listed employment is as a doorman at the United Nations building in Manhattan.

Alvin Mansell was an old man by the time I was living in Manhattan in the late 90s. But as a young person, living in that busy city, walking past the United Nations building, it's impossible for me to think that I might not have walked past Alvin Mansell.



The Jim Crow Era was also the era of lynching. The Equal Justice Initiative has documented 132 lynchings in North Carolina between 1877 and 1950, which is likely a vast undercount.



Lynchings were not secret crimes carried out in the dead of night. They were murders committed publicly by entire communities. In 1906, three Black men were dragged from a jail in Salisbury, North Carolina and murdered by “a mob of over 2000 determined men.” In the early 1900s, these public acts of racist violence began to tarnish North Carolina’s national reputation. Some political leaders and newspapers opined against them. The more civilized death penalty, they argued, should take the place of lynching.

Yet, the death penalty they supported was almost indistinguishable from lynching, used to punish black people for crimes against whites and carried out by white juries, judges and jailers. According to historian Seth Kotch, “There was no true due process, and no justice in those courtrooms. The death penalty was merely lynching by another name.”



During the first half of the 20<sup>th</sup> century, the state switched from hanging to the electric chair, to lethal gas. Executions moved from public hanging grounds to inside Raleigh’s Central Prison. Where once Black people gathered at executions to protest and pray, now the person being executed was frequently the only Black person in the room.

The sanitized process became more palatable to the public, but its racist nature remained unchanged. In a forest, the mother tree is the largest tree, nourishing and supporting the trees around it through an underground network. Lynching is the mother tree of the death penalty.

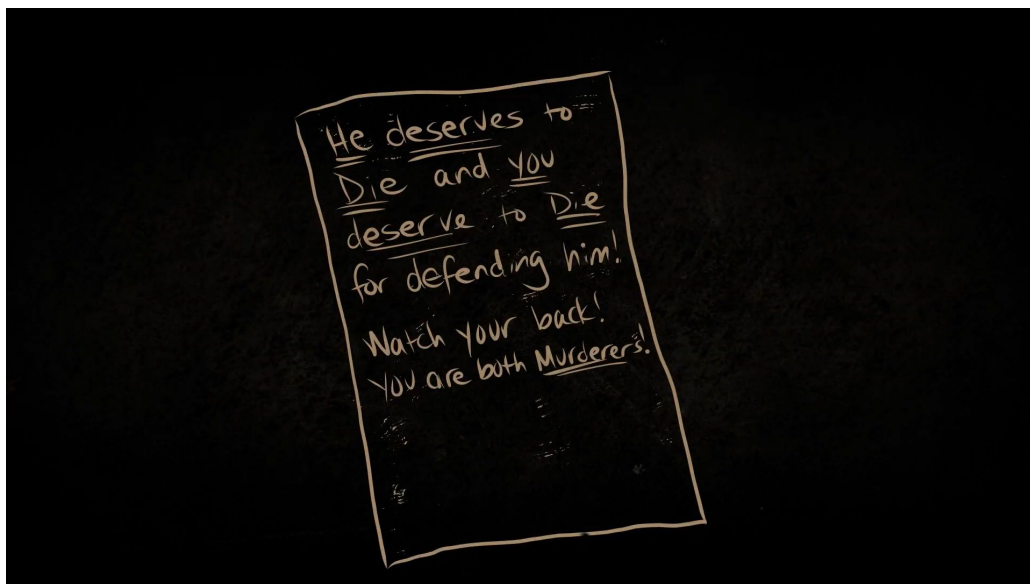




“He should be hanging from the nearest traffic light as a warning to the rest.”

This is one of the dozens of comments made about Andrew Ramseur, a Black teenager charged with the murders of two white people in Iredell County, North Carolina.

“Beast.” “Monkey.” “Filthy, feral animal.” Even his defense attorneys received death threats. Instead of condemning the racist furor, the prosecutor quickly vowed to seek the death penalty for Andrew, an impoverished teenager with no history of violence.



Despite the media frenzy, the judge refused to move the trial to another county so in a courthouse adorned with a Confederate monument where every lawyer, judge, and juror was white, Andrew was sentenced to death.

This trial might sound like something of the distant past, but it happened in 2010. Andrew Ramseur is among the newer residents of North Carolina’s death row, which in 2021 housed 135 people.

