

“The Constitution is not at war with itself”
A struggle for multiracial democracy
in North Carolina
The year after the Jan 6 Uprising
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“*The Constitution Is Not at War with Itself*” is the second report from BluePrintNC, this one mapping key insurgents and pro-democracy actors in North Carolina in the year following the January 6, 2021 insurrection. It follows last year’s report, [*Go There Ready for War: Militia Organizing in North Carolina in the Context of the January 6 Insurrection*](#).² This year’s title comes from the NC Attorney General’s Office argument in early 2022 in favor of using the 14th Amendment’s Disqualification Clause, which barred former Confederate veterans for running for federal office, in order to bar current candidates such as NC Representative Madison Cawthorn who were allegedly implicated in the January 6 Insurrection. The Attorney General’s staff argued that Fourteenth Amendment protections cannot be displaced by recourse to other amendments (such as free speech protections in Amendment One versus Amendment Fourteen’s “equal protection under the law”).

This sentence in the Attorney General’s Office’s legal arguments reminds us of the unresolved contradictions in southern and U.S. history that roil our circumstances today. The 1861-1865 U.S. Civil War ended slavery, defined citizenship, protected voting rights, and guaranteed due process and equal protection under the law. But from their beginning, these rights were contested by KuKlux Klan paramilitaries, which were reconstituted from the Confederate army. In 1872, some of the Confederate soldiers were allowed to run for federal office under the Amnesty Act, legislation that foretold the withdrawal of Union soldiers from the South and the return of white supremacist rule. Cawthorn’s attorneys cited this Amnesty Act for former Confederate soldiers as one justification for not being disqualified under the 14th Amendment for his 2022 candidacy. For Cawthorn as for many other conservatives, “The Constitution, as they read it, advances a particular and deeply conservative worldview, where ‘We the People’ includes only those citizens who would have qualified for citizenship at the founding (which is to say, whites), a strong commitment to states’ rights and extensive – if not absolute – protections

for freedom of speech and guns.”³ For a range of reasons traced in this report, in the May 17 NC primary Cawthorn lost his bid for reelection and announced a remarkably [ominous turn to the “DARK MAGA,”](#) a digital version of the very old Lost Cause that is since 1867 has been the ongoing plan for the white minority rule.

This year’s report continues to trace the overtly violent elements of these anti-democratic forces in North Carolina, because violence underwrites all attempts to subvert majority rule, free and fair elections, and the balance of power among branches of government. This violence affects our capacities to challenge and change unjust laws and the actions and ideologies that undergird and enforce them. In this year’s report, this tracking of violent elements occurs in tandem with an examination of the attacks from within government on the systems and values that hold in place hard-won democratic principles and practices—looking most particularly the 2010 gerrymandering under the REDMAP program and its impact over the next decade as precursor to the voter suppression legislation rampant today. We counterpoint these efforts with the valiant struggles of North Carolina lawyers to defend those legal arguments that attempt to sever the 14th Amendment from the “original” US Constitution.

Our intent as in our first report is to find and connect the dots to determine what is now known and what is still yet to be known, and to seek actionable information on what illegalities and dangers they represent.

Sounding the alarms

We are hardly the only ones sounding alarms, even as others sound alarms about the alarms.⁴ Dana Milbank’s column in the December 17, 2021 *Washington Post* was headed, [“We are closer to civil war than any of us would like to believe,” new study says.](#)⁵ Citing a new book, *How Civil War Starts* by University of California San Diego professor Barbara F. Walter, Milbank reports that “one of the nation’s top authorities on foreign civil wars says that we are on the cusp of our own.” Walter serves on the CIA advisory Task Force on Political Instability, which reviews conditions around the world to predict which countries are at risk of deteriorating into violence. According to such checklists, the conditions that make civil war likely are showing up in the United States. Dramatic deterioration under Trump’s presidency has left the United States no longer “technically qualifying as a democracy, wavering towards an autocratic state.” Walter warns that such a precipitous decline “greatly increases the risk” of civil war, given that a

“partial democracy” is three times more likely to experience civil war than a fuller democratic or already autocratic system. Milbank summarizes that the nation is “on the doorstep ... of [what Walter names] the ‘open insurgency stage of civil conflict,’” a threshold that, once crossed, can lead to “sustained violence” as insurgents launch attacks that involve terror, guerilla warfare, assassinations and/or ambushes. An overarching goal of its insurgents is white minority rule by “Christian” theocracy.

On the *Post* Opinion page that same day, three retired U.S. Army generals expressed collective alarm in an article titled [“The military must prepare now for a 2024 insurrection.”](#)⁶ Retired major generals Paul D Eaton and Antonio Taguba (with 34 years of active duty between them) and retired U.S. Army Brigadier General Steven M. Anderson (with 31 years of service) warn of “the potential for lethal chaos inside our military, which would put all Americans at severe risk. ... We are chilled to our bones at the thought of a coup succeeding next time” from, for example, a break-down in the chain of command between federal and state officials at places like the US-Mexican border.” A recent [Associated Press series on “AWOL Weapons”](#)⁷ reveals the disturbing number of weapons that have been stolen from military bases, including North Carolina’s Ft Bragg, although its authors do not address the possibility that some may be going to political insurgents.

But insurgents hardly need to steal from the Army for single assaults. With the wrong weapons, disturbed young men become one-man armies. The Uvalde , Texas school shooter who killed 19 people, Salvador Ramos bought his assault rifle from [Daniel Defense, a family-owned business in Georgia](#) that has been trail blazer in aggressive style of marketing and sales of weapons. Daniel Defense went from a \$20 million contract to produce combat rifle accessories in 2008 to the next year expanding to making and selling the guns to consumers, one ad suggesting “Use what they [the military] use.” With gun constituency aging out, Daniel Defense has increasingly marketed to younger buyers with guns available online and with credit and ads featuring children, video game heroes, even Santa Claus – all glorifying violence and warfare. The week before the Robb Elementary School shooting, the company posted a photo on Titter and Facebook showing a young boy with an assault rifle in his lap: “Train up a child in the way he should go, and when he is old he will not depart from it.” [A Bushmaster Firearms advertisement](#) from a 2014 catalogue with a picture of an AR 15 reads, “CONSIDER YOUR

MAN CAR REISSUED,” and in small print: “If it’s good enough for the professionals it’s good enough for you.”

Disenfranchised communities have historically not been well served by the Central Intelligence Agency or the U.S. military, and the idea that “our democracy is at stake” in the next two years begs the question of how much democracy Black and brown communities in the United States have ever had. Certainly, here in North Carolina, “democracy” varies by region, by county, and at times by the side of the tracks. The fact that the franchise was not provided fully to African Americans until the Voting Rights Acts of 1964 and 1965 underlines the fact that electoral democracy in the United States is a quite recent and vulnerable thing. Frequent references to the Confederacy during and since the Insurrection suggest that the question of “civil war” in the United States is as much about the unfinished issues from the 1861-1865 war as it might be about a possible next conflict. All reveal the “hinge of history” on which discussions of civil war, and possibly our futures, still swing.

