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Analysis, and Opinion from
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State Official's Land Excluded From Regs

Cultural Resources Secretary Evans benefited from deal

By DON CARRINGTON
Executive Editor

NC. Cultural Resources Secretary Libba Evans and her husband purchased a lot last year in an exclusive new Manteo waterfront development after a commission in her department eliminated stringent tree-cutting regulations on the land where the lot is situated.

That action benefited the developer. The project manager, however, said he was unaware of the regulation. The developer subsequently gave Evans a two-story historic home and relocated it to her lot.

Evans failed to list the potential conflict of interest on her most recent statement of economic interest because,



The house on the left above was moved to this lot in a waterfront development in Manteo after regulations were eliminated that would have prevented clearing the property. (CJ photo by Don Carrington)

she said, she was not aware it existed.

The lot purchased by Evans and her husband, James T. Lambie, is in Marshes Light, a 14-acre residential and commercial waterfront project being developed by Kitty Hawk Land Company. It is a mix of individual home-sites,

townhouses, condominiums, and retail and office spaces.

Evans has been the head of the Cultural Resources Department since 2001, when Gov. Mike Easley appointed her to the position. In addition to her state government duties she remains involved

in multiple real estate businesses.

Sequence of events

The General Assembly established the Roanoke Island Commission to protect, preserve, develop, and interpret the historical and cultural assets of Roanoke Island, including the Roanoke Island Festival Park and the Roanoke Voyages Corridor. The commission is composed of 24 members.

The commission is to "Advise the Secretary of the Department of Cultural Resources on matters pertinent to historical and cultural events on Roanoke Island."

When the Roanoke Voyages Corridor was established in 1981 it included only U.S. 64-264. The 64-264 Bypass and N.C. 400 were later added. N.C. 400 is a loop road off U.S. 64-264 that passes through the Manteo waterfront.

Corridor regulations include a prohibition against clear-cutting within

Continued as "State," Page 2

Elizabeth City Officials Jumped Gun on Aviation Park

By DON CARRINGTON
Executive Editor

City officials jumped the gun last year when they unveiled plans to construct a 187-acre aviation-related business park before they secured the cooperation from key landowners.

Even though city officials now say the park has been scaled back to 67 acres, they plan to use eminent domain to seize a critical strip of land from the unwilling

"I am surprised that Mrs. Hall believes that we would attempt to use her property against her will."

Wayne Perry
Airport Authority Chairman

landowners that is key to the project. Without that land there would not be enough width to taxi airplanes onto the

property from the nearby Elizabeth City Regional Airport.

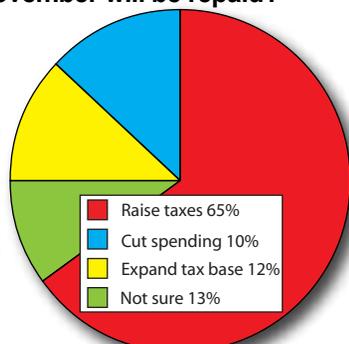
The proposed Elizabeth City

Aviation Research & Development Commerce Park would lie across a state road that runs adjacent to the airport. The city would manage the park. The airport is home to the U.S. Coast Guard and a General Aviation facility run by the Elizabeth City-Pasquotank County Airport Authority.

The city was able to negotiate an

Continued as "Elizabeth," Page 3

How do you think the various bonds approved by several localities in November will be repaid?



John William Pope Civitas Institute Poll, Nov. 2007

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State Official's Land Excluded From Regs

Continued from Page 1

50 feet of the highway right-of-way. Landowners must obtain a Certificate of Appropriateness from the commission before cutting any trees or shrubs in the 50-foot zone.

In 2004 representatives of the Hulcam Farms Dairy Development, later known as the Salty Dawg Project, and then Marshes Light, began working with Manteo officials. One of the city's early concerns was the preservation of the Hulcam house, situated on the property and perhaps the oldest home in Manteo. City officials stipulated that the house must be preserved in some manner for the development to proceed.

In January 2005 Marshes Light LLC bought the Salty Dawg land.

Later that year local businessman Malcolm Fearing raised issues with city officials about the density the city had approved for the Marshes Light project. He also notified Roanoke Island Commission officials that there was construction activity within the N.C. 400 corridor that had not been approved by the commission as was required by law.

In September 2005 corridor administrator Dave Schindel wrote Fearing: "During the three years I have been the Administrator for the Roanoke Voyages Corridor it has not been the practice to regulate NC 400 in anyway, and I have never had a request or application to do so."

On Jan. 11, 2006, the Roanoke Island Commission relinquished its jurisdiction over N.C. 400 by issuing new regulations that omitted the highway from the corridor designation. Evans' lot and five others in Marshes Light



This house was given to Cultural Resources Secretary Libba Evans and moved from another location in a development in Manteo. (CJ photo by Don Carrington)

front N.C. 400, also known as Fernando Street.

Evans was negotiating with Marshes Light to buy the lot before the commission's action.

In January 2006 Marshes Light project manager Mickey Hayes sent a letter to Mayor John Wilson about the project. It included the following statement: "Hulcom Dairy Farm House — State Cultural Resources Secretary Libba Evans and her husband have reconfirmed that they are desirous of purchasing Marshes Light lot 6 so that the Farm House can be moved by the developers if structurally feasible and in a reasonably economical manner to that lot for their ownership and restoration and this satisfies the Development

Agreement's conditions for use of the Hulcom Dairy Farm House on the Marshes Light Site."

The two-story Hulcom house is believed to be the oldest house in Manteo. It was in poor condition, but town officials insisted that it be preserved before they would allow the Marshes Light development to proceed. Wilson put Evans and her husband in touch with Marshes Light representatives. Evans and Marshes Light subsequently struck a deal.

In February, commission Chairman Thomas E. Brooks wrote Fearing stating, "any attempt to apply all the Commission regulations to the NC

Continued as "State," Page 3



An aerial photo of the Marshes Light development in Manteo shows the location of the Evans house (shown by arrow) on the strip of land that had been covered by restrictive tree-cutting regulations until Evans' state commission changed them. (CJ photo by Don Carrington)

Elizabeth City Officials Jumped Gun on Aviation Park

Continued from Page 1

option to purchase 67 acres from willing sellers, but the Hall family, which owns adjacent land, doesn't want to sell it. City documents and site plans show that city officials planned to take the Halls' land to assemble the 187 acres.

Randy Hall, his sister Sybil Baccus, and his mother, Valerie Hall, own all, or are part owners of, five tracts making up 110 of the 120 additional acres sought by the city. They say they do not want to sell any of their land. Randy Hall said he doesn't want to sell the property because he lives adjacent to the farmland, grew up working it, and wants to pass his share on to his sons.

The planned park will not be contiguous to the existing airport property, but is situated across a state road. DRS Technologies, an aircraft repair company that operates out of a new hangar on the airport property, indicated the company would lease a lot and build a similar large hangar in the new business park. The street would have to be closed temporarily when airplanes are moved from the airport to the business park.

Randy Hall said he didn't think the city could use the power of eminent domain to take the family's land for the purpose of building industrial and commercial facilities to lease to private businesses such as DRS Technologies. He said City Manager Rich Olson "bullied" his 78-year-old mother in an attempt to get her to sell.

In January, Randy Hall's wife, Pam, complained to state Sen. Marc Basnight that the city was planning to use public funds to take their land. In response to an inquiry from Basnight's office, airport authority Chairman Wayne Perry assured Basnight by letter that the 67-acre Phase One of the project did not require any land from the Halls.



Randy Hall stands on his farmland that Elizabeth City wants for private businesses like the one in the background. (CJ photo by Don Carrington)

"Our Airport manager has spoken with Mrs. Hall on numerous occasions. Given his efforts, I am surprised that Mrs. Hall believes that we would attempt to use her property against her will or that the Hall family property is required for the ARDCP," Perry wrote.

Negotiations failed

In August, Olson wrote the Halls and offered \$86,170 for a 2.5-acre strip of land for an "obstruction-free zone" adjacent and parallel to the planned aircraft taxiway. Randy Hall said the obstruction-free zone would not be an allowable purpose for the city to take their land under eminent domain.

After rejecting the offer, he said he suspected that Olson might relocate

"We do not appreciate the strong arm tactics being utilized by the city."

From a letter the Halls sent to City Manager Rich Olson

a planned sewer line over to his family's property as another justification to acquire the same strip of land. He said condemnation for a sewer line is allowable only if the location of the line is the only

alternative.