# DEEPER ROOTS

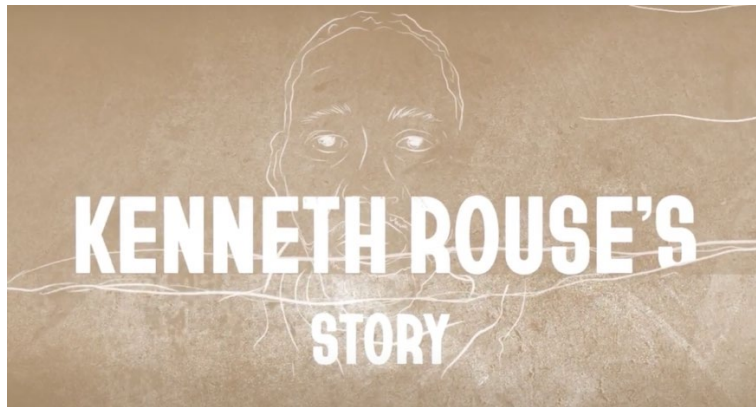
## MODERNIZING THE DEATH PENALTY

The modern death penalty began in 1972, when the United States Supreme Court ruled that the death penalty was as arbitrary as “being struck by lightning.” The decision forced states to write new death penalty statutes which were supposed to ensure that death sentences were imposed fairly and objectively, while taking into account the life circumstances of the defendant. But instead of uprooting the death penalty, the new laws allowed a racist institution to flourish with new growth.

In the 1980s and 90s, the criminal punishment system became a primary tool of white supremacy, casting Black males as violent predators and creating an epidemic of incarceration. The death penalty was quickly revived as the ultimate punishment in this new “Law and Order” regime. Even the Supreme Court acknowledged the modern death penalty’s connection to the lynchings of old. In a 1976 ruling that paved the way for this era, the court said the death penalty was still necessary to prevent “the seeds of anarchy, of self-help, vigilante justice, and lynch law.”

In North Carolina, the modern era delivered a fresh bounty of death sentences handed down by overwhelmingly white juries to impoverished defendants, the majority of whom were people of color. North Carolina became a national leader in its rate of death sentencing. Three quarters of the people on North Carolina’s death row today were sentenced in the 1990’s.





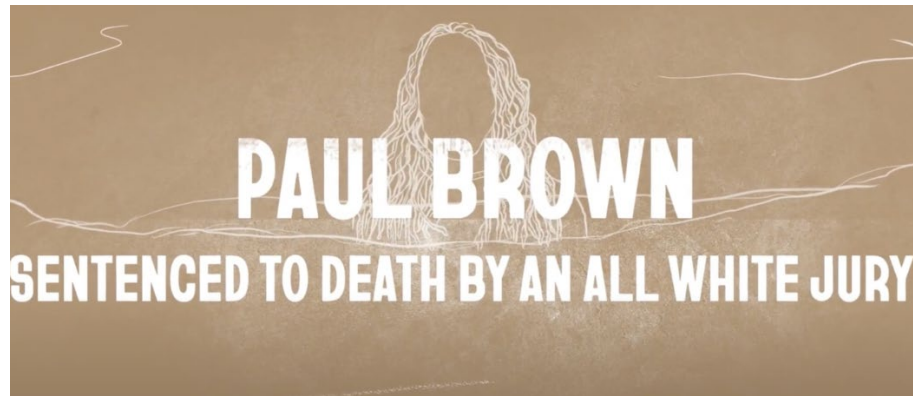
In 1992, an all-white jury sent Kenneth Rouse, who is Black, to death row for the murder and attempted rape of a white woman in Randolph County — where every one of the eleven death sentences handed down since the 1980s is for the killing of a white person.

Years after the trial, an investigator tracked down one of the jurors who voted for death, Joseph Baynard. Joseph Baynard spoke openly about his motives for serving on the jury. He admitted his bigotry and used slurs to refer to Black people. He said he supported the death penalty as a way to rid society of defective people. He said Black people did not care as much about living as white people and raped white women so they could brag to their friends.

This evidence of racism on Kenneth Rouse's jury has never been heard in court because his attorneys filed his appeal one day late.



The modern death penalty looked different from the past. Lynch mobs no longer crowded into courtrooms. Public hangings gave way to lethal injections carried out in prison chambers. Trials and appeals process got longer and more complex. Racism became more subtle and hidden. It often played out in the jury selection process and in the more severe punishments sought for crimes against white victims versus victims of color, rather than in the more obvious ways of the past. But these were mere fig leaves; they did not change the death penalty's racist roots.

