

Ep. 112 Fragile Democracy: Race and Voting Rights in North Carolina

Judith Kelley [00:00:01] In a more recent elections, North Carolina has become more of a battleground state. And we've seen that not just on Election Day, but also in between elections, as we have had issues around the way districts are drawn. We've had voters become more mobilized in speaking up around various laws in North Carolina that guide our voting processes. We had some really contested issues in the 2018 election around a mail in ballot issue in the 9th District, etc.. And so, as we're looking towards elections in the future, we're clearly concerned. But my guest today suggests that we really should be also looking to the past to understand what really is at the root between this tug of war of voter rights and all the different ways that voting rights have intersected with issues of poverty and race in our states and continue to do so. I'm your host Judith Kelley and this is Policy 360. And here to weigh in and answer some of the questions around these issues and how they might impact elections in North Carolina, we have Jim Leloudis, who is a professor of history at UNC Chapel Hill. And Bob Korstad, who is a professor of public policy here at Duke Sanford School of Public Policy. And Jim and Bob are coauthors of a recently released book called Fragile Democracy the Struggle over Race and Voting Rights in North Carolina, which has just been released by UNC press. So welcome, Jim and Bob.

Jim Leloudis [00:01:40] It's great to be here.

Bob Korstad [00:01:41] Thanks Judith.

Judith Kelley [00:01:42] Bob, why is your book called Fragile Democracy? What makes this democracy so fragile?

Bob Korstad [00:01:49] Thanks Judith. I think the kind of larger issue is that over the last hundred and fifty plus years since the end of the Civil War and the period of reconstruction, North Carolina has really been in a battle between forces that have been trying to expand the democracy that we have in this country and forces that have been trying to rein that in. We've gone through cycles of struggle over this longer period of time in which these forces have kind of competed with each other. You have moments like right after this, the civil war in which is a period of what we call emancipatory politics in which the electorate broadens. In that particular time, Black men were given the vote in North Carolina. And it coincides with very progressive social welfare programs as a rule. Then you have periods of contraction in which conservatives of different stripes attempt to tighten up the electorate, reduce spending on social welfare programs and we've really been in a series of cycles like that for the last hundred and fifty years. And, you know, what we're seeing today is is another moment in that. And so the kind of democracy that we're trying to have been trying to create in this state is really, in some ways always been in the balance. There's always something that's been contested and being fought over. And so that's one of the reasons we we titled the book Fragile Democracy.

Judith Kelley [00:03:31] So, Jim, what Bob is talking about really is some of the larger forces and and voting rights and the back and forth between the different parties. But what if we just look at the actual electoral process, if we start to think about different kinds of shenanigans that might have gone on over the decade? So I've you know, I have myself I happen to have written a book about election monitoring. And so I'm always keen to understand some of the different things that might have been going on. So could you share a little bit like from different times of history here in North Carolina? What kinds of tricks have been pulled to manipulate the vote?

Jim Leloudis [00:04:16] Well, thanks to that, Judith, you know, North Carolina is today a battleground state that plays an important role in determining the national outcome of elections. And part of the story we tell is of North Carolina being that kind of purple state all the way back to the time of emancipation. We were a little surprised when we began doing this research, looking at the fusion election law of 1895. That word Fusion refers to a bi racial coalition of Black Republicans and white populists that won control of the state legislature in 1894, and then the legislature and the governor's office in 1896. And in 1895, they revised state election law and created what other historians have described as the most democratic state government with a little D in the South. And they're remarkable things there, like a requirement that employers give workers time off to register and vote. In 1895, they required campaign finance reporting. There were provisions to protect voters from intimidation and obstruction at the polls. So in all those ways opening up the franchise and ensuring that as the Constitution of North Carolina required, that elections were free and open.

Judith Kelley [00:05:41] These were good things that were done!

Jim Leloudis [00:05:42] These were good things and in the white supremacy campaigns that followed in order to win passage of a disfranchisement amendment in 1899, a white supremacist Democratic legislature reversed all of those reforms, completely purge the voting rolls, required everyone to register anew and did away with all the provisions I've just described. What's quite remarkable is if you now jump to House bill five eighty nine in 2013, you see in that bill striking mirror images or echoes of that eighteen ninety nine highly restrictive voting law. It's quite remarkable the continuity across...

