

ThroughTheGale-2022- PublicService

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Midterm elections rarely offer much to capture the public imagination.

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The 2018 election cycle was a special exception.

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There was a marked increase in the gender, racial, and ethnic diversity of the candidates running for and winning political office.

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2020's election cycle built upon that momentum.

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These shifts mark an important milestone.

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A large part of what we think of as a multiracial democracy

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is to have government officials who reflect the diversity of their communities.

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What are the forces behind this increased diversity of office holders?

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What should we make of the countervailing forces against this increased diversity?

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Laws that dilute the vote and restrict access to the ballot.

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And what role are lawyers playing in all of this?

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Welcome to another episode of Through the Gale, a podcast in which we investigate how law and

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lawyers are addressing racial injustice and working to create a multiracial democracy.

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This week we turn to public service and the law that undergirds our political leadership.

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I am Olatunde Johnson, a professor at Columbia Law School.

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I'm going to turn this episode over to Adese, Andres, and Dante.

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Hello everyone, I'm Edessa.

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I'm Andres.

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And I'm Dante.

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And as Professor Johnson notes, this week's episode reflects on the election space and

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role that lawyers can play within it. This is a space where a lot has been going on lately.

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We record this episode in the midst of congressional hearings on the January 6

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insurrection, an attack incited with the goal of overturning the 2020 election.

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The hearings highlight the dangerous part Trump administration lawyers played in

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lending legal language and tools to support false claims of widespread voter fraud. We also record

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as a slew of voting rights cases are poised to be considered by the Supreme Court in the

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next few months. And quick plug, you can check out the resource list we have attached with

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this episode to see some of the major cases we have on our own radar. But these cases

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could determine the strength of the Voting Rights Act, a statute that civil rights lawyers

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use to vindicate voting rights, and something that we discuss a little bit later in the

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So it certainly feels like a tumultuous moment that exposes the gap between the ideal and the reality of democracy.

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On the other hand, there are also some larger positive trends to note in the development of our multiracial democracy.

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Despite concerns about the pandemic lurking in the background, 2020 oversaw historic voter turnout.

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According to the U.S. Census Bureau, 2020 marked the largest increase in voters between

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two presidential elections on record.

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This increased voter turnout also corresponds with a dramatic shift in this country's racial

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demographics.

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And while there's certainly a long way to go, political bodies at the national and state

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levels are starting to better reflect the diversity of the electorate.

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Yeah, the current Congress is more diverse and it has ever been in its history.

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It holds the largest number of black representatives it's ever had with 57 representatives currently

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serving in the House and Senate.

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An article by 538 notes that there's a record number of women of color serving in the current

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Congress.

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49 representatives, which include the first three Korean American women and first black

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women representatives of Washington and Missouri, are contributing to this historic moment just

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through their election into office.

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Yeah, and of those 49 are also the first Muslim woman and the first Native American woman to ever be elected into Congress.

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This week we examined the forces behind the growing diversity in elected office.

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We speak with Amanda Lippman at Run for Something. In our conversation,

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we peeked behind the mechanics of running a campaign and examined what it takes to bring

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more people of color, women, and people who bring diverse

experiences into office.

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We also speak with Sam Spital, Director of Litigation at the NAACP Legal Defense Fund.

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There we turn the conversation to the issue of voting rights,

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probing a space where lawyers can be important players in protecting the vote through litigation.

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I admittedly have never paid too much attention to how the mechanics of running for office

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can form a stonewall for minority candidates.

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But in researching for this episode, it quickly became apparent that as the preliminary step

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in actually getting into office, campaigns are a significant piece to crafting a truly

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representative democracy.

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Many of the barriers that block diverse political candidates from getting into government start

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at the campaign level.

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There are a host of obstacles that are unique to candidates

coming from diverse backgrounds.

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These can be reluctance from political institutions to buy into their campaigns, a lack of access

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to funding networks, or contending against the viability trap, a presumption held by

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voters that certain candidates are unelectable or will be viewed as such by other voters.