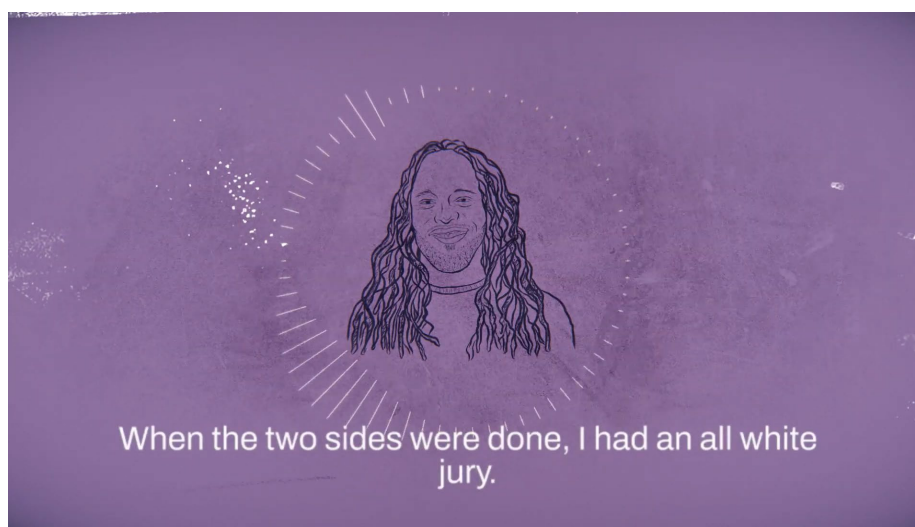


Paul Brown, a Black man on North Carolina's death row, reading from his essay "Death Qualified":

I was familiar with the folklore about all white juries in the American South. However, the thought hadn't occurred to me until I noticed the prosecutor's determination to get rid of all the Black jurors.

The original jury pool consisted of a large cross section of people from all walks of life, but that quickly changed. Some people of color disqualified themselves by admitting they were against the death penalty but there was still enough left that the prosecutor had to work to get rid of the rest. I saw his shoulders relax as each prospective juror of color left the courtroom.

When the two sides were done, I had an all-white jury. I wasn't necessarily bothered by that, but I kept waiting for one of them to look at me, the reason we were all here. They never did. To not have my existence acknowledged in any way made me feel like I was nothing at all. Maybe it's easier to sentence someone to death when you don't see them.



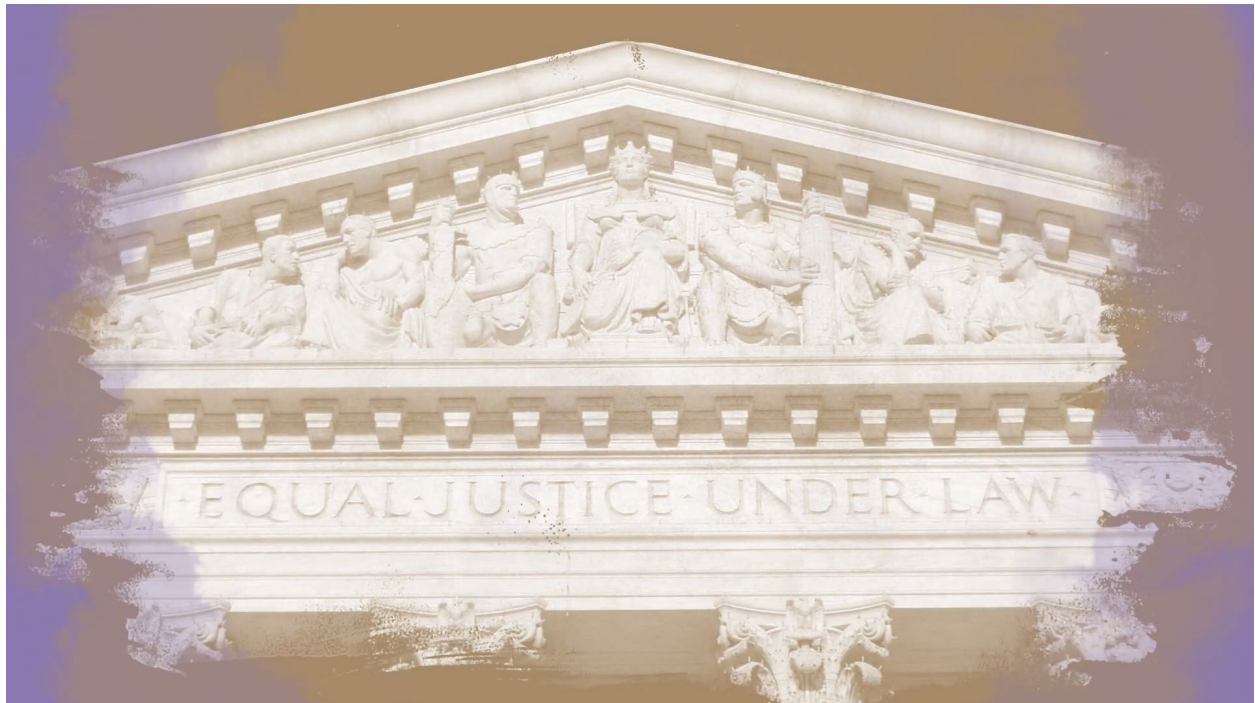


# STRANGE FRUIT

## AGE OF MASS INCARCERATION

Today, the death penalty makes a mockery of the Constitution's promise of "equal justice under law":