The Oath Keepers’ view from the street

Any narrative of the jaw-dropping event on January 6, 2021 unfolds not only forward to developments since the Capitol attack, but also backwards, as we construct more of the story of how it happened.⁸ An understanding of the alleged conspiracy’s scope grows with new indictments from the Department of Justice, excellent investigative journalism, and new revelations from the House of Representatives’ Select Committee, which plans to present the full array of its findings beginning in June. The story first unfolds from the street, following the mob led by cohorts of paramilitary foot soldiers into the halls of power. By January 19 2021, federal indictments had begun to argue that the vanguard of January 6, 2021 “Make America Great Again” mob were white supremacist and antigovernment militias, including the leaders of prominent far-right groups, the most prominent the Oath Keepers (hailing mostly from military and police) and the Proud Boys (mainly street fighters). [Twenty-two of the defendants](#) charged in federal court related to crimes committed during the Insurrection are from North Carolina.⁹

In the federal indictment narrative on this plan to be armed and ready, [North Carolinians were central](#).¹⁰ The first mention in federal indictments of the crime of plotting to overthrow the government came on January 12, 2022, when the Justice Department issued a [sweeping indictment for eleven Oath Keepers](#) on nineteen counts including “Seditious Conspiracy,” with

founder and leader Elmer Stewart Rhodes III leading the list.¹¹ The indictment traces Rhodes' leadership from two days after the 2020 election through the aftermath of January 6. "We aren't getting through this without a civil war," Rhodes declared over encrypted chat on Nov 5, 2020, setting off a cascade of secondary messages to Oath Keepers across the country whose own communications show began recruiting, training, and planning.

According to the indictment, the overall plan of the Oath Keepers on January 6 was to establish "QRF," or quick reaction forces, that would "stay on the outside [of the Capitol] fully armed" and ready to go in when Trump would declare an Antifa Insurrection and invoke the [Insurrection Act](#)¹² to "call us in as the militia." In a notable irony, President Trump [first considered using the Insurrection Act](#) in the summer of 2020 against people protesting the police killing of George Floyd, the opposite of its modification in 1871 to allow the federal government to protect African Americans against Klan violence.¹³ By J6, the idea of using the act during the presidential inauguration appealed not only to Rhodes and other extremists but to "Trump and people close to him," according to the [Washington Post](#).¹⁴ But both Trump and Rhodes had shockingly bad intel on Antifa and the Movement for Black Lives, neither of which ever showed up for the anticipated battle. This absence was one factor in the increasingly angry mob that met little resistance and had full access to the U.S. Capitol.

By its account on January 5, 2021, U.S. Navy veteran Thomas Caldwell sent to OK comrade and former U.S. Marine Donovan Crawl a Facebook message: "Oath Keeper friends from North Carolina are taking commercial buses up early in the morning on the 6th and back the same night. Paul will have the goodies [in separate transport] in case things go back and we need to get heavy." Caldwell also messaged Army veteran Jessica Watkins that a bus of 40 additional people from North Carolina would arrive separate from "Paul" [also referenced as "Person 3"] so that "the boys don't have to schlep weps on the bus." The Oath Keepers assembled on the morning of January 6 anticipating "a bloody and desperate fight," a "massively bloody revolution against them," in Rhodes' words. By federal accounts in early indictments, the North Carolina Quick Reaction Force contingents were ready to board boats to ferry the "heavy weapons ... across the Potomac to our waiting arms," in Caldwell's words. In May of 2021, Journalist [Jordan Green reported](#) on a filing in Thomas Caldwell's case cited a message from "Person Three": "My sources DC working on procuring Boat transportation as we speak."¹⁵

None of these North Carolina Oath Keeper contingent from Columbus County for the QRF have been named in indictments.

This federal narrative was challenged by investigative journalist [Nate Thayer in his recently published first article](#) of a three-part series, the result of an eleven-month investigation into the North Carolina and Florida Oath Keepers' Quick Reaction Forces. Thayer claims that the mysterious "Person 3" from early indictments is Paul Stamey, a 66-year-old disabled Marine veteran from Cabarrus County, NC. Thayer's piece draws on extensive interviews with Stamey and forty other Oath Keepers, almost all "off the record" assertions of their innocence. The main corroboration provided by Thayer is time-stamped photos from the security camera of the Comfort Inn in Arlington where both groups stayed, intended to support claims that North Carolina and Florida Oath keepers were not armed commandoes on standby to assault the Capitol, nor were they coordinated in a way that constitutes "conspiracy." Rather, Thayer writes, Stamey stayed behind in his motel room to keep watch over the private weapons brought in a separate van as the rest of the OK group went to DC where gun laws were stricter, as did "Kane," the Florida Chapter's QRF keeper of the weapons in the motel.

Stamey told Thayer that when he saw the mayhem at the Capitol on tv, he called Douglas Smith, the Chapter's President, and five other leaders of the group and "and ordered them to turn around, return to the charter bus, and immediately leave Washington." By 4 pm on January 6, by this account, they had departed the Comfort Inn for home. On January 7, Smith wrote to the head of the NC Sheriff's Association, saying "all NC Oath Keepers are beyond furious" over the attacks on Capitol police and announced a "rebrand" around the group's mission as supporting law enforcement in all 100 counties of the state under the name of North Carolina State Defense Force. Smith's relationship to the organization [continues to be ambiguous](#), but progressive activists in Raleigh have sighted NCSDF patches on protestors.¹⁶ Thayer also challenges Thomas Caldwell's testimony against "Person Three" as that of a "blowhard." Person Three has yet to be identified in federal indictments, and the multiple [superceding indictments of participants like Laura Steele](#) drop out mention of Person Three and Thomas Caldwell, and play down the QRF as they focus on the Oath Keeper leader Stuart Rhodes.¹¹⁷

Whether or not Stamey and his elderly Florida QRF counterpart merely stayed in the rooms to tend the weapons, the situation at the US Capitol did involve violent attack with a

remarkable array of weaponized items and was influenced by trained militia-type members, including Proud Boys and Oath Keepers.

By April 4, 2022 Charles Donohoe, Proud Boy leader from Kernersville, NC [turned state's evidence](#) in return for cooperating with the government's ongoing investigations. The [original indictment](#) asserts that Donohoe was a "fourth-degree member of the Proud Boys," the organization's "highest rank," who had been involved in DC altercations in December. "Donohoe knew and understood that some members of the Proud Boys – known internally as the 'rally' boys—would resort to unlawful conduct to achieve an objective" (2). The PB national leader "Enrique" Tarrío had recruited him to join the organization's "Ministry of Self Defense" (MOSD), a new chapter of select "rally boys" focused on "planning and execution of national rallies," including January 6 for which Donohoe was part of the "regional leadership." After Tarrío was arrested in early January for burning a BLM banner in a December action, Donohoe decided to go to DC as "boots on the ground" because of the leadership void from Tarrío's absence.

On J7, he met with the New MOSD Members Group at the Washington Monument at 10 am, then a "group of 100 or more Proud boys" marched towards the west side of the Capitol grounds. Donohoe understood that his superiors Ethan Nordean and Joseph Biggs (not from North Carolina) were "searching for an opportunity to storm the Capitol," which came after the Joint Session to approve Presidential electors began, the indictment asserts. The large gathered crowd "breached the barriers and advanced onto Capitol grounds," as Donohoe followed Nordean and Biggs, throwing two water bottles at police and grabbing a stolen riot shield from PB Pezzola for a picture (apparently returning it). Donohoe, the indictment states, pushed up the stairs in a crowd that "overwhelmed law enforcement who were attempting to stop their advance," but Donohoe "eventually succumbed to pepper balls that had been deployed by officers" and went back to a hotel. (It is notable that the entire battle at the Capitol involved no gunfire except the one shot that [killed veteran Ashli E. Babbitt](#) as she sought to force her way through a window into the House chamber.)