On Oct. 5, Olson wrote the Halls informing them that pursuant to the city's power of eminent domain the city officials would be entering the Halls' property on or after Nov. 5 to "conduct such surveys, examinations, borings and other investigations as may be necessary or expedient to perform work associated with the development" of the aviation park.

Hall learned in late October that the most recent site drawing shows a sewer line on the Hall family property. He said that no previous drawings shown to him

had a sewer line on their land.

On Oct. 30 the Halls sent a letter to Olson making clear they think that the city officials are not authorized to enter the Halls' land because the city does not have the right to condemn any portion of the Halls' land. "Finally, we do not appreciate the strong arm tactics being utilized by the city to force us to do something which we do not wish to do with our land," their letter concluded.

Despite Perry's prior assurances to Basnight, in early November Olson began the condemnation process. A 100-foot strip of land is needed for a sewer pump station, a sewer line, drainage improvements, and an obstruction-free zone adjoining a planned taxiway, Olson said.

Hall said he is exploring his options for a legal challenge.

Park relies on public funds

Rep. Bill Owens, D-Pasquotank County, has been the key politician in moving the project forward. *The Daily Advance* of Elizabeth City credited Owens with securing the first grant from the N.C. Department of Commerce.

The majority of the money for the 67-acre, \$10.4 million first phase of the project is coming from public funds. The Department of Commerce provided a \$3.5 million grant in February, and Golden LEAF approved \$2 million in November.

The remainder is expected to come from the city, the Rural Economic Development Center, the Commerce Industrial Development Fund, a Community Development Block Grant, the Federal Aviation Administration, and the federal Economic Development Administration. The only private money anticipated is a \$1.8 million advance lease payment from DRS Technologies. CJ

State Official's Land Excluded From Tree-Cutting Regulations

Continued from Page 2

400 corridor would be inappropriate. Therefore the committee has taken the actions it determined to be appropriate with regard to the matter."

In July the General Assembly ratified a Technical Corrections Bill removing N.C. 400 from Roanoke Voyages corridor.

On Sept. 19 Marshes Light LLC sold a 7,500-square-foot lot to Evans and her husband for \$300,000. The same day the company sold the adjoining lot to another couple for \$350,000. A new home now occupies that lot.

Evans' lot, part of her house, and five other lots are partially situated in what was the 50-foot regulated strip. A review of aerial photographs indicates significant tree cutting was done to accommodate the six building lots.

On May 13, 2007, the State Ethics

Commission received Evans' Statement of Economic Interest.

Under the real estate section Evans lists the Fernando Street property in Manteo.

Item 19 on the form asks the official, "Please provide any other information necessary to fully disclose any actual or potential conflicts of interest you may have had during the preceding year or currently have. This includes actual or potential conflicts of interest related to past personal or business relationships. If you are uncertain as to whether additional information should be disclosed, please contact the Commission for guidance." Evans wrote "none" in the space for her answer.

"I know nothing about undesignating the lots," Evans said. "No one in my office brought it to my attention."

"I have restored three houses before, and that house had no value," she

said. She said she had her choice of lots to move the house to and that she had spent a considerable amount of money restoring the house. She would not say how much she had spent.

The restoration is nearly complete, but Dare County property tax appraisers have not yet put a value on it.

Both Evans and Staci Meyer, chief deputy secretary of the N.C. Department of Cultural Resources, said they were unaware of the legislative action on N.C. 400. After researching the issue, Meyer was unable to determine who requested it.

Among the current Roanoke Island Commission members are Meyer and Judith Easley, the governor's sister-in-law, who works for Evans at the N.C. Cultural Resources Department as a coordinator of board and commission appointments.

Meyer said neither she nor Judith

Easley were aware of the commission's action on N.C. 400.

The project manager, Mickey Hayes, said, "I never asked for a political favor."

He said that he complied with all the tree-cutting regulations imposed by Manteo but that he was unaware of any regulations from the commission that affected the development.

Commission member Angel E. Khoury of Manteo is a member of the committee that oversees the corridor. She said N.C. 400 should have been removed long ago from the regulations because the commission was not enforcing the restrictions on that section.

Wilson agreed with Khoury's accountant said he never discussed the commission's oversight with the developer.

Wilson is the commission's historian, and he owns an inn across the street from the Marshes Light project. CJ

Residents Upset Over Residential Land Use Proposal

Overflow crowd blasts Meeker-backed plan during public hearing

By RICHARD WAGNER
Editor

RALEIGH

An overflow, vocal crowd reacting to the City Council's attempt to curtail construction on most residential property across the city took council members and the Planning Commission from the drawing board to the woodshed at a public hearing Nov. 20.

In stinging rebukes to city officials' recent march toward "smart growth" zoning, speaker after speaker told the council that the city's plans would ruin neighborhoods and rob citizens of their most valuable asset — their homes. The crowd loudly applauded and cheered after many of the citizens' speeches.

Obviously stunned by the strength of the opposition to the proposed rule, Mayor Charles Meeker said, "We hear you." He promised that the council would ask the Planning Department to consider alternatives. "We do need to rethink this," he said.

The so-called temporary proposal was drawn up by the city's Planning Department to restrict the construction of new houses that are larger than older homes in traditional neighborhoods. The new regulations would limit the height and overall size of new homes and increase setback requirements for yards.

Only a couple of speakers out of the standing-room only audience supported the restrictions.

Paul Coble, vice chairman of the Wake County Board of Commissioners, president of the North Carolina Property Rights Coalition, and a former mayor of Raleigh, told the council, "This text change is ill-conceived, ill-advised, and ill-prepared.

"It is a shameful attempt to exert your will on land-use policy by robbing the citizens of Raleigh and property owners of their property rights. You cannot thwart the laws of economics of the marketplace by placing artificial constraints on zoning ordinances any more than you can control the marketplace by government price controls, which was so ably demonstrated by President Nixon when he tried to control gas prices.

"This week all the people in this room are going to have the joy of receiving their re-evaluations from the county. What y'all do with it will be important, but if you are not careful you will find property values going up in the city, and your actions may very well cause the value in people's homes to disappear."

Dallas Woodhouse, state director of Americans for Prosperity North Caro-



A speaker at the public hearing wondered why the city was allowed to tear down the old convention center and build another one (shown in artist's rendering above) but homeowners should be prevented from doing the same thing. (City of Raleigh photo)

lina, referred to the higher re-evaluations and increased value of land, rather than homes, in Raleigh. The city's proposal would limit homeowners' ability to replace obsolete structures with newer ones that protect home values, he said. "We ask you [the council] to move cautiously on this, and if it's a close call, and I suspect that in many cases it is, the close call should go toward the person who is paying the mortgage."

Another speaker, a homeowner, used the city's new convention center as an example. "The convention center was built because of functional obsolescence," he said. "Why not houses?"

Michael Sanera, research director and local government analyst with the John Locke Foundation and a former professor of political science, decried the mayor's and three new council members' "hollow" victories in the November election. The "dismally low" turnout of voters in the November election in which Meeker and three council members were elected called into question the legitimacy of the council's move to revolutionize planning in the city, he said.

Political science research shows that off-year elections, such as the one in November, draw a small percentage of voters and are dominated by special interests, he said. "In this case," Sanera said, "special interests turned out to vote for the mayor's candidates who will remake the city based on their shared vision."

Now that the mayor appears to have a majority on the council, the council will support special interests, he said. "What do these special interests want? I think they want this ordinance. And it is clear that the ordinance is designed to steal the property rights from homeown-

ers in the city."

"The ordinance will prevent people from living the lifestyles that they choose. This special interest is working through the city council to use government to force people to live the lifestyle that it selects," based upon the election turnout of a tiny minority of voters, he said.

The proposal would increase setback regulations by up to 10 feet for any building on land zoned between six and 10 homes per acre. The proposed regulation also would lessen the maximum height of buildings from 40 feet to 32 feet in zoning districts that allow four to 10 homes per acre. An analysis by city planners shows that the proposed regulation would reduce the "footprint" of building on land zoned R-6, Special R-6, and R-10 by 22 percent to 28 percent.

Craig Tierney
Raleigh resident

Craig Tierney, a resident of Craig Street in Raleigh, said that people joke to him, "Do you own that street? And I laugh and say, no, I'm a little concerned now whether I own my own property."

Tierney told the council that in the past 15 years he has witnessed a revitalization of his neighborhood. "I live in an 1,800-square-foot brick ranch," he said, which over the years became too small to resell to most families who needed larger homes to raise their children. "This neighborhood was turning over," he said.