Judith Kelley [00:06:30] So, some of the things that were done in the state when they had to reregister, et cetera, et cetera, was various requirements that were introduced. Like how it was determined whether or not you were allowed to register. Can you talk a little bit about some of these kinds of tricks that were that were used?

Jim Leloudis [00:06:48] Sure. In the case of voting challenges, for example, an important issue for us today, the law was changed by these white supremacist Democrats to put the burden of proof on the challenged voter, not on the challenger. We saw something very close to that in House Bill five eighty nine. There's a wonderful quotation that comes from a Black businessman and civil rights activist in Winston-Salem. And Bob's written some about his story who who observed that when you get one achievement, the white man turns to a new trick. And that certainly is the history. In the years after World War Two, as we saw, increasing Black voter participation. So to make it much harder for Black candidates to win the legislature in the 50s and 60s transformed local municipal and city government to go from ward systems to at large systems. They introduced in the legislature multimember at large elections which just mathematically you're going to disadvantage any minority candidate. And then on top of that, in those multimember districts, created numbered seat plans that as you might have five seats in a multimember election, each one of those seats would be an independent election on the ballot. So that gave Democratic Party captains the ability to ensure that any Black candidate was put up, you know, one to one against the various strongest white candidate. It's really quite remarkable that creativity and all of that.

Bob Korstad [00:08:27] There's very little that people who are trying to suppress the vote are doing that's new. If you look in at Georgia and North Carolina and other places in the United States, whether it's purging the voter registration rolls, whether it's different forms of gerrymandering that's going on, whether it's only having a limited number of places for

people to register or or places to vote. So I think that one of the reasons to study that and understand this history is to get an appreciation for the way that manipulation of voting has a long history in North Carolina.

Judith Kelley [00:09:08] So, Bob. When Jim was talking, he was saying that Democrats were trying to essentially be creative in different ways to restrict access to the vote, and and nowadays we tend to think about Democrats as wanting to enlarge the franchise, increase voter turnout. Democrats, usually the ones that are arguing, we don't need a photo I.D., we should have more early voting. So, so Bob, why was why was Jim talking about the Democrats doing that?

Bob Korstad [00:09:42] In the late 19th and early 20th century, the Conservative Party in North Carolina was the Democratic Party and the Progressive Party was the Republican Party, the party of Lincoln. And so at least through the 1960s, the Democratic Party was the party of white supremacy in North Carolina. It was a party that put in disenfranchisement laws that kept African-Americans from voting. And that began to change once African-Americans who had long supported the party of Lincoln, the Republican Party by the 1930s, realized that the power in a one party state controlled by white Democrats was in the Democratic Party and started to really try to work on the margins of the Democratic Party to access political power. That continued to the 1940s, 1950s into the 1960s, to the point where in the aftermath of the voting rights law and the civil rights movement, the Democratic Party became increasingly identified with African-American voters, or at least in part. And what happened is that over a period of time, white conservatives in North Carolina abandoned the Democratic Party for the Republican Party, which they re-created, for all intents and purposes, as a new white man's party, white woman's party, too, so that we end up in two thousand and twenty with things really turned upside down from what they were one hundred years ago, hundred and twenty years ago. So that now the Conservative Party in North Carolina is Republican and the Progressive Party in North Carolina, Democratic.

Judith Kelley [00:11:33] Thanks, Bob. So, Jim, let's rewind that. Those hundred twenty years that Bob is talking about. There were some events in Wilmington, in North Carolina. Around the turn of the 20th century. Can you describe what those events were? And why were they so important for the coming decades?

Jim Leloudis [00:11:48] Right. Well, you know, it used to be that people referred to it as the Wilmington race riot. It's much better understood as the Wilmington coup and it made clear just how far white supremacists were willing to go in in unseating that that Black, white biracial alliance. Wilmington had a bi racial government. And in the run up to the election of 1898, the Democratic Party organized squads of vigilantes called Red Shirts, basically the latter day Klan to intimidate voters. And in Wilmington, there was, in fact, a planned, well orchestrated coup two days after the election in which armed whites rose up, marauded through Black neighborhoods, burned down the press office of Wilmington's Black newspaper, killed as many as 30 people, unseated the elected city government and also drove into exile hundreds of Black Wilmitonians. It was a kind of startling example of the centrality of violence to the, to the racial politics of voting.