Allegedly, the Capitol was not the only federal building in PB attack plans. A [March 8, 2022 federal indictment](#) of national leader Tarrío included reference to a "1776 Returns" document, which laid out a plan for at least 50 people to "surveil and storm" six House and Senate buildings and the Supreme Court.¹⁸ As the [New York Times](#) summarized, this new

indictment “adds substantial new details about the scope and complexity of the plan” on J6, with the caveat that Tarrío is not accused of using the document to guide the attacks or of sharing it with other indicted Proud Boys including Donohoe of Kernersville.¹⁹

As we described in [our previous report](#), North Carolinian Laura Lee Steele, 52, a former police officer from of Thomasville, was also in the Capitol melee with her brother Graydon Young, 54, a Florida Oath Keeper through whom Steele had joined the highly active Florida chapter. The siblings drove up to DC from the High Point area in a van “with others known and unknown” – in other words, not with the Columbus County contingent led by Smith. The Florida connection got Steele into the “stack” of “eight to ten individuals in paramilitary equipment aggressively approaching an [eastern] entrance to the Capitol building ... moving in organized and practiced fashion and forcing their way to the front of the crowd.”²⁰ Steele has been listed in [seven superceding indictments](#) (e.g., in which charges were increased or clarified) on seven counts since last year.)

So how *many* “committed insurgents’ in North Carolina?

The Oath Keepers and the Proud Boys active in storming the Capitol are, in military terms, the “tip of the spear,” those who do the “first and most meaningful action in an offensive,” its purpose to deliver “the sudden and overwhelming use of combat force to pierce an enemy’s first line of defense.”²¹ How prevalent are these groups in North Carolina, and how dangerous?

There are two ways into these questions.

To assemble a profile of the 700+ people then-indicted for J6, [Atlantic writer Barton Gellman](#) turned to the work of Robert A. Pape, who is at 61 a “leading scholar on the intersection of warfare and politics” currently serving as Director of the University of Chicago Project on Security and Threats (CPOST).²² Pape and his colleagues set out to determine the relevant demographics and the animating political beliefs of the insurgents. What they found proved contradictory to the reigning explanation of extremist violence in the United States – which of late has been understood as the lone wolf, or as small cells of individuals working independently. As an example of a “lone wolf,” think [Dyllan Roof at the Emanuel African American Episcopal Church](#) in Charleston, SC, who opened fire during a prayer meeting on June 17, 2015, killing nine peaceful churchgoers in order to start a “race war.”

In terms of age, those in the insurrectionist cohort were not in their 20s and 30s, as in previous decades of such far-right activity. The average age for J6 was 41.8 years old. Economically, they were not predominantly struggling financially – only 7 percent were jobless, and more than 50 percent were white collar or business owners, “doctors, architects, CEOs, [or] State Department officials.” Nor were the vast majority affiliated with known extremist groups such as Proud Boys, Three Percenters, and Oath Keepers. Of those charged with crimes stemming from January 6, only 1 in 7 had those ties, 6 out of 7 had no ties at all. This information seems to confirm Kathleen Belew’s analysis that J6 “was not designed as a mass casualty attack but rather as a recruiting action.”²³ But, as we have argued, “tip of the spear” operations often depend on smaller numbers of “special ops” who are trained to do efficient, maximum damage for branches of the US military and in sheriff’s departments and city police departments across the country. (Remember [Breonna Taylor’s death in Louisville](#) when police raided the wrong apartment in “poor planning and wreckless execution.”)

Pape and his CPOST colleagues found that the only shared characteristic of the insurrectionists was that they did *not* come from places with an outpouring of support for Donald Trump: “Counties won by Trump in 2020 [were] less likely than counties won by Biden to send an insurrectionist.” In fact, “the higher the share of Trump voters in a county, the fewer the insurgents.” More rural areas sent fewer insurgents than more densely populated ones. The chief difference CPOST found: insurgents were “more likely to come from a county where the white share of the population was in decline.”

CPOST also ran national opinion surveys to assess the extent to which Americans shared insurrectionists’ beliefs. They found that 4 percent of US people “don’t trust the election results” and would join protests “even if I thought the protest might turn violent.” A second poll asked if respondents thought that the 2020 election “was stolen from Donald Trump” and that Biden is “an illegitimate president” so that “the use of force is justified to restore Donald Trump to the presidency.” Eight percent of respondents agreed that violence was justified. The only other statement on the CPOST poll that “won overwhelming support among the 21 million committed insurrectionists”? Two-thirds agreed that “African American or Hispanic people in our country will eventually have more rights than whites,” echoing the “Great Replacement” white fears from the beginning of the 20th century.

The dangers of “White replacement” beliefs were most recently and brutally on display when on May 14, 2022, a 18 year-old white supremacist [Payton Gendron opened fire](#) in the TOPS supermarket in Buffalo killing ten Black people and injuring three others. His intent was “to spread awareness to my fellow Whites about the real problems in West is facing and to encourage further attacks that will eventually start the war that will save the Western world [and] save the White race.”

Of course, such figures as CPOST presents mean that 96 percent of Americans polled would *not* join potentially violence protests, and 92 percent of Americans do *not* justify the use of force. These are huge majorities to celebrate. But four percent of the population is 10 million American adults. Eight percent is 21 million people, whom Pape called “committed insurrectionists.” These are *not* lone wolves or a few armed men in cells. They are a private army at the ready, as the aforementioned three retired generals testified. We should take them seriously. Pape concludes: “This really is a new, politically violent mass movement [in the United States]. This is collective political violence” (Gellman, 31). The vast majority of people in North Carolina surely do not want such violence.

“White alones” in NC

How might Gelman’s estimates of “committed insurrectionists” play out in North Carolina. According to the 2020 census, the total population of North Carolina is 10,551,162, a change in population of 1,015,679 people over 2010, more than + 9.5 percent over the past decade. Those 18 years old and over make up 78.1 percent of the population, or 8,240,457 people. Making very rough extrapolations from what Gellman suggests as guidepost demographics from the 2020 North Carolina census figures, four percent of those 18 and older in North Carolina is 329,618 residents; 8 percent is 659,237. These would be what Pape suggests are “committed insurrectionists,” a very large and active number. In another measure, in the [2020 Presidential election](#), 2,758,775 North Carolinians voted for Trump in 2020, or 49.93 percent of total NC voters; 2,684,292 voted for Biden, 48.6% of the vote.²⁴

CPOST data found that most consistently, insurgents came from counties with white populations in decline. What counties might these be? As a quick overview from the [US Census Bureau website](#) of such an overlay, overall North Carolina in 2010 had 65.3 percent “white alone” (not Hispanic or mixed race) residents, with a decrease in 2020 to 60.5 percent or 4.8 percent decline at the state level. Columbus County, to which many Oath Keepers returned on

J6, had 59.3 percent “white alones” in 2020 (down from 60.4 percent in 2010 for -1.1 percent over the decade) and 28.8 percent African Americans in Columbus in 2020, down from 30.3% in 2010. Wake County, at 57.1 percent white alones in 2020, was down from 62.2 percent in 2010, for -5.1 percent of white alones over the decade and a rise in Asians and Latino/Hispanic residents. Richmond County fell from 58.7 percent white alones to 55 percent over the decade.²⁵

Other counties with decreases in white population include; Scotland, by 4.2 percent; Pasquotank, by 1.8 percent (from 55 to 53.2) percent; and Duplin, -1.7 percent. These counties might be places to keep an eye on in coming years. Counties with very high percentages of “white alones” include Ashe, Mitchell, Clay, Madison, and Yancey measured as part of [Census Bureau summaries of Racial and Ethnic Diversity](#) of counties with 90% or above. Counties with white alone populations below 50% include Guilford, Durham, Mecklenburg, Cumberland, Hoke, Scotland and Robeson, perhaps counties where some white people might increasingly fear a loss of power.²⁶

