



NAACP LEGAL DEFENSE  
AND EDUCATIONAL FUND, INC.

Regional Office  
Suite 301  
1275 K Street, NW  
Washington, DC 20005 (202) 682-1300 Fax: (202) 682-1312

September 12, 1990

Rep. Ronald V. Dellums  
U.S. House of Representatives  
2136 Rayburn HOB  
Washington, DC 20515

Dear Congressman Dellums:

I deeply regret that we were not able to meet for the specific purpose of discussing two extraordinarily important matters that will be voted upon as part of the House's consideration of H.R. 5269, the omnibus crime bill. It will take exceptionally effective and immediate efforts to ensure the passage of these two parts of the legislation, both of which were approved by the House Judiciary Committee. I am writing to urge each of you to take a leadership role in this effort.

We are deeply committed to the passage of these provisions, i.e., the Racial Justice Act (Title XVIII) and Habeas Corpus Reform (Title XIII), because they are designed to eliminate the insidious and intolerable influence of racial bias in capital sentencing proceedings and to ensure that an appropriate balance is struck in such proceedings between the government's interest in finality and the individual's interest in a fair and reliable determination of guilt and the appropriateness of the death sentence.

In view of this year's report from the General Accounting Office, there can no longer be any legitimate doubt about the fact that racial bias does continue to influence the imposition of the death sentence, even under modern-era versions of death penalty statutes. This reality must be dealt with through legal remedies designed to expose and exclude the influence of racial bias. The Racial Justice Act provides such a remedy. Indeed, it would provide the same vehicle in capital cases that we have trusted in other contexts, such as employment and voting, to eliminate discrimination fairly and effectively. Enactment of the remedy in the present context should not even be controversial, but there are many who believe that the death penalty should be imposed and carried out no matter what the costs are to the goal of eradicating race discrimination from governmental action. Thus, we must speak with one voice against the intrusion of racial bias in death penalty cases. The Racial Justice Act provides the means with which we can speak.

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The NAACP Legal Defense & Educational Fund, Inc. (LDF) is not part of the National Association for the Advancement of Colored People (NAACP) although LDF was founded by the NAACP and shares its commitment to equal rights. LDF has had for over 30 years a separate Board, program, staff, office and budget.

<i>National Office</i>	<i>Regional Office</i>
Suite 1600	Suite 800
99 Hudson Street	634 S. Spring Street
New York, NY 10013	Los Angeles, CA 90014
(212) 219-1900	(213) 624-2405
Fax: (212) 226-7592	Fax: (213) 624-0075

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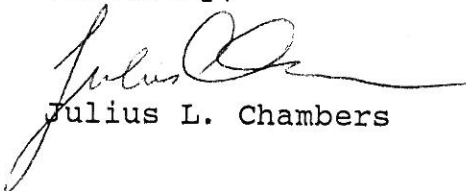
Similarly, enactment of the habeas corpus reforms proposed under Title XIII should be vital to us all. Access to the writ of habeas corpus in capital cases is not just a criminal law issue; it is a civil rights issue. There is no doubt that indigent minorities bear the brunt of the counsel crisis on death row and are the most frequent victims of police and prosecutorial misconduct in these cases. The habeas corpus reforms proposed in Title XIII would provide for greater fairness to these individuals, by preventing the courts from ignoring or treating as "technicalities" the constitutional rights which safeguard fairness and reliability in capital trials. Indeed, without habeas corpus reform, enactment of the Racial Justice Act may prove a hollow gesture, for the doors to the federal court house may well be closed to persons sentenced to death by the States. Title XIII strikes an appropriate balance between the government's legitimate interest in finality in a capital punishment system and the interest in sufficient fairness to enable us to have confidence that a mistake has not been made.

We strongly support these measures and oppose any efforts to strike these provisions on the House floor. We feverently hope that each of you will also lend your support.

To help lead the effort to pass these components of the crime bill, I have enclosed some briefing materials: memoranda discussing the major provisions of the Racial Justice Act and the Habeas Corpus Reform bill as voted out of the House Judiciary Committee and a question/answer sheet on habeas corpus reform. Tomorrow, I will arrange to have provided to you a briefing packet on the Racial Justice Act.

Thanks again for your heroic efforts in support of the Civil Rights Act of 1990. We hope that you will do the same for the Racial Justice Act and Habeas Corpus Reform.

Sincerely,



Julius L. Chambers