Widows lived nearby and over time the neighborhood changed. "When these homes became open, what we saw in my neighborhood was either people, who like me, were single with no children would buy it because they wanted it as an investment. They didn't want to live there. But what we noticed

was that no families were buying these smaller homes."

The families with children that did buy the smaller homes renovated and expanded the homes, he said. "When I bought my home 15 years ago," Tierney said, "there were no children in the neighborhood, one or two perhaps." Because of the new families moving into his neighborhood, the area now thrives with children playing in open lots and yards, he said.

In neighborhoods where families didn't move into older homes and renovate them, Tierney said, houses became rentals. "Who is going to rent these homes? It's college students.... There aren't one or two college students in these homes. There are five or six college students in these homes."

The "kegger" parties the students throw are notorious for disrupting neighborhoods, he said. "I don't want to live in a neighborhood that has a kegger down the street."

The regulations being considered by the council would prevent the revitalization of older neighborhoods, Tierney said, and encourage families to move out of the city.

Coble warned the council that its decision would trigger wider repercussions. "As a member of the county commission, I'll tell y'all I'm awfully concerned about this decision because you're going to affect people who live in the county who are in your ETJ who will have no voice in this, so I rise to speak in their place because you will make decisions that will affect their property values and their property rights also.

"Be very careful how you play with people's property rights. For many people it's their retirement. It is future income."

There are people in the city who have invested in the county to provide the major income for their retirement, he said. "The changes you make may very well rob them of that. And I will tell you, the North Carolina Property Rights Coalition will probably challenge you on a constitutional basis." CJ

Parton Ousted: City Changes Theater Contract

By DON CARRINGTON
Executive Editor

The city scrapped the original plan for the Randy Parton Theatre on Nov. 20 and removed Parton and his company as its managers. Meanwhile, the city signed a contract with Massachusetts-based UNICCO to operate the theater and to book other acts.

Parton will perform through the end of the year, but his role after that is uncertain. The city will continue to pay him.

Mayor Drewery Beale and Parton say they are optimistic about the new arrangement. "It's not a hostile takeover. It's mutual, everybody got together and came up with something that works," Parton told the Roanoke Rapids *Daily Herald*.

"It's not a hostile situation whatsoever, but we've got a prime location out there. We've got a plan in place, a good plan in place that's going to make this thing work and it was working before," the newspaper quoted Beale as saying.

Former Northeast Partnership CEO Rick Watson developed the concept for the theater and recruited Randy Parton to participate. The partnership is a state-funded economic development



The Randy Parton Theatre in Roanoke Rapids all decked out for its special Christmas show. (CJ photo by Don Carrington)

agency that seeks to recruit businesses to a 16-county region that stretches from Halifax County to Dare County. Watson's board of directors terminated him last year for working for Parton and Parton's company, Moonlight Bandit Productions, while Watson performed his state-funded economic development job. Watson terminated all ties with Parton's company earlier this year, Beale said.

The project, one of North Carolina's most unusual economic develop-

ment experiments, appears to be in financial trouble after being open only four months. City officials had bet on Parton's ability to competently manage the theater and to attract enough customers to pay expenses.

Parton is the brother of Dolly Parton and before coming to Roanoke Rapids in 2005 he played at the Dollywood Amusement Park in Pigeon Forge, Tenn. Randy Parton, however, appears to have no experience managing a theater. It also appears that he never invested any of

his own money in the project.

Parton and his band played their first two-hour show July 26, but he has failed to schedule any other acts. Contracts with his band members show that Parton was expecting them to perform 250 shows per year. Attendance has only been a fraction of the 1,200 attendees per show predicted in a feasibility study. On several nights fewer than a 100 people attended a show.

The city borrowed \$21.5 million to build the 35,000-square-foot, 1,500-seat theater along Interstate 95, to pay for some related infrastructure, and to set aside \$3 million in start-up money. The state also invested about \$6 million in the theater. City officials have touted the theater as the cornerstone of a much larger entertainment and retail project called Carolina Crossroads.

The city turned the completed building over to Parton in March to manage. The arrangement called for him to pay all expenses, including debt service on the \$21.5 million. When that was paid off he was to be given ownership of the building.

Parton's previous contract allowed him to collect up to \$1.5 million per year as an "artist fee." But because he was supposed to pay all theater expenses, the public didn't know how much additional money he or his family members received from theater revenues or from the \$2.5 million and other funds advanced to him by the city.

Parton's new contract calls for him to receive \$250,000 per year for five years. It also limits him to 36 shows per year. If the city doesn't ask him to perform, and he doesn't ask the city to perform, he might not perform at all. However, he is still to be paid the fee.

The city relieved him of all financial responsibility and forgave a \$475,000 advance that he owed the city. CJ

The Citizens of Roanoke Rapids React

The online forums of *The Daily Herald*, once a strong supporter of the project, have generated much negative comments about Parton and city officials. Here's a sample:

"Beale and his elbow rubbing buddies should be removed from their positions ... this whole deal stinks."

"If tax dollars are being used then the issues must be open for the public to see how the funds are being spent."

"Follow the money. This fiasco wasn't Randy Parton's idea. A couple scammers used him as a front for their scam."

"I remember back in '85 or '86 RR High School did the

musical "The Music Man." I wish the current city council had been at that production."

Local businessman Jim Garrett also administers an online forum that has generated negative comments about the project. Among his recent comments:

"Not one person in Roanoke Rapids has stepped forward and accepted any blame. No one person did anything wrong or made mistakes but we are on the brink of financial disaster. As a city and borrower with credit rating we now owe an additional \$21 million and still no clear path for repayment. Why is that?" CJ



City and County Issue Guide 2007 (Policy Report by JLF Research Staff and the Center for Local Innovation)

A North Carolina Citizen's Guide to Global Warming (Policy Report by Joel Schwartz, Visiting Scholar at the American Enterprise Institute)

Reading, Writing and Handbells: Course Enrollment in the Era of No Child Left Behind (Spotlight #332 by JLF Education Policy Analyst Terry Stoops)

APFOs Research Fatally Flawed: One-Sided Analysis is Used to Determine "Voluntary Mitigation" Fees (Spotlight #331 by JLF Director of Research Michael Sanera and JLF Research Intern Haley Wynn)ert C. Balling, Jr.)

Visit www.JohnLocke.org. Click on *Policy Reports* and *Spotlights*.

Brief History of the Randy Parton Theatre

2004

State-funded regional economic developer Rick Watson recruits Randy Parton for a theater project in north-eastern North Carolina.

2005

February — Parton, Watson, and others form Moonlight Bandit Productions.

June — City signs a contract with Parton and private developers to build the theater

November — Roanoke Rapids sponsors a groundbreaking for the Randy Parton Theatre. Watson says he will continue as economic developer and also work with Parton.

2006

March — Watson is terminated from his economic developer position after his board learned that the state auditor will release critical report.

March — State Treasurer Richard Moore's office gives initial approval for the city to borrow \$21 million.
April — The state auditor's report documented numerous problems with Watson's organization.

2007

March — The completed theater is turned over to Parton. Parton files documents indicating he is the sole manager of Moonlight Bandit Productions and Watson is not involved.

July — Parton's band plays the first show, but no other acts are scheduled.

August to November — Parton performs about four times a week, but attendance is poor.

November — City Council approves new contract removing Parton as manager and hires Massachusetts-based UNICCO to operate the theater.

NC Delegation Watch**Burr a 'Taxpayer Hero'**

The Club for Growth released its 2007 Senate RePORK Card in November, which scored all U.S. senators' votes on 15 anti-pork amendments in 2007, and determined that N.C. Sen. Richard Burr met the club's earmark-reducing standards perfectly.

Republican Sens. Tom Coburn of Oklahoma and Jim DeMint of South Carolina, whom the club characterized as "taxpayer heroes," offered all the amendments. But the club found that despite earnest rhetoric to curb their addiction to earmarks, most senators fell short in their commitment to reduce targeted spending. Only Coburn, DeMint, and Burr received perfect scores of 100 percent and were present for a majority of the votes.

"Senator Burr is clearly a taxpayer hero, voting in favor of every anti-pork amendment offered," Club for Growth President Pat Toomey said. "If more senators had Senator Burr's respect for taxpayers, American taxpayers would be a lot better off."

The highest-scoring Democrat was Wisconsin Sen. Russ Feingold with 80 percent, tying or scoring better than 39 Republican senators, including North Carolina's other senator, Elizabeth Dole. She voted in support of only 62 percent of the amendments that would eliminate specific earmarks.

Miller battles Alaska

N.C. Rep. Brad Miller, D-13th, picked a fight with Alaska over the state's refusal to protect polar bears as an endangered species.