As a second measure of “committed insurgent” presence in North Carolina: how these CPOST demographic statistics match the 900+ Oath Keeper names from a membership list hacked and published last September. On September 27, 2021 an anonymous group claiming to have hacked the Oath Keepers website passed the 5GB of national information on to the journalist and transparency collective [Distributed Denial of Secrets](#). The hack included chats logs, membership rolls, donation receipts, and other information about the Oath Keepers. While the data largely dates from July 2020 to October 1, 2021, the NC entries go back to 2012. The current status of individuals on the list is less than clear – some purchased lifetime memberships, others are listed as “expired,” some may have died. The post on DDOS made much of the material available to the general public, but the member list and donors was only provided to journalists and researchers. They have mined the national list to find, for example, [133 ties to U.S. military](#), deduced through the suffix “.mil” in members’ emails²⁷, [48 state and local government officials](#) nationally,²⁸ and the membership of [NC House deputy whip](#) Rep. Keith Kidwell in 2012, six years before he was elected to represent Beaufort and Craven counties in the NC House in 2018.²⁹

Recently, BPNC extracted from the complete file of over 35,000 Oath Keepers members the list of more than 900 individuals from the state, with name, address, email address, phone number, join date, and membership type. Our initial examination of this list gives us a glimpse

into how the patterns discovered by Gellman map onto the NC Oath Keepers membership. It is important to recall that these numbers do not indicate *current* total numbers of members from these cities and towns, but the cumulative number of people who joined there between 2012 and 2021. Also, after the J6 Insurrection, many members quite or distanced themselves.

The most obvious correlation is that, counter to popular stereotypes, NC Oath Keepers are much more likely to come from urban than rural areas. (That urban areas by definition have more population density is a chief factor here.) Major cities clocked more total representation: Charlotte had 48 members; Raleigh, 42; Fayetteville, 42; Wilmington, 27; Jacksonville, 20; Greensboro, 19; Winston-Salem 14; and Asheville, 12. Durham and Chapel Hill had only 6 each. The smaller cities with larger numbers of Oath Keepers during this period are also notable: Hickory, 19; Gastonia, 13; Goldsboro, 12; Hendersonville, 12; Huntersville, 12; and Angier, 11.

Secondly, there is significant representation from North Carolina's military bases and the communities around them. Goldsboro, home of Seymour Johnson Air Force Base, had 12 members; Jacksonville, adjacent to the U.S. Marines Camp Lejeune had 20. Ft. Bragg itself had 7 members; Cherry Point and Havelock (near Lejeune) had 12 between them. The rest of the OK list was spread more thinly across small and medium towns across NC counties.

A startling section of the OK spreadsheet was the column with each member's "skills, experience, desired roles, etc." The most specific offerings often came from places near military installations with skills involving possible the "tips of the spear." Here is a small sample: From Camp LeJeune (joined January 9, 2013): "... spent four years (2006-2009) as a Close Quarters Battle Instructor for Marine Security Forces.... currently an instructor at the 10th Marines Artillery Training School teaching section chief courses for M777 Howitzer and Mortars." From Candor: "My first aid training from years in the Army is still in my mind.... I have a Glock 19 and I am very proficient with it. I have also trained with a Police Officer friend on sniper shooting, although I do not own a weapon for use in sniper shooting.... could be an asset in that area." Charlotte (no date): "Am still active in the shooting sports. Am still willing to lay my life on the line to defend the COTUS [Constitution of the United States]. Am good field leader with lots of camping, hiking, experience. Know the mountains of NC very well." (no date) Charlotte (joined February 11, 2013): "Lifetime NRA Member. Firearms collector. Owner of title 2 firearms [these include machine guns; and destructive devices such as grenades, rockets, mortars and rocket launchers]. Tea Party Member. NRA certified Police Firearms Instructor.

Hold AAS in Police Science. Police experience mainly in narcotics, street gangs and surveillance.” Charlotte (no date): “Unconventional warfare, Small Unit tactics, Communications Analysis, Survival skills ... small livestock, goats, sheep, rabbits and chickens.”

In an apparently unrelated matter, The US Attorney’s Office for the Eastern District of North Carolina on January 31, 2022 issued [an indictment against Christopher Arthur](#), a Duplin County man living in Mt Olive, for “teaching another individual how to make and use an explosive, knowing that the individual intended to use that instruction in the attempted murder of federal law enforcement.” The same court documents revealed that another individual who “was attempting to organize and recruit for a militia group and was preparing to engage against the United States Government” was “shot and killed following a two-hour police pursuit and an exchange of gunfire.”

The deceased had received instruction [at Tackleberry Solutions](#) in Mt Olive in March of 2020, Arthur’s business whose web page advertises: “We teach wartime military tactics for home defense.”

2010 REDMAP Gerrymandering and the Enemy Within

The ground troops of Tarrio’s Proud Boys and what Oath Keeper leader Rhodes hoped would be a “massive bloody revolution” went into action at the Capitol on January 6 as the “tip of the spear.” At the same time, a related part of the drama played itself out first at President Trump’s noon rally, then inside the Oval Office to which Trump and his staff retreated. The firebrand rhetoric and precipitous actions of North Carolinians Mark Meadows, by then Trump’s Chief of Staff in the Oval Office, and NC Rep. Madison Cawthorn, who spoke at the rally, were joined at the hip. This generation-spanning twosome was made possible by the redistricting process of 2010 that brought into Congress the Tea Party/Freedom Caucus cohort and paved the way for increasingly extreme politicians and politics. PROJECT REDMAP’s gerrymandering resulted in state legislative and Congressional districts that provided safe petri dishes for white minority rule and unbalanced elected officials for whom laws that they broke did not seem so important as their own ginned up claims of the illegality of Others.

Our state was *RatF**ked*, the title of David Daley’s book on “the secret plan to steal America’s democracy” lays out.³⁰

The Southern Strategy

By 1970 after victories of the civil rights movement to end Jim Crow, the radical right mobilizing within a major political party identified its solution to maintaining white control in what its operatives called the Southern Strategy. This strategy sought to reconsolidate white supremacist control through white backlash. The 2010 gerrymandering PROJECT REDMAP drew directly on Nixon operative Kevin Phillips. Phillips explained in a [1970 New York Times interview](#): “The more Negroes who register as Democrats in the South, the sooner the Negrophobe whites will quit the Democrats and become Republicans. That's where the votes are.”³¹ [He would elaborate in 1981](#): “You start out in 1954 by saying, N*****, n*****, n*****.” By 1968 you can't say "n*****"—that hurts you. Backfires. So, you say stuff like forced busing, states' rights and all that stuff.”³²

In the 1990s, another infamous political operative, Lee Atwater, understood that the minority-majority seats called for in the Voting Rights Act would concentrate white votes in surrounding districts (Daley, 36). Heading up George H.W. Bush’s presidential campaign, Atwater devised dirty-tricks racist tactics that helped generate the elder Bush’s victory. In 1992, following Atwater’s playbook, Republican-controlled legislatures began to pack Black voters into tight and bizarrely drawn districts that left the surrounding areas increasingly white. This strategy increased Black representation—thirteen new African Americans in Congress in 1992 contributed to a Black Caucus of sixteen members, the largest Black representation since Reconstruction. But the strategy also increased the percentage of white Republican elected officials. By 1994, Republicans controlled the U.S. House of Representatives for the first time since Reconstruction, guided by House Speaker Newt Gingrich’s regressive [Contract with America](#). The hardening of districts along partisan lines made voters increasingly more predictable and increased growing political divisions.

In 2008 after GW Bush’s failures--in the war in Iraq, Hurricane Katrina response, and the 2008 financial crash--Obama carried the swing or formerly Republican states of North Carolina, Virginia, Florida, Ohio, Colorado, Nevada, and Indiana to win the Presidency and both houses of Congress. The results were hailed as a “possible new supermajority” with a potentially “unbreakable” multiracial Democratic coalition (Daley, xi-xii). But in other quarters, the victory of a first Black president was the “demographic time bomb” dreaded by white supremacists at least since the 1980s, if not the early 20th century, that signalled “the Great Replacement.” In

response, PROJECT REDMAP was the 2009 brainchild of political operative Chris Jankowski in the wake of what seemed to be another transformative victory for racial inclusion made possible by the Voting Rights Act.