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Yeah, it's an area that deserves more attention, especially because in recent years more people

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of color and women are looking to politics as an arena for making the necessary changes

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in their communities.

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Democratizing and demystifying the art of running a campaign is a major key.

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It ensures communities have more diverse options in voting for political candidates who understand

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the issues that are most important to them.

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To that end, run for something is one of those organizations that has been supporting political

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candidates who are people of color, who are young, who come from the LGBTQIA+ community,

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they have been helping these candidates run for and win office at the state and local levels.

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The institutional supports things like the voter file, money being recruited to run in the first

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place, the parties help. It makes the hard things that are like messy a little bit easier.

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And it's one of the things that run for something is trying to help break down.

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One of the things that we try to do is at least like democratize access to that information so that the institution can no longer gatekeep from people who deserve to be seen.

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That's Amanda Littman, one of the co-founders of Run for Something.

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She started the organization after feeling disappointed with the results of the 2020 election.

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She tells the story better.

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About a week after election day, I got a Facebook message from somebody I went to college with.

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"Hey Amanda, I'm a public school teacher here in Chicago. I'm thinking about running for office.

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you know the space, what do I do?

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And I didn't have an answer for them

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because at the time, if you were young,

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if you were newly excited about politics

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and you wanted to do more than vote

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and more than volunteer,

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if you wanted to actually lead,

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there was nowhere you could go that would help you.

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And that to me, it felt like a symptom

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of really big problems in the Democratic Party.

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A lack of focus on young people,

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not just as voters and not just as volunteers,

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but as leaders, as people who could actually

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take a step into power.

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I thought there was a lack of focus on local politics

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And I thought there was a really undiverse, uninteresting

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bunch of talent for the future.

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So I reached out to a whole bunch of people with an idea.

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What if we started an organization kind of like MLAs

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list, which helps women run for office, but really focused on

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young people.

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At that point, I wasn't sure exactly what level of office,

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but probably local and like trying to change what the

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definition of viability looked like, who was seen as a

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potential leader.

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As she tells it, they launched run for something expecting

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relatively modest turnout. However, they found themselves surprised on launch day.

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We launched Run for Something on Inauguration Day, thinking that it would be really small.

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We've got maybe 100 people who want to run in the first year.

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In the first week, about 1,000 people signed up. And as of today, we're up to nearly 100,000

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young people all across the country who've raised their hands. We've endorsed more than 1,800.

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We've helped elect 637 people across 48 states, mostly women, mostly people of color,

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all under the age of 40 and they're amazing. And the work they do is important because running

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a campaign is challenging and it's more challenging when you're black or a person of color or a woman

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or any combination of these identities. By expanding the choices that voters have on the ballot box

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these organizations also help break down perceptions of who was a viable candidate.

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I think viability is definitely a problem because it's total logical. We decide that someone is

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viable from the front end. We being donors and operatives and activists, you know, you'd

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make an assumption or hypothesis that they can or can't win and then you act accordingly,

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which then determines whether or not that hypothesis is true. If you say, oh no, he

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can't win, then you don't give them money, then you starve them for attention, then they

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are not able to knock doors and put out the ads and build the brand that they need and

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then they don't win and then you were right.

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It's a snowball effect.

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Right, it's essentially a self-fulfilling prophecy, and we see this viability trap manifest

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in many different ways, especially when it comes to people

of color and women running

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for office.

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Amanda's advice for responding to these qualms is fairly simple.

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Call it out.

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Make people explain themselves.

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It's one of my favorite things to do, especially when we're working with young candidates of

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color, especially young women of color.

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It's like, "Oh, you don't think she can win?"

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Why not?"

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And I think it's a trap, and it's one that assumes we know what the future looks like.

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It's like peak hubris.

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I think one of the things that I have learned

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over the last five years, especially,

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is that we know nothing.

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Professional political operatives know nothing.

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And I say this as a professional political operative.

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Like, I know how to run a campaign mechanically.

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I know how to run an organization mechanically.