Miller, chairman of the House subcommittee on investigations and oversight, under the Science and Technology Committee, challenged efforts by Exxon-Mobil to fund research on how global warming affects the habitat of polar bears. In a letter to the company's president, Miller cited ExxonMobil's concern about the issue because if polar bears were listed as officially endangered, which could lead to protection of their habitat in Alaska's North Slope, "this could directly hurt ExxonMobil's economic interest since it is a partner in [oil] production at that field."

Alaska's Republican Gov. Sarah Palin disputed Miller, saying his "unfounded criticism could chill scientific debate." *CJ*

Speech at Helms Center event**Scalia: Originalism Not a 'Weird Affliction'**

By MITCH KOKAI
Associate Editor

CARY
Confirmation battles are inevitable for the U.S. Supreme Court as long as justices ignore the doctrine of originalism, Associate Justice Antonin Scalia said during a recent visit to North Carolina.

"A mini-constitutional convention every time we nominate a new justice — it's crazy," Scalia told more than 200 people during the Jesse Helms Center Foundation's 20th anniversary celebration Oct. 26. "But it's inevitable."

"The American people aren't stupid. It took them a while to figure out from the Warren Court what was happening. They have finally figured out the name of the game — that the court is essentially rewriting the Constitution from decade to decade, according to whatever the justices think is a good idea," he said.

"And once the people figure that out, they're not going to use the criteria that they used to use to select justices," he added. "It used to be is this person a good lawyer? [Can the nominee] read a case, understand a case, understand its background, understand how to interpret a text, have a modicum of judicial temperament? All that's pretty good. Other things being equal it's nice to have it. But that's not the important thing anymore." He said the process has become one of finding a nominee who "is going to write the new Constitution that you want. And that's what all this is about. That's what all of the confirmation struggles are about."

Scalia offered his remarks after collecting the Helms Center Foundation's James W. Nance Medal of Freedom. That award is presented each year to "that individual in government who best exemplifies a devotion to public service and the protection of the nation's foundational values," according to a Helms Center news release. In 21 years on the Supreme Court, Scalia "has distinguished himself as one of the Court's most brilliant thinkers," according to the release.

The justice said he had prepared a speech for the event, but he decided to ignore the prepared remarks and "wing it" instead. "I'm going to talk about what I often talk about," he said. "If I were a politician, it would be my stump speech. What I care most about and the single thing that I would most hope to be able to change in the law ... is the matter of interpreting the Constitution of the United States."

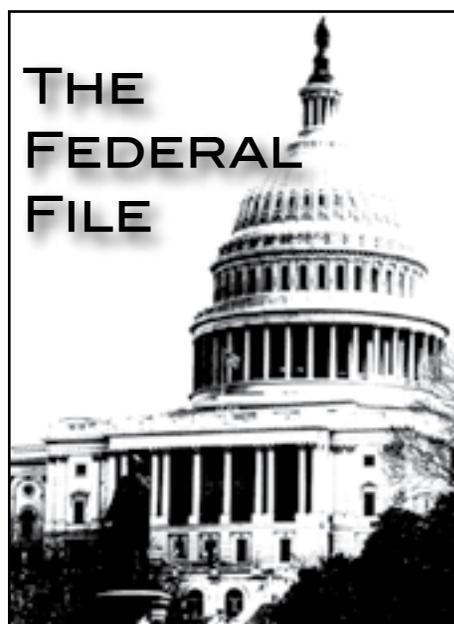
Originalism defined

Scalia considers himself one of a "small, but hardy" group of judges and academics known as originalists, he said. "An originalist is someone who



"I have grammar-school students who come to the court now and then, and they recite very proudly what they've been taught to say: 'The Constitution is a living document.'"

Antonin Scalia
Associate Justice U.S. Supreme Court



adheres to the text of the Constitution, but — more importantly — gives the text the meaning that it had when the American people adopted it," he said. "It is such a minority view currently that people sometimes come up to me and say, 'Justice Scalia, when did you first become an originalist?' This is some kind of weird affliction, like 'When did you start eating human flesh?'"

"Originalism used to be orthodox," Scalia said. "Nobody ever thought the Constitution morphed. If you had told [19th-century Associate Justice] Joseph Story that what it means is going to change from decade to decade on the basis of whatever five out of nine justices on the Supreme Court think it ought to mean, he would have been uncomprehending."

The Supreme Court did not abandon the idea of originalism until the era of Chief Justice Earl Warren, Scalia said. Warren led the high court from 1953 to 1969. "Not that judges in the past did not distort the Constitution," Scalia said. "Of course they did. You will have willful judges with you until the end of time. But the difference was in the old days, they did it the good, honest, old-fashioned way: They lied about it. They said the Constitution meant thus and so, when it never meant thus and so."

"The change is that you don't

have to say that any more. You can say that, 'Oh, yes, the Constitution didn't used to prohibit hanging, for example, or it didn't used to prohibit the death penalty.' Of course it didn't, inasmuch as the death penalty was the only penalty for a felony in 1791, when the Eighth Amendment was adopted. That was the definition of a felony; it was a crime punishable by death. 'But nowadays it is unconstitutional.' That's extraordinary. That's the change there's been. You don't have to lie about it."

The 'living' Constitution

Scalia labels as "abominable" the notion that the nation's governing document is a "living" Constitution. "I have grammar-school students who come to the court now and then, and they recite very proudly what they've been taught to say: 'The Constitution is a living document.'"

Originalists have another take on the issue, Scalia said. "It is an enduring document," he said. "It is an unchanging document. ... A constitution is not a living organism. It's a legal document. It says some things, which it means, and it doesn't say other things."

The notion of a living Constitution is expressed most clearly in recent Supreme Court decisions dealing with the Eighth Amendment's "cruel and unusual punishment" clause, Scalia said. "Those opinions say explicitly that what constitutes cruel and unusual punishment is not static," he said. "It changes from time to time to comport with 'the evolving standards of decency that mark the progress of a maturing society.' Isn't that beautiful? 'Every day in every way we get better and better.' Societies only mature; they never rot."

That's a "Pollyanna-ish" frame of mind, Scalia said. The Framers of the Bill of Rights did not share that view. "The reason they framed it was that they feared a future generation would not be as wise as they were or would not be as virtuous as they were," he said. "The purpose of the Bill of Rights was to set a floor below which the future generation could not go." *CJ*

Kristol Predicts Voters Will Get Nervous About Democrats

Bill Kristol, Fox News political analyst and editor of *The Weekly Standard*, recently addressed a John Locke Foundation Headliner luncheon in Pinehurst. He also discussed the 2008 presidential campaign with Mitch Kokai for Carolina Journal Radio. (Go to <http://www.carolinajournal.com/cjradio/> to find a station near you or to learn about the weekly CJ Radio podcast.)

Kokai: Why are so many conservatives feeling gloomy about 2008?

Kristol: It's the end of the Bush presidency. It's been a rough seven years. I would defend a lot of what Bush has done. I voted for him twice and had mixed relations with them because they're ... Even more than most politicians, I would say, this crew in the White House does not believe there is such a thing as constructive criticism. You know, they think that's a contradiction in terms. You know, you try to explain that maybe it's not such a good idea to push this immigration bill right now, and it's going to fracture the conservative base, and incidentally it's not even a very good policy, and they get all upset as if you're attacking them instead of helping them. But you know, that's how — maybe you haven't noticed — politicians are a little thin skinned. And so it's a mixed bag.

But the truth is they've accomplished a lot. The country is better off on the whole, I think, for the president having been there and for the basic policies he's pursued. But, historically, Americans get tired after eight years. After every eight-year presidency since World War II, with the exception of 1988, the White House has changed hands. The Oval Office has changed hands. Republicans lost the presidency; after eight years of Eisenhower, Republicans lost in '60.

After eight years of Kennedy-Johnson, the Democrats lost in '68. After eight years of Nixon-Ford, Republicans lost in '76. After eight years of Clinton, Democrats lost in 2000. The one exception was '88, where Reagan was strong enough really and the Democrats were weak enough in a sense that he was able to kind of win a third term.

Kokai: Democrats and even many Republicans are talking about a potential Clinton presidency. Why are you in a better mood than many other Republicans?

Kristol: Maybe it's just a desire to be different. I don't know. Look, I was in the Bush White House in 1991, and everyone thought the first President Bush was going to beat whoever the Democrats nominated against him, especially an inexperienced person like Arkansas Gov. Bill Clinton. The Democrats were feeling very good at this time in 1987,

[when] the first Vice President Bush looked very weak. So a year is a heck of a long time in politics. Things can turn around. I think the war is going better. The economy is good. I think the American people remain fundamentally moderately conservative. So I think Republicans have a pretty good chance at the White House.