For 2010 elections, Republican strategists did the math. As Daley explains, they focused on 107 state legislative seats in 16 states that they calculated could result in the ability to redraw district lines for nearly 190 Congressional seats. Jankowski raised \$30 million for the campaign. His massive intervention would come at the intersections of redistricting triggered by the 2010 census, white backlash to the first Black president, and massive cash infusions made possible by the January 2009 *Citizens United* decision, which allowed “dark [unreported] money” to be used by political campaigns as a form of “free speech” and the 14th Amendment guarantee of “equal protection.” To cap it off, the latest computer technology sorted big data on voters with the Maptitude program, giving down-to-the-block precision on how shifts in lines would affect the demographics of a district. At the state level, Daley writes, it was “the biggest rout in modern history,” with 700 new seats for Republicans in the 2010 elections. These helped constitute the legislatures that would draw the new lines for state legislatures and for Congressional district (xvii). REDMAP, in Daley’s opinion, was “the most strategic large-scale and well-funded campaign ever to redraw the political map coast to coast, in the express goal of locking in [one-party] control ... for the next ten years” (xvi). The REDMAP PROJECT flipped legislatures and redrew Congressional districts in key states, putting North Carolina again in the cohort of “battlegrounds.”

In 2012, Obama won reelection, beating Mitt Romney by 3.5 million popular votes and in the electoral college. Nationwide, 1.4 million more U.S. voters voted for Democratic House candidates than for Republican ones. But because of REDMAP gerrymandering, Republicans gained a 33-seat advantage in Congress. In the states, Democrats also lost control of the upper chamber in Alabama, Maine, Minnesota, New Hampshire, New York, North Carolina, and Wisconsin. All except New York also lost control of the lower chambers, giving Republicans huge legislative control in those states. Colorado, Indiana, Iowa, Montana, Pennsylvania and Ohio flipped the upper chamber from blue to red as well.³³

In North Carolina, \$2.2 million in new “dark money” donations from the conservative billionaires Charles and David Koch and NC millionaire Art Pope funded a storm of attack ads against key candidates. According to [BallotPedia](#), in the 2010 NC legislative elections,

Democrats went into the Fall elections with 68 of the 120 House seats, Republicans with 52; they came out with Democrats at 52 seats and Republicans at 67. In the NC Senate race, Democrats went in with 30 of 50 seats, Republicans with 20. After 2010 ballots were tallied, Democrats had 19 seats and Republicans 31. In other words, after REDMAP and Pope's \$2.2 million-funded attacks, both chambers almost exactly flipped.

The 2012 elections increased the Republican majority in the Senate by one seat to 32 out of 50. That year in the NC House, Democrats lost nine seats, falling to 43, and Republicans won ten seats, for a total of 77.³⁴ In Congress in 2012 in North Carolina, "Democratic House candidates won 50.6 percent of the votes. Republican candidates won 9 of the 13 seats. Democrats won the 3 districts designed to pack in minority candidates with totals exceeding 70 percent" (Daley, 47). That year, Pat McCrory became the first Republican NC governor since 1988, giving Republicans "Super Majority" status so that Democratic-proposed legislation could be easily defeated or vetoed while Republican legislation sailed through. In 2016, the election of Democrat Roy Cooper as NC governor broke the absolute control on Republicans at the state level because he could veto the most egregious policies. A *New Yorker* article, "[State for Sale](#),"³⁵ chronicled this shift that placed the NC General Assembly under Republican majorities for the first time since 1870 – and that was a diametrically different "Republican Party," the party not of guaranteeing African American votes but of suppressing them. Thus North Carolina became one of the national laboratories for almost unchecked white minority rule.

District 11 and the Insurrection

The January 6 Insurrection gives us another measure of the effect of unconstitutional congressional districts, e.g., "safe Republican districts for a very different kind of conservative" (Daley 205). It creates norm-violating politicians, for example, such as Mark Meadows and Madison Cawthorn, both of the infamous 11th District.

In 2012, Mark Meadows ran in the 11th District, adjacent to the 12th District designed to pack disproportionately African American voters. The 11th had been redrawn to divide Asheville's liberal college-town voters down the middle, making it "the state's most Republican district over the previous sixty years" (Daley, 46). Meadows emerged from North Carolina's 11th as part of the new cohort of Tea Party and Freedom Caucus congresspeople who would oppose President Obama at every turn. They were determined to sink his presidency and, if need be, the

country itself. Ever precipitously flirting with the cliff edge, in July 2015 Rep. Meadows drafted a letter signed by 80 other U.S. Representatives from districts that were 75 percent white linking a possible government shutdown to the funding of Obamacare. He also led an attack on then-Republican Majority Leader John Boehner, who eventually resigned. Boehner's departure would push Republican Congressional leadership further to the right, as would running more extreme candidates against moderate ("RINO," or Republican in Name Only) ones later.

Meadows would serve in Congress until he quit in March 2020 to become Trump's Chief of Staff, which put him in the room with Trump on January 6, 2021 and in fact serving as "Trump whisperer" for Big Lie and other election conspiracy theories. When approached by the Select Committee investigating the Insurrection, Meadows initially gave over a trove of documents, then refused to testify and was found in contempt of Congress for "failing to comply with a government subpoena."³⁶ If interviewed by the Select Committee, Meadows would be in a position to provide information about his boss's attempts to strongarm Georgia election officials into "finding" enough votes for him to carry the state, Trump's failure to archive key documents, his participation in a discussion at the White House about seizing voting machines and invoking the National Emergencies Act – the list about Trump's actions that Meadows might be privy to goes on and on. Meadows' contempt citation [could result in](#) up to a year's time in prison and fines should Attorney General Garland and the DOJ decide to prosecute, a window of opportunity narrowing dangerously as we approach the 2022 and 2024 elections.³⁷

More recently, the [NC State Bureau of Investigation confirmed](#) to media that Meadows is under investigation for providing false information about his permanent residence on his voter registration form in 2020, using the address of a mobile home in Scaly Mountain that he has never owned or lived in.³⁸ Lying on such voter forms is a Class I felony in the state, a form of "electoral fraud." In other words, at the time Meadows was working with Trump to "stop the steal," he and his wife, Debra, allegedly committed voter fraud in order to vote for Trump in North Carolina. The NC Board of Elections has taken Mark Meadows off of the NC voting rolls.

Meadows is [also under scrutiny](#) over texts with Supreme Court Justice Clarence Thomas's wife, Ginni, contained in the documents Meadows initially released to the Select Committee. Mrs. Thomas, a friend of Meadows since their Tea Party days, texted him three days after the November 2020 election : "Do not concede. It takes time for the army that is gathering for [Trump's] back." As Mrs. Thomas agitated for overthrow of the election results because of

voter fraud, Justice Thomas remained Trump’s staunchest ally in the Court. On January 10, Mrs. Thomas texted Meadows her “disgust” with former Vice President Mike Pence: “We are living in what feels like the end of America,” with her seeming goal to bring that end about.

Many states’ gerrymandering processes have produced similarly divisive and extreme figures as Meadows and Cawthorn. Our primary task here has been to use those significant individuals from North Carolina to tell – and understand –the going-to-scale for those forces intent on (re)establishing white minority authoritarian rule in the United States, a highly “partisan” racial process. PROJECT REDMAP built the runway on which the Trump Presidency would land.

