What Each Student Must Submit

By 11:59 pm on October 6th, you (each student) must submit 500 words on what you want to contribute to the debate. Some possible questions you can respond to as your contribution: What are the competing interests or obligations in this issue? How should the moral interests be weighed or understood? Based on your position, what is the most challenging aspect of resolving these ethical problems? What is a problem with one of the opposing views? Which of the available options will best promote the interests of oppressed groups or individuals? Your analysis should focus on ethical issues. Individually and as a team, your arguments should be primarily about justice problems related to racial bias, not about wider ethical objections to the death penalty generally. Do not attempt to answer all of the above questions in your paper. Focus on one particular aspect of the case that you will present with your team. **Your contribution should be from the viewpoint of your assigned position**. In other words, if you are against the RJA in all forms, then your 500 words should be a reflection on the debate from the perspective of someone who has the interests of an RJA opponent. Depth and thoughtfulness are more important than breadth. **You should incorporate at least one of the readings assigned for the debate** (though you need to read *all* of the materials):

> "Fears about North Carolina's Racial Justice Act Debated" by Craig Jarvis
>
> > (http://www.newsobserver.com/2011/12/24/1731313/racial-act-fears-debated.html)
>
> "Bias Law Used to Move a Man Off Death Row" by Campbell Robertson
>
> > (http://www.nytimes.com/2012/04/21/us/north-carolina-law-used-to-set-aside-a-death-sentence.html?pagewanted=1&_r=3)
>
> "'Racial Justice Act' Repealed in North Carolina" by Matt Smith
>
> > (http://www.cnn.com/2013/06/20/justice/north-carolina-death-penalty)

On your paper, include your name and your team assignment (e.g.: Jack Schmack, Side B). Submit to Blackboard SafeAssign.

What Each Group Needs to Do

Before the debate begins, you will have some class time to strategize with your teammates. You should put together a coherent and compelling argument that reflects your interests in the issues at hand and responds to the debate questions (see below). If some members of the team

want to "go rogue" and disagree with the majority opinion, that is fine. However, everyone must provide arguments from their assigned standpoint. Keep in mind that when a team has numerous rogues, it will be increasingly difficult to present a coherent argument together. So do your best to accommodate the various concerns that people have to form a unified argument that you can present together. Without a minimally coherent argument, you cannot hope to hold much sway in this debate.

You have some flexibility in how you flesh out your position. There are several philosophical approaches and commitments that people from each side could have regarding the Racial Justice Act (RJA).

Format

After the teams have had 20 minutes to form a team strategy, the debate will open with each team providing an overview of their argument for 3-5 minutes.

The moderator (Laura GG) will then ask each of the below questions. After each question, the teams will take turns providing a response. After a team responds to the question, the other two teams should provide a rebuttal to the team's answer.

The debate will close with the teams trying to find at least minimal agreement on what responsibilities there are in curbing racial bias in the local criminal justice system.

What Will Be Debated

The Racial Justice Act (RJA) is meant to reverse racially biased sentences for death-row inmates in the state of North Carolina, where there have been many concerns raised over the years about how non-white convicts have been treated by the criminal justice system. The RJA makes it possible for convicts on death-row to have their sentence commuted to life in prison without parole. Proponents of the RJA argue that this sort of legislation is needed, given the state's long history of potentially unjust executions of non-white convicts. A bill was introduced to modify

the RJA so as to limit its scope. Based on this bill, an inmate would need to provide "smoking gun" evidence of racial bias at his/her hearing; for example, there would need to be clear evidence of a prosecutor's racist comment or membership in a racist organization. Only after this evidence was presented and deemed acceptable could the inmate bring forward statistical evidence of racial bias in sentencing. Opponents to the RJA (in all forms) argue that it does not promote racial justice in the courtroom or reverse racial discrimination in sentencing.

Questions

1. What are the systemic or institutional issues that the RJA is trying to address and ameliorate? Is it possible for this type of legislation to address those issues?

2. If legislators decided to keep some form of the RJA, which version is morally preferable (the unmodified version or the "smoking gun" version)? Why?

3. Could the RJA, in either its unmodified or modified form, promote more awareness of racial bias in criminal trials, so jurors are encouraged to at least "take pause" before sentencing a non-white convict to death row? In other words, could the RJA bring about morally desired outcomes in *preventing* racial bias in sentencing in the state? If so, does one version of the RJA have greater potential to achieve these outcomes?

4. How should jurors and prosecutors view their responsibilities when it comes to recommending the death sentence for non-white convicts, especially in a state with a history of racial discrimination? (Assume, for the sake of this question, that the state will stand by capital punishment as a morally justified option in certain cases.)

Groups

Side A: For unmodified RJA

Abdallah, Farah
Arroyo, Ava
Baez, Alejandra
Blakeway-Phillips, Bella
Byrd, Giacobbe
Chavez, Michelyne
Ciesemier, Kendall
Collins, William
Dandoy, Lorea
De La Paz, Richard

Side C: Against the RJA in all forms

Peisch, Stella
Regan, Heather
Riggins, Elizabeth
Schafer, Luke
Shiu, Kristen
Tersy, Marisa
Thompson, Kate
Trefny, Elizabeth
Vicas, Alexander
Willits, Claire

Side B: For "smoking gun" version of RJA

Douglass, Kathryn
Germovic, Mirza
Hanlon, Kyra
Hopp-Storey, Maddie
Horne, Brittany
Kenslea, Timothy
Landegger, Montana
Laughlin, Peter
Link, Allison
Mannix, John