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Do I know what voters are going to like or not like,

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especially in somewhere where I don't live

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and I'm not their neighbors

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and I am not making the decisions that they are

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and I do not share their lived experience?

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No.

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What I do know is that when I meet a candidate

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who clearly understands their community,

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who clearly has a strong rationale for running,

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who can tell a story that makes it so obvious

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that they are in this for the right reasons

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and that they are willing to do the work

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to communicate those reasons to their voters,

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I wanna trust them and I wanna trust their voters

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to make the decision.

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So one of the ways I run for something

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tries to focus on this is by investing in people, not
geography.

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That's number one.

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And two, to not make suppositions about what voters are
going to do.

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Don't assume we know how this is going to end.

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And the right candidate can make a long shot race really
competitive.

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Let's give it a shot.

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And the point Amanda makes is so resonant because we can and should

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redefine who is a viable candidate.

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And when we do, we also inspire others to see themselves

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in their elected officials and to view political office

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as a feasible means to induce change.

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- You have to give people permission

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to see themselves in this space.

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We know this, you can't be what you can't see.

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And you have to give people a welcome mat.

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You have to open the door.

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It's one of the reasons why I run for something explicitly

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focuses on young people.

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But most young people, whether you are 18

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instilling school or figuring out what you're doing with your life or your 26 and you're a new

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parent or you're in your 30s and figuring out your next step in your career, whatever it is,

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you probably haven't seen too many people who look like you in elected office, especially

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prior to the last five years. That matters. And Run For Something has already seen tangible

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results on that end. They helped get delegate Danica Rowland to office in Virginia, the first

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trans person to serve in a state legislature. And Amin describes how in the weeks after,

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her organization heard from dozens of trans people who expressed an interest in running

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as a result of Rome's win. There is value in having a government that mirrors this country's

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diversity. Communities benefit from having people who understand their issues. A diverse candidate

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pool means that more candidates have lived under the policies that are impacting their constituents.

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Take Lena Hidalgo, for example. A candidate run for something supported a few years ago.

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Lena is an immigrant from Colombia who grew up in Houston. After graduating from the Harvard

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Kennedy School and working in foreign relief, she came back home wanting to make a difference in

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her community. As Amanda explains it, she was looking around and realized that the county judge,

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which in Harris County is the county executive, was a Republican I've been serving for about 11

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years, I believe, who was like pretty meh and like not really done a good job, especially when it

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it came to flood relief, which is a really important issue for Houston.

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So she decided to run for county executive.

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Her big issue was the budget.

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She ran the institutions of Texas for like, good luck.

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Nobody's ever beaten that guy.

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Like there's no way a 27 year old Latino woman can win this position, but run

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for something as well as our partners over at arena supported her and worked

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closely with her campaign.

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She was able to succeed and unseated an incumbent.

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She took office in 2019 and proceeded to do things like 10x the election administration budget and cash bail.

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Totally changed the way the county does budgeting, reform their flood relief and emergency response program, tackle the homelessness crisis.

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She's now running for reelection and I think has done an incredible job of holding on to her values and refusing to take money from people who do business with the county and from real estate.

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She's one of the most powerful women in Texas.

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And arguably in the country, Harris County, Texas

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is the third largest county in America.

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It is so cool to get to see her really govern

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in a way that makes a difference for millions of people.

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- Her story is so inspiring.

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And it shows the benefits to a multiracial democracy

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when we divest from traditional conceptions

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of what makes the ideal political candidate.

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- There was one point Amanda raised in the interview

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that highlights the why in this conversation.

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It's a useful reminder of why we should care about who is running for public

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office, what their motivations are, and how they understand the needs of their

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communities.

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The Run for Something podcast ended earlier this year, which was a real

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bummer. But one of my favorite conversations I had was with three trans

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women, one of whom was state senator Sarah McBride in Delaware.

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And Sarah in particular said, "If you want to follow love with your community,

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run for office." And I think that's such a beautiful sentiment.

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And I think it speaks to what it means to be a public servant.

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It is not just to reflect your community.

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It's not just to serve them.

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It is to love them.