“87 mph on a 70 mph [zone]”: Madison Cawthorn’s Crashed “Rising Star”

Madison Cawthorn barreled down the redrawn but still highly Republican 11th District into the U.S. Congress to replace Meadows when the older 11th District Congressman moved into the Oval Office on March 31, 2020. As Cawthorn’s [Congressional webpage](#) explains, he entered Congress as “the youngest Republican ever to be elected to the United States Congress” and is “currently the youngest member of Congress”—presenting his youthful self (he was born in 1995) as harbinger of the future Republican majority, although he played to an older white voter base. His web page states that Cawthorn is a “fervent Christian” and “conservative constitutionalist,” one of President Trump’s “strongest and most ardent defenders” and altogether “a rising star in the Republican party.” As such, Rep Cawthorn subsequently “led the charge to protect election integrity and object to the House’s certification of Presidential electors,” his web page informed, by his own accounts a bridge to his party’s future. ³⁹

Early indications of Cawthorn’s white nationalist ties can be found in the name of his company: SPQR Holdings LLC. “*SPQR* was commonly used as a symbol of the Roman Empire and stands for *Senātus Populusque Rōmānus* (‘The Roman Senate and People’).”⁴⁰ [The Citizen Times reported](#), “SPQR has been embraced by skinhead gangs in Italy and by some white nationalists in the United States.” Cawthorn’s pistol holster, often seen strapped across his chest in publicity photos, bears the symbol of a Spartan helmet associated with the Oath Keepers. He often uses a 13-starred “Betsy Ross” flag as background in his photographs – a banner adopted by some white nationalists to symbolize a time when African Americans were enslaved and considered 3/5ths of a person in order to determine propertied white male votes. The *Citizen-Times* summarizes in its headline: “Cawthorn turns hard right.”⁴¹

[On September 4 at a meeting in Franklin](#), Cawthorn told Macon County Republicans gathered: “If our elections continue to be rigged and stolen it will lead to one place, bloodshed. As much as I am willing to defend our liberty at all costs, there is nothing I would dread doing more than picking up arms against fellow Americans.” The *Citizen Times* reported, “Cawthorn, holding a shotgun he was asked to sign, says the Second Amendment is not for hunting or target shooting, but rather for fighting tyranny.”⁴² Rep. Cawthorn advised the crowd to begin stockpiling ammunition.

In Buncombe County Cawthorn incited parents to “overthrow” the elected school board and install themselves instead, and at Transylvania County meetings he called on leaders to “disobey” state health quarantine regulations. Moore County’s school board rescheduled their meeting after anti-mask demonstrators threatened to show up at board members’ homes.⁴³ In Iredell-Statesville, a protester at a School Board meeting shattered a glass door. The Sheriff in Henderson County declined to charge Cawthorn with a misdemeanor when he brought a knife to a school board meeting.

Such incendiary activities got Cawthorn a spot on the podium for the January 6 noon rally at the Capitol, where he proclaimed, “[If] anyone tells you Biden is duly elected, he is lying to you. ... They are trying to silence your voice.” He then went down to the House chambers for the electoral college vote. The next day, he claimed he had been armed in the chambers, which is against the law. In October, [Rolling Stone](#) reported that two rally planners told the Select Committee that “multiple members of Congress were intimately involved in planning both Trump’s efforts to overturn his election loss and the January 6 events that turned violent.”⁴⁴ Those alleged to be J6 conspirators included Marjorie Taylor Greene (GA), Lauren Boebert (CO), Mel Brooks (AL), Paul Gosar (AZ), Andy Biggs (AZ), Louie Gohmert (TX), and Cawthorn.

As the list above indicates, the REDMAP political class did not produce the most stable of political leaders, nor is Cawthorn. In February 2020 [Buzzfeed](#) reported that in 2016, his first and only years at Patrick Henry College, a Christian college in Virginia, Cawthorn was “accused of making unwanted sexual advances toward more than 30 women.” In an open letter, a [Daily Mail](#) article reported, “more than 160 members of the Patrick Henry community accused Cawthorn of ‘gross misconduct towards our female peers, public misrepresentation of his past,

disorderly conduct that was against the school’s honor code, and self-admitted academic failings, including that Cawthorn ‘established a reputation for predatory behavior.’”

Cawthorn’s driving record also drew attention. As the [News and Observer](#) reported, Representative Cawthorn has “past and pending traffic issues in several Western North Carolina counties,” plus tickets from Georgia, Virginia, and South Carolina. These include six speeding tickets, two for “going over 25 mph over the speed limit.” Charges also include expired registration card/tag, driving while license revoked, expired tags (2nd charge), failure to appear, improper equipment and “driving 87 mph in a 70 mph [zone]” in Polk County.⁴⁵ Other difficulties beyond the highway, the [Citizen-Times](#) reported, included “alleged ethics violations involving overpayment of a chief of staff, undeclared loans and gifts to a [male] staffer who lives with him, bringing a loaded gun through an airport checkpoint,... and accusations of insider trading.”

The bridge finally too far came when Cawthorn claimed of senior Republicans in an interview as [reported by Newsweek](#): “He's been invited to an orgy by prominent individuals in the U.S. Capitol and observed cocaine use by unnamed individuals.” Both House Minority Whip Kevin McCarthy and NC Senator Tom Tillis disavowed the Trump-endorsed “star” and supported three term state senator Chuck Edwards, who [defeated Cawthorn in an eight-way race](#) by 1,300 votes.

Lawyering Up

After REDMAP, for the rest of the decade its results would be contested in a wild series of court battles and redrawn districts across state and federal courts in a state “widely considered one of the most gerrymandered states in the country,” according to [Democracy Docket](#). The NC NAACP challenged the 2010 maps in court, in the process unearthing much about the racial nature of the intent and the process. In 2016, the 1st and 12th Congressional Districts were ruled unconstitutional because of racial gerrymandering by the US District Court for the Middle District of North Carolina, a decision upheld in [Cooper v. Harris](#) that forced the General Assembly to draw new maps for the 2016 election.

Given that racial gerrymandering had been struck down, the one-party-dominated General Assembly changed its tactics to partisan data instead of racial data to achieve the same goal of repressing Black *and* Democratic votes. As Representative David H. Lewis (R) openly

stated: he thought “electing Republicans is better than electing Democrats” so that he “drew this map to help foster what is better for the county” as quoted in *Democracy Docket*. An email from Tom Hofeller, leader of the redistricting plan, was discovered during the suit; it laid out the same old strategy—to “incorporate all the significant concentration of minority voters in the northeast into the first district” (quoted in Daley, 45), clearly aimed at minority white control.

The new maps using that formula were contested, challenging the constitutionality of *partisan* gerrymandering, which then in *Rucho v Common Cause* the US Supreme Court ruled was a political question beyond the reach of federal courts. A state appeals court soon ruled that such partisan gerrymandering was in violation of the North Carolina Constitution’s guarantee of free elections. For the third time, the General Assembly drew Congressional maps, this time without use of racial *or* partisan data. In the 2020 election under this new system, Democrats gained two Republican-held seats.

Democracy Docket assesses the costs within and beyond the state of the decade’s exhaustive and exhausting struggle: “For the majority of the last decade, North Carolina had unconstitutional congressional districts; the irreparable harm this inflicted on its residents cannot be calculated.”⁴⁶ Partisan gerrymandering *was* racial gerrymandering, and it gave more power to a conservative white electorate given that, for example, 79 percent of Black voters registered as Democrats in 2020.⁴⁷

On the legislative front, a decade of courtroom struggles in the 2010s had finally by 2019 offset the advantages from the 2010 REDMAP PLAN that created unconstitutional districts for the rest of the decade, given the drawn out battles and the General Assembly majority’s intransigent cartography. On January 6 at the US Capitol, the battle that played out with mob violence at was also over the ballot, intended as it was to stop the count of Presidential electoral votes and the peaceful transfer of power.