Kokai: People on the other side are going to say, "Wait a minute. We won big in 2006. All the polls show people are leaning toward supporting Democrats." What is your response to them?

Kristol: They did win in 2006. It was a pretty big Democratic victory, and I think they still have some momentum from that. Right now if the election were held today and you just had to vote for a generic Democrat or a generic Republican, I think it probably would be a Democratic margin. But first of all, you don't vote for a generic Democrat or generic Republican. You vote for a particular person. I think some of the Republican candidates have a chance to do better than the Democratic presidential candidates. And again, in a year a lot can change. Has the Democratic Congress performed as well as voters who voted for it hoped? What will they look like a year from now? What will the Bush administration — couldn't it look a little better a year from now? I think if you just take an analysis, an analytical approach, you've got to say it's 50/50 in 2008.

Kokai: In a recent column you advised conservatives to cheer up, and you mentioned some steps the Bush administration could take in the next year that would help conservatives as the next election approaches.

Kristol: Well, generally I think the problems the Bush administration has run into were in the second term when they backed off in foreign policy. They were winning. We were winning. The U.S. was winning in the first term of the Bush administration. We made some mistakes, but we were winning in Afghanistan. We removed Saddam in Iraq. There were democratic revolutions in Ukraine and Lebanon. The radicals were on their heels. Al Qaeda was on the



Noted conservative editor and commentator Bill Kristol spoke Oct. 18 at a John Locke Foundation luncheon in Pinehurst.

run. We let off the pressure in 2005-2006, made some serious mistakes in Iraq, obviously. I think we've now recouped those with Gen. [David] Petraeus, and I think things are going much better there, and I think will continue to go better. That's an awfully important front in the war on terror. I'm worried that we are not being strong enough in some of the other areas, with respect to Iran, with respect to North Korea. We'll see how that plays out over the next year.

Kokai: You also say that one of the best things that could happen to the party that now holds the White House is a "reinvigorated conservatism." What do you mean by that?

Kristol: Well, I think whenever a party is in power for seven years, people get tired. Individuals get tired. Ideas get — feel — stale, even if they are not stale. You try certain reforms. Maybe they don't work perfectly, and then people get disillusioned. In a way I don't think the party needs to reinvent itself. I don't think they need brand new ideas. That would be silly. There probably aren't any brand new ideas. But a sort of back-to-basics confidence that limited government, tax cuts, a strong defense, constitutional government, is good for the country.

I think that's what the evidence of the last 25-30 years shows. You know, some of us were conservatives before conservative ideas got put into practice, but I think we can feel pretty good about the way they worked out in practice. Didn't Reagan's economic policies really help the U.S., not just for the years he was in power, but for the next 20 years? Certainly peace and strength prevailed against the Soviet Union.

On the constitutional issues, I think there's an increasing consensus that it was a horrible mistake to try to make social policy for the whole country in the 1960s and '70s. Didn't conservative ideas on crime and welfare pay off pretty well in New York City and in a lot of other cities in the country? So I do think conservatives need to regain just some of their confidence and make their case to the American people.

Kokai: If conservatives do hope to

win in the 2008 elections, how important is it for them to hold their coalition together and not fight among themselves? I know you hear a lot of criticism as a "neocon."

Kristol: I'm less concerned about that than some people. I think a little healthy debate is fine. Sometimes that spills over into a little bit of nasty debate or, you know, impugning people's motives, which is unfortunate, but look, a healthy, vigorous movement is going to have a lot of people in it with strong ideas and somewhat different ideas. And if you look at political history, world history in a way, nations aren't strongest when they are all saying exact — political movements aren't strongest when they are totally united. That's kind of a myth. I mean, it sounds contradictory to say.

Obviously a football team plays better if everyone is on the same page, but a political movement in a way is often most vigorous when there are three or four or five elements to it in some creative tension with one another. Now, they have to be willing to pull together, you know, when the election approaches. They have to be willing not to kill each other. But I think a certain amount of debate and tension isn't bad, and I think that's where the conservative movement is now.

Kokai: The alternative to conservative policies is liberal policies. Some would suggest that's what voters wanted when they cast their ballots in 2006.

Kristol: I don't think that's what happened in 2006. I think there's not much evidence that people wanted the country to go back to high taxes and liberal welfare policies and activist judges, and I don't think — if that is the choice in 2008 — I think conservatives have a pretty good chance.

Kokai: If you had to say right now what is going to happen a year from now, November 2008, what's your best prediction?

Kristol: Republican president, Democratic Congress. I think that's the most likely outcome.

Kokai: Why?

Kristol: I think voters will get nervous about a Democratic president and a Democratic Congress. I don't think they want Hillary Clinton, Harry Reid, and Nancy Pelosi sort of running the country. I think the Republican candidate, the Republican nominee, whether it's Thompson or McCain or Giuliani or Romney — it's probably going to be one of those four — will have a strong general election campaign. They'll set off behind but they'll end up winning. That's my prediction. CJ

State School Superintendent Hopefuls Have Their Say

By KAREN McMAHAN
Contributing Editor

RALEIGH
Critics have charged that the state school superintendent's role is little more than being an advocate for the governor and the State Board of Education. State statutes and the Department of Public Instruction Web site offer little enlightenment on the superintendent's role to North Carolinians wishing to make an informed voting decision.

A recent interview with June Atkinson, state superintendent of public instruction, and her challenger, Eddie Davis, president of the N.C. Association of Educators, focused on the role the superintendent plays in guiding and supporting educational change and major issues facing public education in North Carolina.

Dr. Atkinson holds an Ed.D. in educational leadership and policy from North Carolina State University and a master's degree in vocational and technical education from Virginia Polytechnical Institute and State University.

She taught high school business education in both Charlotte and Roanoke, Va. Before becoming state superintendent of public instruction in 2005, Atkinson was a member of the N.C. Department of Public Instruction from 1976 to 2004.

Davis, an English teacher at Hillside High School in Durham, has a bachelor of arts in English from Elizabeth City State University. He earned a teacher certification in English from North Carolina Wesleyan College. He is serving a two-year term as president of the North Carolina Association of Educators and has been a member of the organization for 30 years. Davis is also a former member of the Executive Committee of the NCEA and the N.C. State Board of Education.

In an interview with *Carolina Journal*, both Davis and Atkinson were asked their views on the state superintendent's role.

Davis said he wants to "be an ambassador and give hope that public education can make a difference." He spoke passionately about public education as the "single most democratic institution in America apart from voting" and "public education is the ticket to individual and collective success for North Carolina."

Davis says he wants to be a change agent. "I want to lead a crusade, a revolution that would change the face of education — a movement that would use education as a primary tool to eliminate poverty, dispel inequities, and create excitement about learning and learning for a lifetime," he said. He also said building-based practitioners who "provide the vision to students" must have a greater voice in policy making



"We raised the standards for math this past year based on feedback we got from school officials."

June Atkinson
Incumbent State
Superintendent
of Public Instruction



"I want to lead a crusade, a revolution that would change the face of education ..."

Eddie Davis
Candidate for State
Superintendent
of Public Instruction

because "they're on the front lines, not the central office staff."

Atkinson talked about the need to be an advisor, leader, and team player. The superintendent needs to "stay in the public forefront on issues important to education" and "be a good listener to parents, students, teachers, and business partners," she said. The superintendent should speak out and "be the voice for children who don't have a voice," Atkinson said.

School administrators have complained that communication between the State Board of Education and schools is top-down, giving schools little input into decision making. Davis and Atkinson were asked what they would do to change that sentiment.

Davis said he would encourage two-way communication by sharing "information from the SBE and the legislature with school administrators and building-level personnel" and by asking for "information from school personnel. I am very interested in what taxpayers, parents, teachers, and students have to say on education issues." He said he would do this through meetings.

Atkinson said she thought she had already done much to improve communication by visiting schools in every county in North Carolina and through weekly meetings with local superintendents. She said she has spoken out on issues when she disagreed with the governor, the SBE, and others.

As examples, Atkinson said she

appointed a commission to review the accountability plan when it came under fire, and she held focus groups across the state to share the proposed framework with superintendents, principals, and teachers and to solicit their feedback. When the SBE was pushing for changes in graduation requirements, Atkinson "set in motion a plan to listen first before changing the plan. We raised the standards for math this past year based on feedback we got from school officials."

Davis and Atkinson were asked what they believe are critical issues in N.C. public education.

