

Statement in Support of NC CRED Campaign to Remove Confederate Monuments from Courthouses NC Racial Equity Network*

The North Carolina Racial Equity Network (NC REN), a legal education program supporting a network of public defense attorneys committed to addressing racial equity in the criminal justice system, supports the [campaign](#) by the North Carolina Commission on Racial and Ethnic Disparities in the Criminal Justice System (NC CRED) to remove Confederate monuments from North Carolina courthouses.

The United States Supreme Court has acknowledged that “racial bias [is] a familiar and recurring evil that, if left unaddressed, would risk systemic injury to the administration of justice.” *Pena-Rodriguez v. Colorado*, 580 U.S. ___ (2017). Taking steps to address racial bias ensures “that our legal system is capable of coming ever closer to the promise of equal treatment under the law that is so central to a functioning democracy.” *Id.*

North Carolina courts have recognized “that the judicial system of a democratic society must operate evenhandedly if it is to command the respect and support of those subject to its jurisdiction.” *State v. Cofield*, 320 N.C. 297, 302 (1987). Not only must our system of justice operate fairly, “[i]t must also be *perceived* to operate evenhandedly.” *Id.* (emphasis in original). The very architecture of a courthouse makes it “an icon of democracy and stability.” Ava Barlow, [Monuments to Democracy](#), N.C. Administrative Office of the Courts.

We believe that Confederate monuments at North Carolina courthouses are inconsistent with these principles. See, e.g., [Press Release of N.C. Judicial Branch](#) (Dec. 22, 2020) (announcing removal from N.C. Supreme Court courtroom of portrait of Chief Justice Ruffin, who authored opinions defending institution of slavery); [Order and Memorandum of Judge Martin F. Clark, Jr.](#) (Va. Cir. Ct., Patrick County, Sept. 1, 2015) (“The courtroom should be a place that every litigant and spectator finds fair and utterly neutral . . . [T]he portrait of a uniformed Confederate general . . . does not comport with that essential standard.”); [Letter and Order of Judge Timothy K. Sanner](#) (Va. Cir. Ct., Louisa County, Sept. 10, 2020) (concluding that a portrait of Robert E. Lee “may impair the fair administration of justice”).

Our work has provided us with an understanding of the critical importance of advancing racial equity in the justice system, including building trust among all North Carolinians. See, e.g., North Carolina Commission on the Administration of Law and Justice, [Public Trust and Confidence in North Carolina State Courts](#) (Dec. 15, 2015) (reporting that confidence in North Carolina courts varied with race of person surveyed). At the least, Confederate monuments evoke historical eras characterized by slavery and racial oppression. Their presence at courthouses, “the very place where the injured fly for justice,”¹ undermines public perceptions of fairness and creates an appearance of racial bias, impeding fulfillment of the promise of equal justice under the law. Removing Confederate monuments will not end racial inequities in our justice system. It is important, however, to address both symbols and practices that are inconsistent with justice for all.

* NC REN is a project of the Public Defense Education Group at the UNC School of Government. The views expressed in this statement do not necessarily represent the views or opinions of the School of Government.

¹ “A swallow had built her nest under the eaves of a Court of Justice. Before her young ones could fly, a serpent gliding out of his hole ate them all up. When the poor bird returned to her nest and found it empty, she began a pitiable wailing. A neighbor suggested, by way of comfort, that she was not the first bird who had lost her young. ‘True,’ she replied, ‘but it is not only my little ones that I mourn but that I should have been wronged in that very place where the injured fly for justice.’” Aesop, Fables.