Judith Kelley [00:13:08] And your book has, I think, has a photograph of like a souvenir postcard that was even made of the event afterwards.

Jim Leloudis [00:13:16] That that always startles students when they see this. There was such pride in this event. In the days after, there was a state wide celebration of what white

supremacist Democrats called, you know, a glorious victory. And so there is this we do have in the archives this remarkable postcard of local photographer made postcards you could buy one and send to your friends.

Judith Kelley [00:13:41] Yeah. Now, Bob, also in the archives, I mean, your book has some wonderful archival material, and you've also created a Web site that people can access these things on and we'll make that available. But also in these archives, there is something that really made me sort of stop dead in my tracks when I was reading through it. And it's this it's almost looks like a little ribbon you can you can pin on your shirt and it's it's white and blue and it says North Carolina redeemed November eight, 1898. And it's called the Democratic Souvenir Badge. And it's got a photo of someone in the center and on top, it says, stitched into this ribbon, it says white supremacy on the top and it really struck me, because I think we tend to think of using the terms white supremacy to describe a period of time and a phenomena that's played out in our country. But this was like an explicit campaign slogan, like this was acknowledged like we are supreme. We are white we are white supremacists. And that was a good thing, that was marketable. So, Bob, can you talk a little bit about the sentiment underneath that and how race really was so deeply interwoven with these political forces? I mean, you discuss how disenfranchizing minority voters is motivated not simply by skin color, but also by the desire to break up these progressive alliances that transcend race and ethnicity and class. But on the other hand, it was so it was so racial as well. Can you speak a little bit to this?

Bob Korstad [00:15:35] Alright. So the the white supremacy campaign of the late 1890's in North Carolina was an ideology and articulation on the part of white men that they were the rulers of society. They were at the top of the social hierarchy. Certainly, they believed in the inferiority of African-Americans, as did large numbers of white people. But white supremacist also was a tactic to try to win back the loyalty of white populists who had deserted the Democratic Party for the populist party, had made alliances with Black and white Republicans. And so I think it's really important to understand it not just as an articulation of racial animosity and racism, but as a tactic and a strategy that we see at play in the United States today to try to divide and to keep these these kind of more natural economic policy based alliances from emerging. In North Carolina, the Democrat, in in many towns in North Carolina, the Democratic Party changed its name legally to the white man's party in Winston-Salem and Durham and Raleigh and other places.

Judith Kelley [00:17:00] The white mans party.

Bob Korstad [00:17:02] The white man's party, because women obviously couldn't vote at that point.

Judith Kelley [00:17:09] And and and as a quick aside, right, North Carolina didn't ratify the 19th Amendment until when Bob?

Bob Korstad [00:17:16] 1971.

Judith Kelley [00:17:17] 1971.

Bob Korstad [00:17:19] Right. We were one of the last. So that badge you're talking about, which Jim alluded to a little earlier, was a (unintelligible) articulation of that, this kind of glorious victory of white supremacy. And people were, you know, they weren't ashamed to to talk about it in those terms. And in fact, that language would figure prominently in lots of Democratic Party debate and discussion well into the 20th century. One of our

colleagues, Gene Nichol, who's a law professor at UNC, has written a really insightful book called *Indecent Assembly* about the recent General Assembly and the Republican Party in North Carolina and the General Assembly is all all white, largely male. Not entirely. And Gene very clearly calls this the the White People's Party and drawing the parallels between the late 19th century and the present.

Judith Kelley [00:18:24] Jim, who is the gentleman in the photo?