- People of color make up less than 30 percent of North Carolina's population but 60 percent of its death row.
- Nearly half the people on death row had an all-white jury or a jury with only a single person of color.
- Defendants are twice as likely to be sentenced to death if they're accused of killing a white person, rather than a person of color.
- Black defendants are far more likely to be wrongly convicted. Twelve people have been exonerated from North Carolina's death row since the 1970's. All but one were people of color.



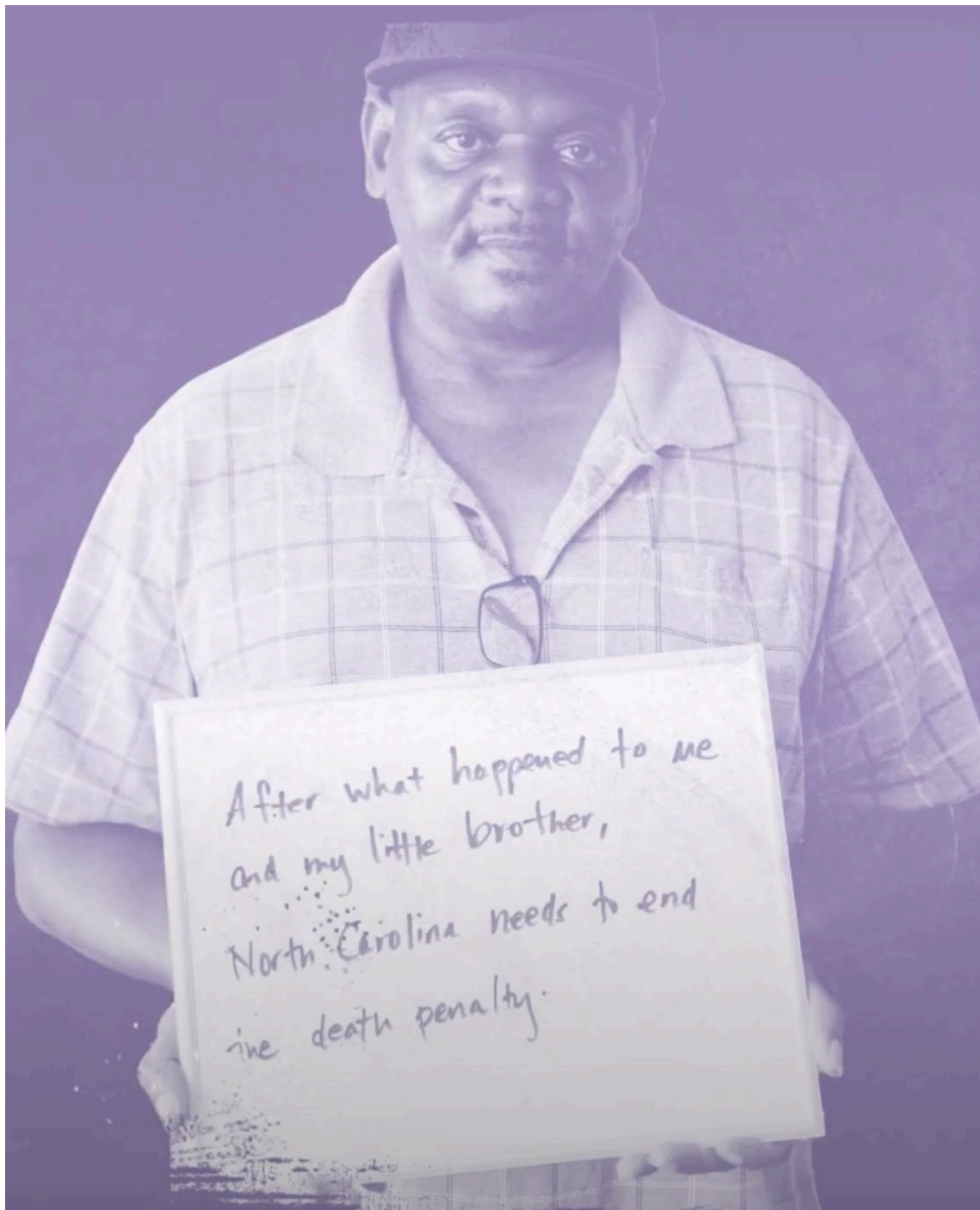
# HENRY MCCOLLUM AND LEON BROWN'S STORY

Henry McCollum and Leon Brown were exonerated in 2014, thirty years after being sentenced to death for the rape and murder of an 11-year-old girl named Sabrina Buie. Henry confessed after police held him in a room for hours without an attorney, threatening him and shouting racist taunts. He was 19 and had intellectual disabilities. The officers told him that once he signed the confession they'd written for him, he'd be allowed to go home, and he was naïve and vulnerable enough to believe them.

Henry implicated his 15-year-old brother Leon, who was even more profoundly intellectually disabled, and he quickly confessed as well. Almost immediately, the brothers tried to recant their confessions, but it was too late. They were sent to death row.



Their exoneration took decades and the intervention of the NC Innocence Inquiry Commission, which was able to reinvestigate the case and uncover buried evidence. Just by luck, they turned up a trace of DNA on a 30-year-old cigarette butt left at the crime scene. The DNA matched not Henry or Leon, but a man with prior rape and murder convictions who lived next door to where Sabrina Buie's body was found. In 2021, a jury awarded the brothers 75 million dollars for their years of wrongful incarceration.



*Henry McCollum*



# THE HARVEST

## TODAY'S DEATH PENALTY

Racist prosecutions, all-white juries, and wrongful convictions are not the result of a broken system. This system is operating exactly as it was designed. The death penalty today is the outgrowth of a criminal punishment system with deep racist roots.

North Carolina has not executed anyone since 2006 but it continues to house one of the largest death rows in the nation. The threat of execution is routinely used to pressure people accused of crimes into accepting sentences of life without parole and death penalty trials still happen regularly. In all these years of state-sponsored killing, North Carolina's leaders have rarely paused to consider whether a state that enslaved human beings, lynched people, let the Ku Klux Klan run rampant, and sent children to the execution chamber ought to have a death penalty at all.