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I think it's a real indication of like the sort of sacredness

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of serving in elected office.

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People are delegating to you as a public servant,

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as an elected official, the deepest responsibility making,

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the deepest decision-making power

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to determine how safe is their water,

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how clean are their streets,

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how easy is it for them to participate in democracy?

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That's really meaningful.

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And you should do so if and only if you think

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that you are worthy of that responsibility.

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And so many more people are worthy of that

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than we might have assumed years before.

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(upbeat music)

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(upbeat music)

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- I love that conversation that we had with Amanda.

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I think one point that is so apparent

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is that a sustained multiracial democracy

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requires having people in office

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who reflect the diversity of their communities

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and who bring firsthand experience

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with issues that are most important to their constituents.

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Right, but at its most basic level, it also requires that the will of these communities

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is respected and actualized, which brings us to a topic highly relevant to running for

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office and that is the vote.

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Voting laws are a crucial component to building diversity in elected office.

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And while we're witnessing this growing diversity in our electorate and in our elected officials,

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we are also witnessing renewed efforts to restrict voting and dilute the impact of certain

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votes.

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In the past few election cycles, we have seen increasingly

targeted efforts to shape the electorate

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in ways that disproportionately harm communities of color.
Efforts to strip groups of their right

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to vote, restrict how citizens vote, or discount certain votes
are all part of a larger push

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that seriously threatens the promise of a multiracial
democracy.

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And 2020 was an interesting year because we've seen the
rise in more traditional voter restrictive

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measures for quite some time, but 2020 brought yet another
way of targeting votes, this time with an

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attack on mail-in voting. And we're not the only ones who
find this development noteworthy.

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I certainly never thought when I was in law school that as a
civil rights lawyer,

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one of my cases would be suing USGS over voting rights.

00:17:21.260 --> 00:17:28.140

That is Sam Spital, Director of Litigation at the NAACP Legal
Defense Fund, or LDF.

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LDF originally formed as the legal arm of the NAACP, but

now exists as a separate organization that in large part litigates cases involving economic justice, education, the criminal legal system, and as relevant here, voting rights.

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the 2020 election was unique in so many ways.

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One was that we at LDF filed a lawsuit

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against the United States Postal Service

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because there were significant slowdowns

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in mail delivery generally.

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And there were real concerns that the Postal Service

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would not be delivering in a prompt manner

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ballots that were being cast.

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Sam's referring to NAACP, the United States Postal Service, a lawsuit LDF

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filed on behalf of the NAACP in response to delays by the Postal Service and the timely

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delivery of mail-in ballots during the 2020 election. Listeners may recall that in the backdrop of

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the COVID pandemic, 2020 oversaw a surge in demand for mail-in voting. According to Pew Research,

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46% of people who voted that election cycle did so by absentee or mail-in ballot. For voting rights

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lawyers, this presented new challenges in their work. In Sam's words, the stakes around mail-in

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voting were much higher that term. In the 2020 election, in part because of the COVID pandemic,

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I think it was approximately half of all voters voted by mail. So if USPS hadn't delivered those

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ballots in time, it would have been a significant challenge to ensuring that voters were able

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to have their voice considered in our democracy. And so LDF filed this lawsuit. There were other

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organizations that also filed lawsuits against United States Postal Service.

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LDF was ultimately successful in its suit. The U.S. District Court for the District of Columbia

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issued court orders requiring USPS to implement certain "extraordinary measures."

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These measures were aimed at ensuring that it actively worked to get ballots delivered

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in a timely manner.

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True, but the suit highlights in new ways that legislation is being used to advance old forms

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of discrimination, and these laws target minority voters, and in particular, black voters.

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Sam explains the history of LDF's work on voting rights, and describes how these harms

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against voters' manifest and what he categorizes as first generation or second generation discrimination.

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Some of LDF's work in its earliest years were focused on access to the polls. Before the

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Voting Rights Act of 1965, black voters in many states were systematically disenfranchised

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through a number of methods that meant that in a number of southern states in particular,

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the registration rates for black voters were extremely low.