For Davis, a key issue is to "make schools sanctuaries for learning, like a hospital is for healing" by preventing students or anyone from disrupting the learning environment. One way is to have parents of disruptive students visit the school every time a problem arises, in the hope that parents will have a greater incentive to "take action to see that their child is respectful at school."

Davis offered two specific ways to reduce the high school dropout rate, particularly among minorities and poor white males. First, he said he would like to see more vocational programs in high school that focus on entrepreneurship and that prepare students for high-paying positions in trades after they graduate.

"Many drop out of high school because there's no place for students who have no interest in attending college," Davis said. He also proposed creating

programs in public schools to bring back those who've already dropped out and teach them a marketable skill.

An "honest and non-emotional discussion about race" is needed, Davis said, because many people continue to "deny the legacy of discrimination" in perpetuating racial and economic disparities. But he also pointed to harmful attitudes within the minority community that associate "proper behavior and academic preparation with 'being white.'" It will take a "courageous superintendent," he said, "to raise these issues and help reduce the achievement gap and digital divide."

Atkinson used the Highland School of Technology in Gaston County, a magnet school, to support her belief that higher teacher salaries, better working conditions, low student-teacher ratios, and engaging technology create academic success. For her, key issues are the need to redesign high schools, improve the high school graduation rate, recruit and retain qualified teachers, provide more professional development for teachers and administrators, and increase the use of technology in the classroom.

"The Highland School has maintained a 97 percent graduation rate for the past six years," Atkinson said. They have redesigned the school away from "an impersonal, industrial-based model" to a student-centered one where learning is integrated across all disciplines instead of being segmented into 55 minutes per subject. All students enroll in "Career Pathways, what used to be called vocational courses." Teachers use a student's interest to teach English, mathematics, and other subjects, and they "integrate projects so students can see the relevancy of what they are learning."

The school's technology enables students to have access to learning all day and every day. "Teachers are on an eleven-month contract, unlike many schools in North Carolina," said Atkinson, and "teachers receive more professional development opportunities, like visiting local businesses so they can help students connect classroom learning to real life."

"Research shows that most students drop out during the transition from eighth to ninth grade," Atkinson said. Students who are not academically prepared to enter the ninth grade are often reluctant to remain in the eighth grade because they feel they are "too old." An alternative might be a program where students enter an "eight-and-a-half grade." Atkinson also wants to change the notion of reading as a separate subject that is "traditionally an elementary school issue," but rather one where students, from pre-K through the 12th grade, see reading as essential to learning all subjects.

Those Who Prefer Tax Hikes Less Likely To Give — Report

By CJ STAFF

RALEIGH

People who urge local governments to dig deeper into taxpayers' pocketbooks seem unwilling to part with their own cash voluntarily. That's the key conclusion in a new John Locke Foundation Spotlight report.

"The reality is that you can donate as much money as you wish to your county government and school system," said report author Joseph Coletti, JLF Fiscal Policy Analyst. "This report highlights one major county in which few people take advantage of that option. Until they do, they have no right to demand that their neighbors, who may have different values and priorities, be compelled to have more money taken away from them."

North Carolina state government does not accept donations, Coletti said. Checks written to the state count as tax revenue. If the potential donor already has paid his tax bill, the state will refund the money. "When I tried to make a donation, the Treasurer's Office, Controller's Office, and Department of Revenue said they had never had offers from individuals or companies to contribute voluntarily to the state's funding needs."

Local schools and county governments have no such restrictions, Coletti said. Taxpayers who value school and county services are free to spend as much money as they choose to support those services.

"People can offer cash or in-kind contributions in the same way they make other charitable contributions, according to what they believe is the best use of their money," he said. "One would presume that the people who use

the most lung power to argue for more government or education funding are also willing to devote more of their own resources to those goals."

Coletti tested that theory by examining donation patterns in Wake County, which has a vocal base of public education advocates.

"I was shocked — shocked! — to learn that Wake County schools and the county government have received little in voluntary contributions for their budgets," he said.

"Since May 2003, the school system has tracked less than \$2.4 million in donations," Coletti said. "That's just 0.1 percent of one year's spending in a district that has a \$1.1 billion operating budget and a \$900 million voter-approved building program. Eighty-eight percent of the donations headed to individual schools, often for particular programs. Very few donations target a generic goal of improving education."

Donations to Wake's county government made up an even smaller chunk of total county spending, Coletti said. Most voluntary contributions targeted the sheriff's K-9 unit or the emergency medical system.

"Many people who urge more taxation and more government spending seem to have a disconnect between what they claim as their public priorities and what they actually follow in their private resource allocations," Coletti said. "Any time a family saves money, goes to a movie, or takes a vacation, it's placing a higher priority on those options than on donating money to schools or local government services."

County governments and local school systems could do more to encourage donations, Coletti said. CJ

Commentary

A Tale of Two Public Schools

With apologies to Charles Dickens, it is the best of times — if you are a district school system in North Carolina. It is the worst of times — if you are a charter school in North Carolina.

Over a year ago, the State Board of Education began the process of revoking the charter of Imani Institute Charter Middle School in Greensboro. State law permits the board to revoke a charter for any number of reasons, including "failure to meet generally accepted standards of fiscal management." By all accounts, Imani Institute's finances were a mess. School officials failed to submit audits for at least five consecutive years and incurred a deficit of \$13,000.

There is little doubt that Imani Institute trustees made poor personnel and business decisions, but apparently, the school was also the victim of fraud. According to Imani Institute staff, the school's finance officer embezzled school funds for his personal use, and the auditing firm hired by school officials repeatedly failed to conduct the necessary audits.

The State Board of Education acknowledged that the school's financial compliance "may have been compromised by the misconduct and negligence of its accountant and auditing firms." Nevertheless, the board revoked Imani Institute's charter at its July 2006 meeting. One month later, Imani Institute's appeal was rejected by a unanimous vote of the state board.

Contrast the open-and-shut case of Imani Institute Charter School with the Halifax County School District's financial debacle.

In October, the Halifax County school board learned that the school district "overspent" state and federal funds to the tune of \$840,000 and would have to repay the money to the state immediately.

While closing Imani Institute displaced 130 students, a dozen teachers, and a handful of administrators and support staff, the impact of the Halifax County debacle on students and taxpayers is much more widespread. According to the Roanoke Rapids *Daily Herald*, the school system was forced to lay off a dozen employees and reduce hours for more than 200 employees, cutting services to the system's 5,000 students.

Halifax County taxpayers will have to foot the \$840,000 bill because the school system may use only local tax funds to repay the debt.

The 500-student Gaston College Preparatory charter school has not received required payments from the Halifax County School District school in nearly a year. The charter school's principal estimates that the Halifax County School District owes the school about \$60,000. All told, school officials in Halifax County have incurred a debt of \$900,000 and have affected thousands of lives. Despite this, the school system will not

endure anything close to the Imani Institute's punishment, if any punishment at all.

Indeed, the state has rushed to assist the school system. Paul LeSieur, director of school business at the N.C. Department of Public Instruction, sent a former school finance officer to revise the system's financial tracking process. LeSieur also arranged for a team of financial planners from B&B Financial to review the system's financial records over the last three years.

According to the *Daily Herald*, the B&B Financial experts will "leave a software program with the district and train local officials on how to use it to track all state and federal expenditures by the district." These services surely would have allowed the Imani Institute Charter School to comply with generally accepted standards of fiscal management and possibly remain in operation, but the state never offered the charter school this level of technical assistance. Instead, they placed the charter school on "financial cautionary status" and sent the school a number of warning letters.

For the sake of fairness and consistency, charter and district schools deserve commensurate penalties for failing to manage their finances properly, comply with state law, or educate their students. They also deserve comparable levels of technical and financial support. Regrettably, the State Board of Education is not interested in treating all public schools, charter and district, equitably. CJ

Terry Stoops is an education policy analyst for the John Locke Foundation.



Terry Stoops

BOOKS AUTHORED BY JLF STAFFERS



By Roy Cordato
Vice President for Research
John Locke Foundation

Efficiencies and Externalities in an Open-Ended Universe



"Cordato's book is a solid performance, demonstrating impressive mastery of both the Austrian and neoclassical literature."

Israel Kirzner
Cato Journal

www.mises.org

School Reform Notes*Too much testing*

If you think your child takes too many tests, a select group of educators agrees with you and wants the state Board of Education to slash the number of exams, *The News & Observer* of Raleigh reports.