Battle of the Maps 2020

At the state level, the ballot struggle manifest in the 2010 REDMAP campaign began all over again following the 2020 US census count. Prodemocracy lawyers (which is to say, who valued a US Constitution not at war with itself) were on the front lines to again rectify REDMAP’s gross imbalances and Supermajority rule. As in 2010, newly elected state legislators would draw the boundaries that would determine state control of both legislative chambers and

the makeup of the U.S. House of Representatives for another decade. This mostly partisan fight played out between the Republican-ruled General Assembly, Democratic Governor Roy Cooper, the NC Supreme Court (with a 4-3 Democratic majority), and a Wake County Superior Court (with a Republican majority).

A year after the elections, on November 4, 2021 the newly elected Republican-majority legislature (still hailing from the gerrymandered districts) passed three new political maps, one each for both state houses and one for Congress. They would give Republicans as much as a 10-4 or 11-3 advantage in Congressional districts over the next decade's federal elections, even if the parties roughly split the statewide vote, according to the [redistricting and 2022 election timeline](#) in the *Chatham News and Record*.⁴⁸ In other words, it was the same-old same-old, or worse. The Wake County Superior Court ordered the new districts defined by the Republican drawn maps to be put in place.

The court battles over these maps would last the next five months. The first lawsuit was filed immediately, delaying all Spring 2022 races and the Spring primary due to these pending lawsuits. On February 2, the NC Supreme Court heard arguments in order to decide whether the Wake County Superior Court's order stood, or if the Republican-drawn maps had to be redrawn. On February 14, the NC Supreme Court released a 217-page opinion rejecting all three maps as unconstitutional partisan gerrymandering that violated Democratic voters' rights to free elections and freedom of speech. This ruling gave the legislature a second chance to redraw the maps, with the understanding that that the Wake County Superior Court could instead pick a challengers' map or have one drawn by outside experts.

Before the February 18 due date, NC House members came up with a new map that had bipartisan support. Meanwhile, the NC Senate submitted the Republican-dominated maps broadly protested by Democrats as egregiously unfair. The Wake County Superior Court ruled that the state Senate and House maps submitted by the Senate were constitutional, but the Congressional maps were still too skewed to be used. It appointed a three-person committee of experts consisting of two former NC Supreme Court justices and the former head of the University of North Carolina system to address the Congressional map. Both Republicans and Democrats appealed the ruling.

On February 23, the NC Supreme Court threw out their appeals. The two legislative maps held, and the panel of experts submitted a Congressional map that could swing as far as 8-6 in either direction, according to the [News and Observer](#). [The Fayetteville Observer](#) called it 8-6 for Republicans, with Democrats competitive in two GOP-favored districts, and Republicans favored in 3 Democrat-leaning districts.⁴⁹ The legislative maps, the paper assessed, put the state House up for grabs, with the Senate in the hands of Republicans. [Politico's calculations](#) split the NC Congressional advantage 7 to 7.⁵⁰

On March 7, the U.S. Supreme Court refused Republican requests to intervene, although four of the justices approved the radical new argument that it should be unconstitutional for state supreme courts to rule on election disputes involving federal elections.

As a result, REDMAP'S 2010 partisan gerrymandering, with its highly racial subtext, will not control the current decade's elections in North Carolina. The result could mean two to four new Democratic seats in Congress. Whatever the outcome, it is anticipated to more closely reflect the actual vote.

But gerrymandering is hardly the only threat in the elections for this decade. [The Brennan Center reported](#) in December of 2021 a new set of disturbing numbers: From January 1 to December 7, 2021, 19 states passed 34 laws restricting access to voting.⁵¹ More than 440 bills in 49 states were introduced that restrict voting access—more laws by state legislatures to restrict voting “than in any year since the Brennan Center began tracking voting legislation in 2011.” Four states pre-filed 13 bills restricting access to voting for the 2022 legislative session, with 152 such bills in 18 states carrying over into 2022. Legislatures have also introduced bills “to allow partisan actors to interfere with election processes or even reject the election results entirely.” The Brennan Center's report suggests that “efforts to restrict and undermine the vote will continue to be a serious threat in 2022.”

Summary, Conclusions, and Questions

Thus far, we have traced North Carolina residents' participation in the January 6, 2021 insurrection from members of the mob that stormed the Capitol, to the President's Chief of Staff and one of the Congresspeople whose words and actions helped to stoke participants' anger, to those insurgents' ongoing presence in the state. This grouping allowed us to see the trajectory from a highly race-based and partisan 2010 gerrymandering, to the formation of democracy-

draining Supermajorities that created a platform for increasingly extremist candidates in the districts it drew. Some of these elected officials then became involved in an insurrectionary movement that invoked the Confederacy as its core participants sought to stop the peaceful transfer of presidential power of the Electoral College. Some of those candidates officials a gun-waving bravado, ignored laws themselves, threatened elected Democratic officials, and became mired in their own legal issues. We have also uplifted the intrepid work of NC lawyers who adhere to the entire Constitution *and all* its amendments, an ongoing battle.

Prodemocracy lawyers in North Carolina and elsewhere have shown us that the U.S. Constitution cannot be “at war with itself,” battling the “originalist” constitutional interpretations that would eliminate the broadened the franchise in the United States that emerged after Emancipation. Facing our own hinges of North Carolina and U.S. history, recent court filings instruct us that no reading of the United States Constitution should invalidate the basic democratic rights in the 14th and 15th Amendments established after our own “blood and soil” civil war battles – in the 14th for due process, equal protection under the law, a path to citizenship, and the states’ responsibilities to the Bill of Rights; and in the 15th that “the right of any citizen of the United States to vote ... [not to be] denied or abridged on account of race, color or previous condition of servitude.” This is the Constitution *all* of its oath keepers are sworn to uphold.

Early in 2022, thirteen NC residents challenged the legitimacy of Madison Cawthorn’s candidacy under the 14th Amendment’s Disqualification Clause with the support of the NC Attorney General’s Office before the NC Board of Elections. Federal district court judge Richard E. Meyers III (a Trump appointee) disagreed with the BOE’s support of disqualifying Cawthorn. Judge Meyers cited the 1872 Amnesty Act that elevated ex-Confederates to again run for federal office, stating that the Disqualification Clause should not be used after 1872 to bar future insurrectionists such as “current members of Congress like the Plaintiff.” (Neither Cawthorn nor Meyers disavowed the Confederacy.) The North Carolina voters bringing suit then appealed Meyers’ decision. On May 24, 2022 they were [upheld by a three judge panel](#) in the US Court of Appeals from the Fourth Circuit, who found of Meyers’ ruling:

We express no opinion about whether Representative Cawthorn in fact engaged in ‘insurrection or rebellion’ or is otherwise qualified to serve in Congress.... We hold only that the 1872 Amnesty Act does not categorically exempt all future rebels and insurrectionists from the political disabilities that otherwise would be created by Section 3 of the Fourteenth Amendment.

Score one for the Union.

Cawthorn had lost the Congressional primary election in the 11th District the week before this decision, and the neo-Confederates in North Carolina to date have lost the legal battle over Section 3. Thus far, they are not entitled to amnesty over participation in contemporary rebellions in terms of holding federal office.

That this one section of the 14th Amendment became the textual battlefield for this ongoing struggle over democratic rights underlines my thesis that current worries about civil war in the United States are intimately linked to our former Civil War.

