Written by **Selwyn Duke** on April 14, 2017

Rogue Judge "Rules" That Texas Voter-ID Law Discriminates Against Minorities

Our imperial judiciary has struck again, this time claiming that a Texas voter-ID law applying the same standard to everyone is "discriminatory" against minorities.

The opinion was handed down by Judge Nelva Gonzales Ramos, a Barack Obama nominee sitting on the U.S. District Court for the Southern District of Texas. Ramos ruled Monday that a "voter identification law the Texas Legislature passed in 2011 was enacted with the intent to discriminate against black and Hispanic voters," reports the *New York Times*.

How Ramos divined this "intent" — and how it has a bearing on the actual constitutionality of the law itself (people can do the right things for the wrong reasons, after all) — was not explained.

Ramos "had made a similar ruling in 2014, but after Texas appealed her decision, a federal appellate court instructed her to review the issue once more," the *Times* also informs. "The appeals court — the United States Court of Appeals for the Fifth Circuit, in New Orleans — found that Judge Ramos had relied too heavily on Texas' history of discriminatory voting measures and other evidence it labeled 'infirm' and asked her to reweigh the question of discriminatory intent."

"Civil-rights" groups and Obama's Department of Justice had stated in 2014 that requiring minorities to obtain acceptable ID was tantamount to a "poll tax." The *Texas Tribune* explained what they found so onerous: "Under the law, most citizens (some, like people with disabilities, can be exempt) must show one of a handful of types of identification before their ballots can be counted: a state driver's license or ID card, a concealed handgun license, a U.S. passport, a military ID card, or a U.S citizenship certificate with a photo."

The Obama DOJ claimed that the Texas ID law makes it harder for minorities to vote. Alright, but requiring ID for federal handouts such as food stamps, Medicaid, and Social Security makes it harder for minorities (and everyone else) to obtain them. This didn't stop Obama's feds from demanding ID — and it doesn't inspire "civil-rights groups" to file lawsuits opposing the requirement.

In reality, ID is needed to negotiate our modern world, required for things ranging from boarding aircraft to buying a gun (a prerequisite for enjoying Second Amendment rights) to opening a bank account to applying for a job to visiting the White House. Why don't leftists raise objections? Because they don't win political office by facilitating illegal bank accounts and gun purchases.

But this isn't the only example here of selective outrage and politically based judgments. Judge Ramos and her fellow travelers claim that the Texas law is unconstitutional, that it violates the 14th Amendment, despite the fact that it doesn't "deny to any person within its jurisdiction the equal

protection of the laws." In fact, it applies the same common-sense standard to everyone.

This could only be objectionable if — as Ramos is clearly doing — you apply "disparate-impact theory." This states that if groups cannot satisfy a given standard equally, it can be considered unjustly discriminatory by definition.

This rationale has been used to eliminate police and fire-department physical tests on which women performed worse than men; as an example, in 2014 Obama's DOJ sued the Pennsylvania State Police for treating women equally (by giving all cadets an already dumbed-down test). Of course, under this silliness, stopwatches could be deemed discriminatory because male runners register faster times than females ones.

That the latter won't happen brings us to a serious point: Having a disparate impact is in the general nature of laws, regulations, and standards. Income taxes have a disparate impact upon Hindus (the United States' highest-earning religious group), Jews, and other highly compensated groups, which must shoulder an inordinate tax burden. ObamaCare has a disparate impact on men, as they must pay the same for health coverage but don't use healthcare services as much as do women. Anti-smoking laws have a disparate impact on smokers and those in the tobacco business, and Obama's CO_2-oriented regulations had a disparate impact on coal suppliers.

Thus, while Ramos and other leftists claim disparate-impact judgments are necessary to combat discrimination, they're practicing discrimination when selectively deciding what cases of disparate impact to disallow. Disparate-impact theory is a tool not of principle but convenience, rolled out when a policy conflicts with the leftist agenda.

Another such ploy, one exhibited in the opinion of Judge Ramos, is this notion that allegedly bad "intent" can somehow render a law unconstitutional. Question: If a man thwarts a mugging because he identifies with the victim's race and dislikes the robber's, did this make the act of thwarting the mugging objectively bad? Should it not have happened?

As mentioned earlier, people sometimes do the right things for the wrong reasons; a given person can also have multiple motivations, some noble, some ignoble, when performing an act.

Politics is no exception. When then-senator Lyndon Johnson proposed the Johnson Amendment in 1954 — which prohibits non-profits from endorsing or opposing political candidates — it was surely driven by the fact that he himself was faced with a wealthy opponent who aimed to use a nonprofit against him in a senatorial election.

Should a judge strike down the Johnson Amendment on an opportunistic-intent basis? The provision may be bad and even unconstitutional; if it is, however, it's because of what it dictates, not what motivated its birth.

In fact, how many laws could pass muster if impure intent could render them illegitimate? Politicians aren't exactly known for having only the noblest motives, you know. Yet as with disparate impact, the intent standard is applied only selectively — when, again, a law contradicts the leftist agenda.

This is also another step in the judicial usurpation of the executive and legislative branches' power. Consider: It's relatively easy for judges to distort the meaning of a law crafted by dead lawmakers. But live lawmakers can stand up and clarify, saying, "No, that's not what we meant!" So what's an imperious judge to do?

He makes the intent behind the law relevant and in essence says, "Well, of course you won't admit

being bigoted. But I find you must have been, so the law is null and void."

As for voter-ID laws, we could point out that vote-fraud is rampant, as I've reported here, here, here, here, and here. We could cite a study indicating that three million noncitizens voted in the 2016 presidential election. But the judicial overreach will continue until we limit the judiciary's reach, by recognizing that it has no constitutional power to strike down law (as I explain here).

Until then, judicial supremacy will continue to make our Constitution, as Thomas Jefferson warned it would, a *felo de se* (an act of suicide) — with our law in the hands of judges whose intent is anything but pure.

Photo: Judge Nelva Gonzales Ramos