Jim Leloudis [00:18:26] The medallion in the middle of that badge? That is Julian Carr, who, of course, has garnered lots of attention at Duke and UNC in the recent days, you know, I'd add a couple of observations. First of all, I mean, one of the central points of this book is that, you know, we need to understand white supremacy, Jim Crow, not simply as matters of prejudice and discrimination. Jim Crow, as a system created by the white supremacy movement, it was and in its kind of legacies today, it was fundamentally a system of power. And if we may borrow a word from Ta-Nehisi Coates, a system of power and plunder that burdened this state and other Southern states with one party government with deep poverty, you know, a system that immiserated obviously large the entire Black population and large numbers of whites as well. The other thing that I think's important here is to recognize that this isn't just a North Carolina story. It's not just a Southern story. It's an American story. This vision of a white America is one that Woodrow Wilson took with him to the White House when he forced segregation on the federal bureaucracy. It was a vision of the nation the D.W. Griffith celebrated in *The Klansman* based on those books by Reconstruction Era novels by Thomas Dixon. It was a part, a central part of a kind of national reconciliation around whiteness and the shared privileges of racial identity. So this is very much a national story, not just of regional or state stories.

Judith Kelley [00:20:24] Right. And Bob, Jim talks about the deep poverty and the system of plunder, really. And so you and I are both at The Sanford School of Public Policy and your book, your book does obviously touch on Governor Terry Sanford and his role as well. Can you comment just a little bit, Bob, on how he features in your book and in this story?

Bob Korstad [00:20:49] Terry Sanford is a really important part of the story of fragile democracy. And it really begins in 1960 with his campaign for governor in which Terry ran as a moderate against an arch segregation's conservative I. Beverly Lake. And in the process of trying to govern North Carolina and trying to deal with this enduring poverty that was all around him, he began to see, I think, in much more complicated the ways how the legacy of racial discrimination and what he called the poverty segregation complex had really dealt a death blow to the state's economy and was keeping not only African-Americans, but all people were being held back. Sanford dealt with that initially through increase expenditures for education and trying to really build up the the school system. But he began to realize that even if you created great schools for African-Americans, the policy of Jim Crow and discrimination, particularly in employment, meant that there weren't really good jobs. There weren't opportunities for for everybody to enjoy this kind of life in the United States. And so Sanford became very concerned about finding ways to eradicate or at least address issues of poverty in North Carolina, he created something called the North Carolina Fund. And eventually, both Sanford and the people who worked for him understood that you couldn't deal with poverty without dealing with politics, that the two were they interacted in so many different ways. The North Carolina Fund very very much became involved in in in politics and voter registration and getting out the vote and and Durham was probably the place where they were the most successful. So Sanford is is, I

think, one of these really, in the 1960s, one of the really pivotal moments in in trying to expand larger opportunities and to try to really deal with this segregation poverty complex.

Jim Leloudis [00:23:18] I hope that listeners who visit the books Web site, if they pause over nothing else, that they'll take an opportunity to watch a short video clip of a remarkable speech that Terry Sanford delivered here in Chapel Hill to the North Carolina Press Association in 1963, of course, that was the one hundredth anniversary of the Emancipation Proclamation.

Terry Sanford Speech [00:23:42] Now is the time in this one 100th year not merely to look back to freedom, but to look forward to the fulfillment of its meaning.

Jim Leloudis [00:23:54] And in short, Terry Sanford argued that this state broadly would never be lifted out of liberated from the kind of poverty that Bob has been describing until it first liberated and and and finally fulfill the promise of equality to its Black citizens. I mean, it's a remarkable speech, I think, especially when you remember that four days before another Southern governor had made a very different kind of speech on the steps of the state capital and Alabama...

Judith Kelley [00:24:31] George Wallace.

Jim Leloudis [00:24:32] And George Wallace declared segregation, now segregation...

George Wallace Speech [00:24:38] Now, segregation tomorrow, and segregation forever.

Jim Leloudis [00:24:43] Two radically different visions of what the future of the region and the country should look like. We owe Terry Sanford and that regard an extraordinary debt.

Judith Kelley [00:24:55] So so let's fast forward to the then closer to the present. And so we have the the U.S. Supreme Court in Shelby vs. Holder striking down Section five of the Voting Rights Act, which safeguarded the rights of protected minorities by requiring that that state had to get permission or preclearance to change the procedures around voting in certain jurisdictions. Bob, how does that how does that relate to North Carolina Senate Bill eight 24 and and the more move Moral Monday movement that that follows that? And can you tell us a little bit about those intertwined events?