# THE UPROOTING

## HISTORY OF RESISTANCE

North Carolina's history of racism is undeniable, but so is its history of resistance. As long as there has been a death penalty, people have been fighting to end it.



In the first half of the 20th century, journalists like Ida B. Wells brought attention to both lynchings and racist death sentences, while North Carolina activist Paul Green sought to build public sympathy for the human beings sentenced to death by telling their stories. During the Civil Rights era, Ella Baker, who grew up in Littleton, North Carolina said, “Until the killing of Black men, Black mothers’ sons, becomes as important to the rest of the country as the killing of a white mother’s sons, we who believe in freedom cannot rest.”



Today, people across North Carolina are following in those footsteps. Every day, activists, people of faith, formerly and sometimes currently incarcerated people, lawyers, politicians, journalists, artists, business leaders, and even those who have lost loved ones to murder, are raising their voices against the death penalty. They pushed for and passed the Racial Justice Act, which allows people on North Carolina's death row to unearth the racist roots of their death sentences.



Dawn Blagrove, Executive Director of Emancipate NC:

Every day, I work to be recognized as a person deserving of a life without fear that my country will kill me or my loved ones simply because we demand to be seen. And every day, pernicious stereotypes try to erase me.

Despite it all, I will never walk away from death penalty abolition work. I stand because, like all the Black women before me, I simply do not have a choice. I will continue to dismantle systems



designed to oppress my people. I will demand to be seen, heard and respected. I will not let the work of Black women be erased.

I am here. *We* are here.



Henderson Hill:

The death penalty's history is inseparable from our history of slavery, Jim Crow, and mass incarceration. Even as the numbers of death sentences and executions continue to decline, the death penalty remains a powerful symbol of white supremacy. When we open our eyes to the history of capital punishment, the conclusion becomes inescapable. The death penalty is one more Confederate monument that we must tear down.



Learn more at [racistroots.org](http://racistroots.org). CDPL's online project includes essays, poetry, artwork, commentary, and historical documents that place North Carolina's death penalty in the context of 400 years of history. It includes work by more than two dozen contributors, including nationally- known historians, advocates, artists, and people directly affected by the death penalty.

*CDPL is indebted to Professor Seth Kotch, and our many contributors, for the historical analysis in Racist Roots. The film, including original animation and music, was created in collaboration with the BIPOC-led graphic design studio Paper Plus Rocket.*