This group agreed Nov. 19 to recommend dropping several tests and not counting others in the state testing program — measures that could lead to more exams getting axed. This proposal is likely to win over those who say there are too many tests and not enough true learning in schools but could anger others who fear this would lead to less academic accountability for schools and teachers.

In a draft report, the Blue Ribbon Commission on Testing and Accountability said, "For the way [state] tests are currently structured and used, there is too much time spent on testing."

"We're testing more, but we're not seeing the results," said Sam Houston, chairman of the commission. "We're not seeing graduation rates increasing. We're not seeing remediation rates decreasing. Somewhere along the way, testing isn't aligning with excellence."

The commission's report is the latest backlash over the amount of testing under the state's 15-year-old ABCs of Public Education exam program.

Crash triggers inspection

Charlotte-Mecklenburg Schools officials are inspecting the companies that transport disabled and homeless students after finding that one driver who caused a serious crash lacked proper training, *The Charlotte Observer* reports.

Two of the seven companies working for CMS now face sanctions, and school system leaders are reviewing the contracts with all seven companies to make sure drivers and vehicles are permitted properly.

The driver, Felicia Moore of VC Limo & Transportation, was going too fast on Sharon Road on Oct. 26 as she took two brothers home from Smithfield Elementary. She crossed the center line, according to a police report of the crash. The van skidded, hit another car, and overturned. Both boys were thrown from the vehicle and taken to the hospital, where one was kept for five days.

CMS is reviewing the seven companies that transport an average of about 450 homeless and disabled students a day. CJ

*Advanced Placement***Course Documentation Causing Problems**

By HAL YOUNG
Contributing Editor

DAVIDSON COLLEGE, N.C. — RALEIGH
Davidson College is one of the most selective schools in North Carolina, and when considering applications, test scores are not administrators' first concern. Courses such as Advanced Placement classes are.

"That level of academic coursework is the best measure we have to predict how they will do at Davidson," said John Leach, assistant dean of admissions. "For admission, the rigor of a student's high school curriculum is the first element we evaluate in their academic standing."

As competition for college admission grows, transcripts showing challenging courses such as Advanced Placement have become more crucial. The Advanced Placement exams are administered by The College Board, which also publishes the SAT, while planning of the coursework itself has been left to the teachers.

This year, however, there has been a change. Starting in fall 2007, a course cannot be called Advanced Placement on transcripts unless the teacher submits a detailed syllabus and gains approval from College Board beforehand, a process that even Advanced Placement's leadership admits is a burden. Even with the new program under way, administrative details that affect college applications already submitted are still being resolved.

A change to traditional usage

The Advanced Placement Program offers a range of annual exams that mimics freshman college finals. While each college sets its own policies, high school graduates who score high enough on the advanced placement exams can earn college credit at most universities, sometimes eight or more semester hours per exam. A growing number of students apply to college with several Advanced Placement exams under their belt. More than 80 percent of the freshman class at the University of North Carolina at Chapel Hill submitted Advanced Placement scores this year, and half of them for more than five exams. At North Carolina State University, the number is more than 60 percent.

In North Carolina, more than 400 high schools offer Advanced Placement classes, and nearly one-third of all high school students have an Advanced Placement course on their transcripts. However, the transcripts have become an issue, according to the College Board.

"Historically, AP was used [only] for credit and placement decisions, and for that you need an exam score," said Trevor Packer, the College Board's vice president in charge of the Advanced Placement Program. Recently, though,



"For admission, the rigor of a student's high school curriculum is the first element we evaluate in their academic standing."

John Leach
Asst. Dean of Admissions
Davidson College

colleges are looking for external measures such as Advanced Placement coursework to judge applicants' potential, he said, and they "had noticed trends they wanted controlled — isolated cases where schools were applying the AP label to courses that were not available in the exams, like astronomy."

The Course Audit was conceived as a quality check to ensure that Advanced Placement courses on transcripts had, in fact, provided college-level instruction. While the program "unequivocally supports the principle that each individual school must develop its own curriculum," teachers who followed Advanced Placement guidelines this year found the expected level of detail produced syllabi dozens of pages long. Packer reported submissions as large as 60 pages for a single class.

"It was almost like they were saying, 'Audit this,'" he said.

A hoop, not a help

Betsy Newmark teaches Advanced Placement classes in history and government at Raleigh Charter High School. Her two outlines totaled 39 pages, took three days of vacation to write, and didn't add anything to her teaching of the courses, she said. Her colleagues described the requirement as "a real pain."

Packer admitted that was the general response they heard. "Fifty-four percent of teachers say it's just a hoop to jump through," he said.

Newmark said the guidelines were flexible enough to accommodate curricula she used last year. "It was mostly a task of putting what I do into a form they would recognize," she said. Other schools were more sensitive to the issue. David Johnson, principal of Calvary Baptist Day School in Winston-Salem, said although his teachers already had

most of the documentation requested, "The tension any Christian school will feel is that AP is an outside curriculum. The question is how to maintain integrity when you implement it."

Calvary offers 10 Advanced Placement courses, including an advanced placement biology course that some Christian educators have found controversial. The school has always strived to integrate faith with academic rigor, but "If you sell your soul to College Board, you lose your way," Johnson said. "The moment you feel you've compromised, AP scores don't matter at all."

Private tutors and homeschoolers received the same authorization as classroom teachers, but administrative processes lagged in their case. Maria Green is a pharmacist who teaches Advanced Placement calculus to homeschooled students in the Triad. She and another Advanced Placement instructor spent two months trying to pin down the requirements, "calling and calling, and always we were told, 'We're working on it.'"

Issues remain for non-traditional students. Approved Advanced Placement programs are listed online to allow colleges to verify Advanced Placement classes on transcripts. Private tutors, however, aren't listed, although the authorizations are granted by teacher and not by institution.

Since college applications for fall 2008 are already being submitted, homeschoolers were advised to attach Advanced Placement's individual letters of authorization to their transcripts, which can add several pages to their paper work.

Toward a national curriculum?

With colleges' increasing expectation of Advanced Placement-level classes, the detailed guidelines, and new mandatory approval process, is Advanced Placement becoming a de facto national curriculum?

"On a certain level, you could almost look at it that way," Newmark said.

The Advanced Placement audit is being used as a wedge in local issues. According to the College Board, about 17,000 Advanced Placement teachers have used the new course requirements to fight changes in laboratory schedules. Advanced Placement's Tom Matts, the course audit's director, said colleges have complained about students arriving with inadequate lab experience, so, "We think that's a positive outcome of the audit."

Whether Advanced Placement continues in its traditional purpose or follows a new path, its impact will continue to grow. The College Board reports that 98 percent of admissions officers plan to place greater emphasis on Advanced Placement coursework. CJ

Buncombe Early College Program Gives Higher-Ed Taste

By KAREN WELSH
Contributing Editor

ASHEVILLE

Changing possibilities is the name of the game at Buncombe County Early College, an innovative high school campus at Asheville-Buncombe Technical Community College.

Students at the school commit to a five-year program that will simultaneously earn them a high school and associate college degree fully transferable to any school within the University of North Carolina system. All of this is provided at no cost to the students, who are chosen because they are demographically underprivileged or underrepresented at the college level.

"I will tell you I am biased and I love our little school," Principal Meg Turner said. "We have grown it from nothing into something and I think it's good."

Now open for its third year, Buncombe County Early College is a part of the new high school initiative known as Learn and Earn schools. The program was birthed from \$20 million in grants given by the Bill and Melinda Gates Foundation.

The autonomous high schools are purposefully designed, with facilities situated on university or college campuses throughout North Carolina. Each school teaches academic rigor and provides viable opportunities to potential future careers through work-based learning experiences.

The school settings are small and intimate. Only 60 students are accepted into each grade level at the Asheville campus.

Schedules for each of the five years vary, as does the course load from year to year. The students at Buncombe County

Early College remain within the confines of the high school campus, which takes up the entire top floor of a large building at the community college, during their first and second years of school.

Each class is challenging. The students are taught how to write college-level papers, completing draft after draft as they are encouraged by their teacher to "think and rethink."

"We provide effective classroom instruction," said English teacher Donna Chandler. "The small class size is a part of it, but there is also a commitment to help every child grow from where they are — from the weakest student to the strong. The difference is, we try and challenge all of them, whereas a traditional school tries to teach all of them down the middle."

It's not just about book learning. "We are rigorous," Chandler said. "The students are learning real-world problems and how to solve them. They are becoming real creative thinkers. We focus on teaching them the skills they need to be successful in life and college. We are trying to teach the habits of the mind and organization as well as the skills and content. We talk about perseverance, personal responsibility, and high-quality work."