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This is what voting rights lawyers called first generation discrimination.

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These barriers to voting effectively blocked access to the ballots for certain voters,

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predominantly black voters.

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But the Voting Rights Act alleviated some of these harms that restricted access to the

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ballot box.

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The Voting Rights Act of 1965 had some provisions that really fundamentally changed that and

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led to this dramatic change in registration rates at least for black voters because for

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for the first time the federal government was really keeping its promise in the 13th,

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14th, 15th Amendments to ensure that all Americans would have an opportunity to at least register

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to vote. One of the great innovations of the Voting Rights Act of 1965 is that it identified

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jurisdictions with particularly egregious histories of voting

discrimination, discrimination

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against black voters. And it said that for these jurisdictions, if you want to make a

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change to your voting laws, you need to get that change approved by either a federal court

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or by the Department of Justice.

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This is also known as a pre-clearance requirement that was in Section 5 of the Voting Rights

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Act. Sam litigated the case in which the Supreme Court ruled against his clients and

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struck down that vital provision, but we'll get to that later.

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Sam explains how the Voting Rights Act becomes this highly effective vehicle for organizations

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like LDF to tackle new harms that constitute second generation discrimination in the voting

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rights field.

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There was this significant change as the results of the Voting Rights Act of 1965, which has

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been called, I think, correctly so, the crown jewel of the civil rights movement.

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So as a result of the Voting Rights Act of 1965, LDF's work on what voting rights lawyers

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refer to as first generation discrimination, discrimination about actually accessing the

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and ballot took on less of a significance,

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at least after some period of time

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after the vote in the right sector in 1965,

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you know, what sort of was in place

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and there were these tremendous increases in registration.

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And the shift then did turn to this vote dilution,

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what we refer to as second generation discrimination,

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where the main issue has to do with,

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well, yes, maybe everybody has an opportunity

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to register and to participate,

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but if lines are drawn in such a way

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that one community can still sort of dominate power

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that continues to be a form of voting discrimination,

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a very significant form of discrimination,

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which is to some degree sort of old poison in a new bottle.

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So I would say second generation discrimination

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was really the focus of LDS work

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throughout the 1980s, 1990s, first part of the 2000s.

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- And these second generation harms

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clearly hold very real consequences

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for black and minority voters.

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For example, political maps can be drawn

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to dilute certain votes or ensure that one group is disproportionately represented in

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government.

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Sam gives a clear example of what these second generation forms of discrimination can look

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like.

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Redrawing of maps creates opportunities, unfortunately, for discrimination against voters of color.

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Because, for example, if you have a town that is, let's say, sort of simplified, 55%

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white, 45% black. Voting is very racially polarized, where white voters tend to prefer one candidate

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and black voters tend to prefer another candidate or set of candidates. Depending on how lines are

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drawn, representation can be relatively fair and equitable. Or alternatively, the map can be drawn

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in a way to overwhelmingly favor white voters. For example, you could imagine a map with say

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seven districts where there was one district where black voters were really packed into that district

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and then in all six of the other districts, white voters had a

clear majority. And so that could

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mean that even though the town was pretty equally divided in terms of its racial demographics,

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white voters were controlling, say, six out of seven seats in a school board or county commission

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or city council or whatever. So evidently, these second generation harms are then felt by candidates

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like the ones Amanda supports at Run for Something. They impact the makeup of Congress and state

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legislatures and hold immense consequences for local level elections as well.

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But Sam explains that there was a recent resurgence in the traditional first generation discrimination

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that involved restricting access to voting. Following the 2020 election, claims of voter fraud

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were weaponized through laws that targeted communities of color. These laws show a return

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to the first generation discrimination that Sam described.

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More recently, we have seen that there has been this sort of

return to first generation

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discrimination. And that has been a significant part of our docket and focus, certainly in the

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last five years. First in responding to then President Trump's false claims that there was

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significant voter fraud in the 2016 election, which he claimed had cost him the popular vote.

