

How Democracy Died in North Carolina

Republicans sneaking through a budget bill while Democrats attended a 9/11 ceremony exemplifies how the Tar Heel State's political institutions have been decimated by right-wing rule.

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North Carolina state legislators confer with Speaker of the House Tim Moore before Wednesday's afternoon session. In the morning, Republican representatives took

advantage of the timing of a 9/11 ceremony to override the governor's veto of the state budget bill.

It was a classic bait and switch. After assuring Democrats they would hold no votes Wednesday morning, while many legislators would be attending a 9/11 commemoration, North Carolina Republicans rammed an override of the governor's budget veto through the state House.

“On a day when tragedy united our country, we should be standing together despite party,” North Carolina Governor Roy Cooper, a Democrat, said in response. “Instead, Republicans used their most deceptive stunt yet.”

It might have been deceptive, but it was not out of character for the GOP majorities that rule North Carolina's legislature. Republicans in the state have tried everything they can think of to hold onto power, no matter how elections turn out. “The legislature is sort of morally bankrupt in its lack of support for democratic government and the rule of law,” says Andrew Reynolds, a political scientist at the University of North Carolina.

Their willingness to preempt the democratic process matters not only for North Carolina. As Harvard scholars Steven Levitsky and Daniel Ziblatt point out in their 2018 book *How Democracies Die*, states—and in particular North Carolina—demonstrate what the end of democracy could look like on a national scale.

“This is a big warning sign,” says Alexander Hertel-Fernandez, author of *State Capture*, a new book examining conservative dominance in the states. “It’s definitely consistent with North Carolina being at the forefront of this erosion of democracy.”

In response to Cooper's narrow election in 2016, North Carolina Republicans pioneered the idea of holding lame-duck sessions to strip incoming Democratic officials of power, an approach imitated last fall by GOP legislators in Michigan and Wisconsin. In North Carolina, Republicans have sought to deprive Cooper of his power to appoint judges, while also manipulating the judiciary through gerrymandering and changing the size of the state appellate court.

North Carolina Republicans have lost a number of legal battles. In February, a judge ruled that the legislature itself was “illegally constituted” because of racial gerrymandering. Last week, a

North Carolina court ruled that the state's legislative maps were an unconstitutional gerrymander designed to "maximize their political power." And Wednesday's shenanigans came just hours after polls closed in a special congressional election held as a do-over, due to blatant ballot fraud on the Republican side last fall. (The Republican won, presumably legally this time.)

"With this Republican majority, we don't see them react well to limitations on their power," says Billy Corriher, an analyst with the Institute for Southern Studies in Durham, North Carolina. "They just got tired of not getting their way on the state budget. It seems like they're willing to do whatever they take to get their way."

Wednesday's gambit directly resulted from Republicans losing a share of their power last fall. Previously, they carried supermajorities in both chambers. Republicans still held control of the House and Senate, thanks to their illegal gerrymander. (This is despite the fact that Democrats received more votes in North Carolina state House contests overall last November.) But the GOP no longer holds a supermajority in either chamber, so it can't override the governor without Democratic help, or absences.

Cooper vetoed the budget in June, angry that Republicans wouldn't agree to expand Medicaid. It had been impossible for the GOP to gather the two-thirds vote necessary to override his veto. It got a whole lot easier when nearly half the legislators were absent.

"This is a travesty of the process and you know it," Democratic state Representative Deb Butler complained on the House floor, ahead of Wednesday's surprise vote. "The trickery that is being evidenced this morning is tantamount to a criminal defense."

Republicans defended their power play, noting that the budget override had been on the chamber's calendar for more than two months, ready for a vote at any time. They had barely the quorum of 61 members needed to hold a vote. The vote was 55-9.

The fact that the GOP had promised Democrats they would hold no substantive votes during the 9/11 ceremony, however, was a stunning betrayal of trust. At a news conference following the override vote, House Democratic leader Darren Jackson noted that the legislature runs on trust, with too many processes in place for everything to be put in writing.

Clearly, President Trump isn't the only Republican willing to break long-standing norms. Around the country over the past couple of years, GOP legislators have attacked the independence of the judiciary, limited media access, and placed new curbs on protests.

“What this means for Democrats is that it's really not enough to win the governorship in a state like North Carolina,” says Philip Rocco, a political scientist at Marquette University. “If you can't exercise the formal and informal powers of the office, what kind of prize is an election?”

Reynolds, the UNC professor, wrote a widely noted article in 2016 pointing out that, by international standards, North Carolina was no longer a fully functioning democracy. By at least one measure, “North Carolina’s overall electoral integrity score ... places us alongside authoritarian states and pseudo-democracies like Cuba, Indonesia and Sierra Leone,” he wrote.

In an interview, Reynolds noted that the budget “power grab” is in keeping with the consistent climate of disdain for the rules of the game that North Carolina Republicans have created. He dismisses the vote as a “theatrical moment,” since Democrats will now stay camped out in the state Senate to make sure Cooper's veto is sustained there. “A lot of the Republican behavior in the statehouse is about signaling,” Reynolds says, “signaling to their voters they will be warriors fighting against the other side.”

Those voters have been willing to tolerate an awful lot of bad behavior. After all, the winner of the state's special congressional election was the architect of North Carolina's notorious gay- and transphobic “bathroom bill.”

North Carolina Republicans have proved repeatedly that they're all about hanging onto power, by any means necessary. The courts have put some curbs on their behavior. Stopping it will require the party's own voters to prove that they are small-d democrats, ready to punish cheating even when it works to the advantage of their own side.