Like his Confederate forebears, Madison Cawthorn was a very poor loser who, like his avowed father figure Donald Trump, knows the power of the Lost Cause to those white people who fear the Great Replacement by people of color. Two days after conceding graciously and wishing Republicans well, Cawthorn wrote on Instagram, “The time for gentile politics as usual has come to an end” – later correcting to “genteel” rather than “gentile” – and calling for North Carolinians to elect Trump and for Trump to avenge himself, evoking [“Dark MAGA”](#) :

It’s time for the rise of the new right, it’s time for Dark MAGA to truly take command. We have an enemy to defeat, but we will never be able to defeat them until we defeat the cowardly and weak members of our own party. Their days are numbered. We are coming.

An [April article in Newsweek](#) filled out this frightening evocation of Trump as a “gentile” god of judgment that is “less kindhearted ... calling for a ruthless, unforgiving version of Trump to take revenge on his political enemies at the 2024 election.” Explains one of thousands of tweets using the #DarkMAGA meme since last March: "It's the realization that there is no political solution beyond vengeance.”

We cannot pretend that we do not have people in North Carolina who will respond to this call. Most recently, current Lt. Governor Mark Robinson (R) speaking from a Nash County church was reported by the [Charlotte Observer](#):

In video of his speech, Robinson said that he has AR-15s at home “to go target shooting and all that. But that’s not what they’re there for... I’m not ashamed to say it. I’m probably not supposed to say it. But I’m gonna say it anyway,” he said. “I got them AR-15s in case the government gets too big for its britches. Cause I’m gonna fill the backside of them britches with some lead.”

Anyone hearing such a comment delivered in Robinson’s bizarre giggles could have in mind the recent attacks by unstable 18-year-old young men with AR 15s, on Black shoppers at Tops Supermarket in Buffalo, NY and on Latinx children at Robb Elementary School in Uvalde, Texas. The lead with which Lt Governor Robinson brags of “filling backsides” of elected officials is not from shotgun pellets, it is bullets from a semi-automatic rifle designed to kill people in combat.

Governor [Roy Cooper on his Twitter feed](#) immediately called out the Lt. Governor:

This is dangerous and not who we are as patriotic North Carolinians.

@MarkRobinsonNC’s assault weapon threats are bad enough, but an elected official sworn to uphold the constitution advocating violent overthrow of our govt shames NC and puts our safety and our democracy at risk.

The majority in this country is not for political violence such as Cawthorn and Robinson incite. Ninety-two percent of us do not advocate political violence, as the Chicago University CPOST data after January 6 cited above suggests. But the factions that do advocate for warfare at home are heavily armed not only with combat weapons and training, but with increasingly vile and volatile theologies that would exact brutal violence in the name of a god that the vast majority of people in North Carolina would not recognize, much less worship.

How does such a diverse majority in the United States mobilize itself against such a heavily armed and motivated white minority threat? One of the answers traced in this report is

by defending a Constitution “not at war with itself” and so defending the expansion of democratic access over our history in all ways possible.

But that strategy alone will not defeat this threat, and we have not yet discovered what will.

¹ Thanks to friends and colleagues who have given input and insight into this piece: LeiLani Dowell for excellent editing several times through and to Jazmynne Cruz for for work on citations; to Scot Nakagawa, Suzanne Pharr, Heather Ahn-Redding, Christina Davis-McCoy, James Davis, Jordan Green for feedback on the text; to my colleagues on the Anti-Racist Research Collaborative Stella Adams, Grace Nichols, and Tara Romano for input and support; to BPNC Executive Director Serena Sebring for vision and guidance.

² Eaton, Paul D, et al. “3 Retired Generals: The Military Must Prepare Now for a 2024 Insurrection.” *Washington Post*, The Washington Post, 17 Dec. 2021, www.washingtonpost.com/opinions/2021/12/17/eaton-taguba-anderson-generals-military/. Accessed 11 Apr. 2022.

³ For more on this attack on “Fourteenth Amendment Citizenship” by the far right, see John E.

Finn, “How the alt right corrupts the Constitution,” *The Conversation*, no date given. <https://theconversation.com/how-the-alt-right-corrupts-the-constitution-113650>, “Getting the Constitution ‘right’ thus means returning the Constitution to its original meaning. It also means that the Constitution, as they read it, advances a particular and deeply conservative worldview, where ‘We the People’ includes only those citizens who would have qualified for citizenship at the founding (which is to say, whites), a strong commitment to states’ rights and extensive – if not absolute – protections for freedom of speech and guns.”

⁴ “Opinion | Is Civil War Looming, or Should We Calm Down?” *The New York Times*, 2022, www.nytimes.com/2022/01/13/opinion/civil-war-america.html. Accessed 11 Apr. 2022.

⁵ Milbank, Dana. ““We Are Closer to Civil War than Any of Us Would like to Believe,” New Study Says.” *Washington Post*, The Washington Post, 17 Dec. 2021, www.washingtonpost.com/opinions/2021/12/17/how-civil-wars-start-barbara-walter-research/. Accessed 11 Apr. 2022.

⁶ Eaton, Paul D, et al. “3 Retired Generals: The Military Must Prepare Now for a 2024 Insurrection.” *Washington Post*, The Washington Post, 17 Dec. 2021, www.washingtonpost.com/opinions/2021/12/17/eaton-taguba-anderson-generals-military/. Accessed 16 Apr. 2022.

⁷ “AWOL Weapons.” *AP NEWS*, 2021, apnews.com/hub/awol-weapons. Accessed 16 Apr. 2022.

⁸ For extensive detail on the January 6 attack for which the Insurrection was only the last ditch see Gellman, Barton. “Trump’s next Coup Has Already Begun.” *The Atlantic*, The Atlantic, 6 Dec. 2021, www.theatlantic.com/magazine/archive/2022/01/january-6-insurrection-trump-coup-2024-election/620843/. Accessed 16 Apr. 2022. Also Jordan Green’s [Raw Story](#) is an excellent way to keep up to the minute on developments on extremism in North Carolina and beyond.

⁹ “Capitol Breach Cases.” *Justice.gov*, 4 Feb. 2021, www.justice.gov/usao-dc/capitol-breach-cases?combine=North+Carolina. Accessed 16 Apr. 2022.

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- ¹⁰ “U.S. V. Thomas E. Caldwell, Defense Motion for Release.” *Washington Post*, The Washington Post, 2021, www.washingtonpost.com/context/u-s-v-thomas-e-caldwell-defense-motion-for-release/907def64-5ae5-4355-8422-d617386bfd48/. Accessed 16 Apr. 2022.
- ¹¹ “Leader of Oath Keepers and 10 Other Individuals Indicted in Federal Court for Seditious Conspiracy and Other Offenses Related to U.S. Capitol Breach.” *Justice.gov*, 13 Jan. 2022, www.justice.gov/opa/pr/leader-oath-keepers-and-10-other-individuals-indicted-federal-court-seditious-conspiracy-and. Accessed 16 Apr. 2022.
- ¹² “10 U.S. Code § 253 - Interference with State and Federal Law.” *LII / Legal Information Institute*, 2016, www.law.cornell.edu/uscode/text/10/253. Accessed 16 Apr. 2022. This act was passed in 1807 to empower the President to use the militia or armed forces “to suppress, in a State, any insurrection, domestic violence, unlawful and combination, or conspiracy,” and was amended in 1861 to allow the President to use the military to suppress efforts within states that “so hinders the execution of the laws of that State, *and of the United States, within the State* [emphasis mine].” [10 U.S. Code 253¹²](#) was revised again in 1871 to allow the federal government to protect African Americans against rampant Klan violence.
- ¹³ “Trump Aides Prepared Insurrection Act Order during Debate over Protests.” *The New York Times*, 2022, www.nytimes.com/2021/06/25/us/politics/trump-insurrection-act-protests.html. Accessed 16 Apr. 2022.
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