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And he was seeking to use this as a way to garner support for more restrictive voting laws.

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And then even more dramatically in the 2020 election, when then President Trump and his supporters tried a variety of methods to prevent votes from being counted, votes from being certified, always targeting predominantly black communities.

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And then since the 2020 election, with this wave of new voter suppression measures across the country,

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but in many cases concentrated in the southeast, in places where there are significant numbers of

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black voters and targeting black voters and other voters of color. So now we're in this moment where

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our second generation work continues to be extremely

important post the 2020 census in

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particular, but we're seeing this return of first generation discrimination. And so we're needing to

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respond and meet that moment as well.

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And these efforts have a disproportionate and a concrete impact on Black voters especially.

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One of the challenges with respect to some of the voter suppression laws is to think about the way in which

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the estate system is fundamentally making it easier for some people and harder for other people to vote,

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which is more than just looking at any particular measure.

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And so an example, in state after state, black voters have to wait online much more than non-black

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voters. And that should be something that we all can recognize. Of course, how long you have to

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wait in line cannot correlate with race. And it doesn't matter what the reason is for that.

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we should make sure that every jurisdiction has the resources. So voting is simple, straightforward.

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No one should have to wait for more than a half hour, certainly not for the hours and hours and

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hours that we saw so many voters and in particular black voters have to wait during the 2020 election

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and which continues to be a problem.

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Sam underscores a vital point. Collectively, these laws perpetuating first and second generation

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discrimination reveal a gap between the ideal of democracy in America and the reality in which

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inequalities that break along racial lines still persist. But organizations like LDF are working

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to counteract that and voting rights is a space where lawyers hold a particularly impactful role

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as litigation is a powerful tool for challenging discriminatory laws.

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I think that in the voting space litigation and legislation go hand in hand. Congress

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needed to enact the Voting Rights Act of 1965 and then to make key amendments that facilitated litigation,

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especially the Voting Rights Act of 1982.

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Once the legislation was passed, the way that change happened often on the ground was through litigation

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that was only possible because the legislation had been passed and provided a framework for litigators to succeed in the cases.

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So I think they work very much together.

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But taking a step back, the reason why litigation

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is such an essential tool in voting cases

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is because the political processes

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in a number of the places where voting rights litigation

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remains most important.

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And I should emphasize that is not only

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the southeastern part of the United States.

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There are very racially polarized communities

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about the state and local level throughout the country.

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And whenever you have a community that is racially polarized

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and where white voters are in power

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or their representatives are in power,

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there is sadly a natural incentive to prevent

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or to deny voting rights or full voting rights,

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both in terms of the risk of voter suppression,

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access in the ballot box,

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and then in terms of vote dilution,

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as we talked about, you know,

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having a fair opportunity for voters of color

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to elect candidates of choice.

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And you have to have litigation as a tool in those places

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because by their nature, the political process

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is not equally open.

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So while there can be tremendous victories,

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and of course, sometimes you can kind of persuade

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the majority of policymakers in a particular jurisdiction

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to do the right thing,

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when the political process is sort of captured

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by majority of any kind that is not fairly giving opportunity for the minority, however

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defined to participate, you need some other tool to vindicate minority rights.

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I mean, this is sort of the famous Caroline Product's footnote four from the Supreme Court

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where they talk about how judicial review, muscular judicial review is most necessary

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in two situations.

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is when there is a denial of fundamental rights to an

individual and then two is when the

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political process is sort of not equally open and so litigation is a necessary tool.

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Sam raises a compelling point.

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Litigation has become an important avenue for vindicating rights, particularly in the

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face of an ineffective legislature and representatives who may even benefit from these discriminatory

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practices.

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But voting rights litigation has grown to be even tougher in the wake of the Supreme

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court's decision in Shelby County versus Holder.

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Right, and for greater context, Shelby County v. Holder was a seminal case decided in 2013,

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and the case illustrates not only the slowness of the courts in reacting to threats against

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voting rights, but also the extent to which judicial tools have facilitated these very

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threats.