Bob Korstad [00:25:50] In 2010, Republicans of North Carolina retook the both houses of the General Assembly and and and went about gerrymandering the Congress or legislative districts in North Carolina so that they could get even greater power in 2012. And one of their one of the things that was at the top of their agenda was to push back many of the expansions in voting rights and voting opportunities that been put in place by Democrats in the 1990s and 2000s. And that included things like early voting, same day registration, out of precinct voting. There were large number of of of electoral policies that really helped expand the, grow the vote in North Carolina. And so Republicans were, that was one of the their top priorities. We've tried to do away with those those those extensions of voting. They would been had been thinking about that for a couple years, and then the Supreme Court puts down the ruling in Holder, and it was like overnight, the Republicans, rather than trying to do this piecemeal, realized that they could kind of do everything at once. There wasn't going to be any federal oversight of the kinds of changes that that they had in mind. And so they introduced a bill. Five eighty nine is this voting rights bill that really tried to dismantle both the protections, but also the expansion of voting that had been put in place over over a period of early 15 to 20 years. And you know, that

obviously that was going to have a detrimental effect on the on African-Americans and low income voters. And and so led by Reverend William Barber, the NC conference of the NAACP and many other grassroots organizations, the Moral Monday movement emerged to protest, in particular the the voting rights bill, five eighty nine. I participated in many of those demonstrations, as did Jim. We witnessed this kind of mass mobilization of people just coming together from all kinds of different walks of life. And it was really a pretty remarkable moment in North Carolina history. Eventually, most of the five eighty nine was ruled unlawful by federal courts. So we've been I think we've benefited by the kind of resistance that that took place to these these changes in the voting rights of North Carolinians.

Judith Kelley [00:28:48] But how does this relate to North Carolina's Senate bill eight 24, Jim.

Jim Leloudis [00:28:54] Yeah. Well, the U.S. Court of Appeals for the for the 4th Circuit threw out House Bill five eighty nine in 2016, noting that it had taken aim at African-American voters and other minority voters with sort of laser like precision. Immediately after that decision, Republican leadership in the General Assembly announced that they were committed to their words to continue the fight. And so in 2018, they pulled pulled back and focused in on voter photo I.D. and so crafted the amendment to the state constitution that voters ratified in 2018 and subsequently before the new governor could take office in January, passed Senate bill eight twenty four to implement that photo I.D. requirement. Now, that is caught up in both state and federal courts at the at the moment, both in North Carolina Court of Appeals and the U.S. District Court for the Middle District of North Carolina have enjoined implementation of that law, noting deep concerns about the ways that, again, minority voters are disproportionately affected by a photo I.D. requirement.

Judith Kelley [00:30:25] And of course, North Carolina is not the only place that has a photo I.D. requirement.

Jim Leloudis [00:30:30] Not, no! I mean, you know, these laws have been passed all across the country and, you know, there's ongoing litigation in in many cases. So there is there's still a lot up for grabs as we look ahead to the next six months, the next two or three years. These issues issues are far from settled. You know, I'd also, you know, go back and stress one really important point about House Bill five eighty nine. And that is it is, I think, critically important to understand that it wasn't created in a vacuum. And while it was informed in by racial animus, it wasn't simply informed by racial animus. That bill was this bomb was saying part of dismantling decades long efforts to expand access to the ballot box, to expand truly representative government and to expand public investment in education and health care and housing and the social safety net. So it's telling, I mean, this connects back to what we were saying earlier about Jim Crow is a system of power. House Bill five eighty nine was part of a whole bundle of reforms that included things like repealing the Racial Justice Act, eliminating the state's earned income tax credit, which economists across the political spectrum, for the most part, agree that it's one of the most effective ways to lift people out of poverty. They reduce the value and duration of unemployment compensation, refused to take federal Medicaid money that would have extended health insurance to nearly 500000 North Carolinians, say, cut on an inflation adjusted, adjusted basis, spending on schools and, following on that over the next year to also push through a constitutional amendment to permanently cap both the corporate and individual tax rate. That is a way it's a strategy for trying to make sure that those forms of retrenchment I've just described are permanent by by limiting the public funds that might

be available in broader investment and social provision. So race is critical here, but race is not by itself the singular issue.

Judith Kelley [00:33:05] So Bob, Jim mentions the phrase committed to continue the fight. So why had white elites, like from the end of the civil war to the present, been so persistent in their effort to limit the voting rights of Blacks, Hispanics and many many times lower income white?

