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Shame on North Carolina

Michael Sean Winters | Aug. 13, 2013 Distinctly Catholic

North Carolina?s Governor Pat McCrory signed a new law yesterday that aims to, well, that is the issue. The stated aim of the law is to minimize voter fraud but the real aim of the law is to depress turnout among poor folk, especially minority voters, and thus keep the GOP in the ascendant in the Tar Heel State.

It is usually wrong to guess another person?s motives but it is not wrong to determine them. An historian would not be much of an historian if she did not search for the clues as to why a person did this or why another person refused to do that. Those clues become evidentiary and when there are enough of them, one can make a determination, something stronger than a guess, about a person?s motives. In the case of the North Carolina law, and others like it, the law itself is the evidence.

To be clear, there is ample evidence, throughout the country, that voter fraud is not a problem. So, in the first place, the stated aim of these laws is to address a problem that does not exist. That is Exhibit A.

Second, these new laws contain provisions that have nothing to do with eliminating voter fraud. For example, early voting days are restricted and early voting on Sunday is banned. Do people who vote on Sunday have a disproportionate propensity to commit voter fraud? No, people who vote on Sunday in North Carolina tend to be those coming straight from church, and a disproportionate number of the people coming from church are African-Americans, and a disproportionate number of African-Americans vote for Democrats. Exhibit B.

Third, the law makes it easier for poll watchers to challenge a voter?s eligibility. Poll watchers are people who are not employed by the state or local elections board but who work for one of the two parties or a given candidate. They have no mandate to ensure fairness, they have a mandate to help their side win. The late Chief Justice William Rehnquist got his start in politics standing outside polling precincts and intimidating minority voters ? ?Have you paid you rent this month?? is the kind of question asked to frighten poorer voters - so this phenomenon has a long, ugly history, part of the legacy of Jim Crow that survived as an attitude after the Civil Rights laws of the 1960s dismantled the legal architecture that kept blacks from the polls. Exhibit C.

Many states require a government issued voter I.D. and now North Carolina does too. A clear majority of voters support such a requirement. But, as someone who does not have a car, I am not sure why I should renew my driver?s license. Regrettably, I am no longer ?carded? when I purchase liquor or order a drink. Here in Maryland, for understandable reasons, the location of Motor Vehicle Administration offices, where one can procure a driver?s license, are not found in poor neighborhoods where people take the bus but in places that are convenient for motorists. Getting to our local MVA by public transportation really is a challenge, setting aside the need to get a birth certificate and other forms of identification in order to get the driver?s license. People who take the bus at 6 a.m. to be at work at 7 a.m. can?t just take a day off to go get a license. But, beyond all this, there is this curious fact: Students who attend state universities in North Carolina are issued, by that state university, a student I.D. The new law will not accept it. Exhibit D.

I am not only distressed by these laws. I am deeply distressed that my conservative friends who should know better have failed to speak up against these laws. There are plenty of notable conservative legal scholars from whom not a peep. Think tanks ? real think tanks like the Hoover Institution ? have not stepped up to the plate. Not a word from the USCCB either. And, liberals were so thrilled about the same-sex marriage rulings by the Court, and the media grasped that there is nothing as sexy as sex, so the left and the press did not really focus on the truly significant decision that last week of the term, the decision to overturn Section V of the Voting Rights Act which required pre-clearance from the U.S. Department of Justice for the kinds of changes enacted yesterday in North Carolina.

The right to life is more foundational morally than the right to vote, but constitutionally they are both necessary rights in the building blocks of democracy. These laws are obnoxious to our nation?s proud history of finally, after much struggle, guaranteeing the right of black citizens to vote. That this law is signed a few weeks before the 50th anniversary of Dr. King?s ?I have a Dream? speech is ironic, and not in a good way. King?s dream of equality is threatened again. In 1963, there were plenty of conservative Americans who were willing to stand with King, including many Catholic prelates. I hope that in the weeks and months ahead, my conservative friends will find it in their hearts and minds to speak out against these dreadful voting laws.

The Republican Party likes to talk about American exceptionalism, but they seem not to recognize one of our most exceptional historical achievements. Within a couple of decades, the legal architecture of Jim Crow, which kept hundreds of thousands of fellow citizens under heel, was overturned, overturned by the courts, overturned by the voters, overturned by a President, Lyndon Johnson, who knew the electrifying effect of his drawling the words ?We shall overcome? in a speech before Congress. The overturning of Jim Crow did not issue in a totally just society, but it did issue in a significantly more just society. And, it did so with relatively little violence compared to history or other countries facing similar racial struggles. Now, for the basest of reasons, that exceptional achievement is threatened. Republicans should be ashamed. Conservative intellectuals who keep quiet should also be ashamed. And liberals who do not send a check to a v oter registration drive should also be ashamed. But, no one should be as ashamed today as the State of North Carolina.

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