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Essentially, the case rendered Section 5 of the Voting Rights Act, also known as the

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a pre-clearance requirement, useless.

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Before Shelby County, states pinpointed under the acts

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coverage formula were required to submit for pre-clearance

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review proposed changes to their voting procedures.

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This review mechanism was designed

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to ensure that proposed voting laws from states identified

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for their history of discrimination

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would not harm minority voters.

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However, in the Shelby decision, the Supreme Court

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struck down the coverage formula that

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that was used to designate which states were covered by the statute.

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And they called for Congress to update the formula.

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By effect, the pre-clearance requirement was made inoperable because its application was

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based on states that were identified under the old and now struck down formula.

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Sam was a part of the team that represented black voters intervening in Shelby County

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to defend the act's constitutionality.

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When asked about the decision, he notes,

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decision was enormously consequential, immediately following the decision and then certainly in

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the years afterwards, a number of states that have been covered by Section 5 implemented

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laws that were discriminatory that previously been blocked by Section 5. Some of those laws

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were then successfully challenged in court, including under other provisions of the Voting Rights

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Act. So the Voting Rights Act remains tremendously important, but while litigation is pending,

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it allows the discriminatory measure to be in place,

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which has a tremendous impact on access to political power

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and access to representation.

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And then other laws were able to get through the process

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in part because there are different standards,

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because Section 5 was a particularly powerful tool,

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and because there are not enough civil rights lawyers

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to sue every single time a jurisdiction previously

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covered by Section 5 considered some sort of new voting law.

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Despite the challenges to voting rights litigation,

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Much of LDF's work bears out how crucial voting rights litigation is in altering and

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dismantling laws that block access to the vote or dilute the vote.

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For example, Sam mentioned a case that LDF has pending at the Supreme Court, challenging

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the redistricting process for congressional seats in the state of Alabama.

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And thinking about the ways that we can forge a stronger multiracial democracy, voting rights

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protections through litigation and ideally legislation is a major key in actualizing

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our vision.

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As a soon to be member of the legal profession, the 2020

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election was so profoundly impactful to me and not in the

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best of ways.

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It was alarming watching lawyers on the Trump

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administration attach legalese to unlawful efforts to

00:34:10.720 --> 00:34:12.220

overturn the election.

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On the flip side, it also underscored the responsibility

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we have as lawyers and upholding the rule of law.

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So it feels entirely appropriate to have closed things off

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with Sam's advice to young and soon to be lawyers.

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He speaks to how we should reconcile

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the advocating nature of our work

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with our duty to protect the rule of law.

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- The legal profession, from my perspective,

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was complicit in a number of abuses

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of the Trump administration.

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And so it is really important to remember

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that the law is supposed to be a noble profession.

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It is supposed to be a profession about ensuring

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that the rule of law is in place,

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which, and a democratic rule of law is in place,

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which from my perspective, and I think from the perspective

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of the American Bar Association and from the codes

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and rules of ethics, is fundamentally about ensuring

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equal justice for all. And so that is the overriding principle.

There can be no legalese

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exception to that principle. It doesn't matter how well or poorly you can comply with, you

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know, certain nuances or come up with certain arguments that, well, if you take this principle

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to its logical extension, I mean, you know, the 2020 election is a great example, right?

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A fundamental tenet of democracy has to be that the will of voters is respected, that

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the choice of the electorate is the choice that wins the election.

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But you have so many lawyers who are now instead making creative arguments about, "Well, if

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you think about this provision of the Constitution, actually, a state legislature can just do

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whatever it wants regardless of the will of the voters."

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And Matt, that is just, I mean, I think it's wrong on its face, but it's more fundamentally

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wrong because it reflects effort to not apply or uphold a democratic rule of law.

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So I think that basic advice for law students is just to remember that in being a lawyer,

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you do have this most fundamental obligation to democracy, to the rule of law, and nothing,

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No creative argument, no legalese can sort of overcome those most basic obligations that

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you have.

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Thank you for listening.

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This episode was produced by Adese Eze, Andres Estevez, and Dante Violet.

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