Bob Korstad [00:33:23] I think really what's been at stake in white elites efforts to curtail voting opportunities and limit access to the ballot is that they have very these men, for the most part, have a very different concept of society, a very different understanding of what the role of government is. They see a government that has a very limited role in the life of citizens, where individualism and not responsibility necessary to their citizens is as is kind of key to their system of governance. They favor a low taxation, low regulation, limited opportunity for people to really be engaged in the democratic process. And on the other hand, African-Americans and lower income white voters see government in a very different way. They see it as a generator of opportunity, of ways of sharing the resources that society creates. They see it as a is a tool for increasing educational opportunity, providing help to those who are less fortunate than the rest of us. And so I think this, you know, the battle in North Carolina in some ways is not just about partisan politics, but it is about different visions of what the nature of our society is and the role that government plays in that. And that's one of the things that we've been trying to to document in Fragile Democracy is how that that contest between these two very disparate visions of what is a good society has been fought out over the last hundred and fifty years.

Jim Leloudis [00:35:12] Bob and I were actually talking about this a few days ago we're we're both reminded of a wonderful sentence from a colleague, Barbara Field's, writing on these issues. And she notes that in the antebellum era, in the time of slavery, whites didn't enslave Africans because they hated Black people. Though, they certainly did. They did it because they want to plant cotton and make money. And I think you can extend that that forward. I mean race, and this effort to limit the franchise, to constrain that sort of genuine democracy is part, as Bob suggested, of a kind of politics and sort of social vision which thinks about power and wealth and opportunity is something concentrated and closely held by the few rather than the many. And this was an issue in 1868. And North Carolina's remarkable new constitution after the civil war written by a bi racial alliance of delegates and they talk in the preamble of that constitution of a government instituted solely for the good of the whole. All right. So that's back to Bob's point about just two very, very different notions of what a good society looks like, of what a genuinely democratic society looks like.

Judith Kelley [00:36:41] So is it the case that if slavery was ultimately because you wanted to plant cotton, but you say you also end up hating Black people and in some ways you have to do that to rationalize why you can enslave people, right? And you write in your book that then when people then when you come to a point of abolishing slavery, then they're still after that. People don't see any inconsistency in hating slavery, but also hating Black people even after slavery ends. Do you think that's a sentiment that that still exists today? And how do we go about changing it?

Jim Leloudis [00:37:27] Yeah. I mean, (unintelligible) that's such an important point. And it can be said about whites who opposed slavery in North Carolina before the war, it can be said about abolitionists as well that it was perfectly consistent to hate the institution of of slavery, which created the poverty and so on that we've been talking about for the vast

majority of people and to hate the slave with with equal passion. I think there's there's no way to escape those, those legacies, the legacies of what Bob described as the poverty segregation context without knowing and confronting this history and thinking deeply about its implications for us today. I think on many of these issues our our imaginations are terribly impoverished because there is not much public memory of the kind of story that we're talking about and fragile democracy.

Judith Kelley [00:38:34] Jim and Bob, I really appreciate your insights and we've only scratched the surface of your book but I really do encourage our readers to to pick it up and and if they can't get their hands on a copy to go to the the Web site that you've created for the book, which also has wonderful archival material. And and take a look there. I want to thank you both for joining me today. It's been a real pleasure to talk to you about these things.

Bob Korstad [00:39:04] Well, thank you. It's been a great opportunity to talk about our book. I hope people will read it and and helps them think a little more broadly about the world we live in today and the world we're trying to create. So thank you very much.

Jim Leloudis [00:39:18] Indeed, thank you. It's wonderful to be with you.

Judith Kelley [00:39:21] Jim Leloudis is a professor of history at the University of North Carolina at Chapel Hill, and he's also the director of the James M. Johnston Center for Undergraduate Excellence. Bob Korstad is professor emeritus of public policy at the Duke University Sanford School of Public Policy. Their book, "Fragile Democracy: The Struggle over Race and Voting Rights in North Carolina" is out now with UNC Press. We'll have a link to the book as well as to the Web site at our own Web site, Policy 360.org. We'll be back soon with another conversation, I'm Judith Kelly.