There is a payoff because it prepares the students for their dual enrollment in college during their third year. "We tell the students to keep their eyes on the prize and get that college degree," Turner said. "By the end of their fifth year they will have 66 college credit hours completed. And, it's all free to them. Their parents light up knowing that two years of college are paid for by the state."

Third-year student Megan Yoshida said the program is exactly what she



Buncombe County Early College English Teacher Donna Chandler (shown above) says small class size and rigorous instruction are staples in Learn and Earn schools (Photo by Karen Welsh)

needed to go into her family's restaurant business. "I love the college classes and it's definitely a jump start to what I want to do," she said. "I feel challenged and I'm very thankful that I got accepted here. The teachers are great. They are different from other schools I've attended. They push us. It's benefited me and I'm learning a lot from it."

"My mind has been stretched since I've been here and I've found that knowledge is more than book work," second-year student Kiara Jones said. "Before I came here I was all about getting the work done. Now it's about thinking. It's enriching. Now it's about understanding my work. It's the process

of doing the work."

Turner said although the school is succeeding, it's had difficulties to overcome.

"Any time you are carving something out from scratch you're going to have some growing pains," she said. "In the first year we started with 60 kids and lost 11 of them in the first year. We quickly realized that we are not set up to deal with kids who have high-risk, socially unacceptable behavior. My staff and teachers needed to have lots of conversation and dialogue to refine the student recruitment process and clarify the kinds of students we were going to serve." CJ

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Campus Briefs

- Zell Miller, the only person to ever deliver keynote speeches at both the Republican and Democratic conventions, spoke before the UNC-CH College Republicans at UNC-Chapel Hill on Oct. 15. Miller has been at times a Democratic U.S. senator who supported President Bush, the governor of Georgia, a university professor, and a U.S. Marine sergeant. He told the crowd of about 100 about his commitment to education, his experience in Washington, D.C., and the 2008 presidential election. Although Miller refrained from endorsing a candidate, he indicated he would support one who has a strong position on terrorism, would appoint conservative judges, and would keep the Bush tax cuts.

- The focus was not just on rap music at Fayetteville State University's Homecoming concert, but on rap sheets as well — specifically, the rap sheet of scheduled headline performer T.I., who was in jail after his arrest on federal weapons charges. The other performers, hip-hop singers Young Jeezy, Lil Wayne, Lil' Boosie, and Gorilla Zoe, shouted out to the incarcerated rapper from the stage. At one point the audience even started a short-lived "Free T.I." chant. T.I. has achieved prominence in the rap world for his celebration of the drug culture and the violence surrounding it.

- Two Republican candidates clashed over, but mostly agreed on, policy proposals at N.C. State. Republican gubernatorial candidates Fred Smith and Bob Orr spoke to the N.C. State College Republicans on Nov. 14. The candidates agreed on many major platform items, including transportation, raising the charter school cap, economic development, the No Child Left Behind Act, and taxation. They disagreed on the particulars of "affirmative action," illegal immigration, and health care. Candidate Bill Graham was also invited but declined the invitation.

- Jena-copycat nooses have been found at two UNC campuses. At N.C. State, a toilet-paper noose was found in a bathroom stall. At UNC-Charlotte, two nooses were found by a facilities management worker in a maintenance bay. Both schools are investigating the incidents. The incidents were apparently modeled after the placement of nooses in a schoolyard tree in Jena, La. CJ

Pope Center Conference

Keynoters Disagree on Prospects of Reform

By JAY SCHALIN
Contributing Editor

DURHAM

The two keynote speakers at the 2007 Pope Center Conference in October agreed that U.S. higher education seems lost and adrift when it comes to the crucial task of transmitting cultural knowledge and morality. But they offered different explanations for this confusion and different approaches to restore the missing sense of purpose.

One of the speakers, a consummate Ivy League insider, said he thinks that the problems are mainly the result of "unintended consequences" and that the academy can redeem itself.

The other, who left his tenured faculty position to work for the reform of academia, said he thinks that the problems are ideological in nature, and that the drive for reform must come from outside the educational establishment.

The insider is Harry Lewis, the former dean of Harvard College, a Harvard computer science professor, and author of *Excellence Without a Soul: How a Great University Forgot Education*.

He is troubled by the relativism that pervades the academy and its failure to establish educational priorities for students. "[W]e offer little guidance or structure to suggest what is important, little suggestion that anything is more important than anything else," he told the audience at the Hilton RDU Airport at Research Triangle Park on Oct. 27.

Lewis said he thinks that passing on an understanding of freedom is one of academia's essential roles. "A liberal education teaches students what freedom itself is," he said, "and is not — that freedom is not license, and that individual freedom is only possible within a social structure on which a community or nation has agreed."

"American democracy, and the other products of the Western Enlightenment, can't be taken for granted. They will be preserved only if we transmit them," Lewis said.

The other speaker, Stephen H. Balch, is the president of the National Association of Scholars and a former political science professor at the City University of New York. He also insists that our culture's intellectual foundations are poorly transferred from professors to students.

"Graduates should come away with an understanding of the importance of freedom and reason," he said. "I'm not sure they come away with that. Instead, they come away with a hodgepodge of ideas, and tend to look down upon tradition," he said.

For Balch, academia can't perform many of its basic functions because it has adopted a left-wing ideology at odds with American traditions. The university system attracts people with



Former Harvard College Dean Harry Lewis addresses the Pope Center Conference on Oct. 27 at the Hilton in Research Triangle Park. (CJ photo by Carolyn Zahnow)

"American democracy, and the other products of the Western Enlightenment, can't be taken for granted. They will be preserved only if we transmit them."

Harry Lewis
Former Dean
Harvard College

"an inclination toward visionary and utopian thinking." These utopians feel that the purpose of education is to "move people toward their visions."

He suggested that because this liberal bias is so pervasive, true reform must come from outside the ivory tower. "We should not leave education solely to educators," Balch said.

Lewis said the academy's problems have less political roots. "The aimlessness problems are not the result of evil faculty or evil presidents, or even left-wing conspiracies," he said, but stem from the emphasis on research at leading universities — "an unintended consequence of our greatest successes."

Lewis said professors are now judged on their production of research, not their ability to perpetuate freedom's philosophical basis. "The incentive and reward structure favors...egoism over altruism," Lewis said. "It favors the new over the old. The wisdom of the past is easily discarded if the payoff is bigger for ideas that have little virtue except novelty...."

The liberal bias on college campuses, he said, reflects a "systematic selection bias in all research universities of those who most challenge existing principles." Conservatives lose in the competition for advancement because they do not fit comfortably "in an envi-

ronment that favors change."

Lewis suggested that current academic hiring practices suffer from too much objectivity: To avoid charges of discrimination, colleges tend to rate applicants only according to measurable qualities. As a result, universities "tend to hire the smartest, not the wisest."

Academia, according to Lewis, is capable of self-reform. Trustees and presidents should bring back "the notion that faculty are responsible for the human development of human beings and the preservation of civilization as a whole."

Balch is far more pessimistic about the desire of the academy to change. He contends that if the effects of this bias are to be undone, it will require "greater interaction between the university and laity."

One promising development Balch mentioned is the proliferation of campus programs and centers that are specifically chartered for "the study of free institutions" and to "capture the traditions of the past." More than 30 such centers have been founded in recent years by "lay" outsiders such as alumni, private foundations, and corporations, groups without strong ties to the university's administration. An entire panel at the conference was devoted to such centers.

Pressure to reform from outside the university system has begun. However, the interests entrenched inside the ivory tower might be less likely to embrace change. As Lewis acknowledged in his talk, "[T]he liberal population, having now taken control of the academic ecosystem, has become self-sustaining."

Yet there was hope among many conference goers that market forces and popular demand will foster a renewed calling to promote the perpetuation of our highest ideals. CJ

Jay Schalin is a writer and researcher for the John William Pope Center for Higher Education Policy.

Academia Enforces 'New Dogma'

By JAY SCHALIN
Contributing Editor

The spirit of the Spanish Inquisition is alive and well in the American university, according to George Mason University law professor Todd Zywicki, in remarks given at the 2007 Pope Center Conference. Academia has a "new dogma" based on multiculturalism, environmentalism, and feminism, he said. "They will enforce it viciously."

But there is a growing reform movement, which was in evidence at the conference Oct. 27. Zywicki is involved in a struggle for control of Dartmouth College as an independent alumni trustee. Also in attendance were at least four representatives of independently funded academic centers with free-market and traditional perspectives, as well as the founder of an online, for-profit university that has a curriculum based on conservative principles.

Zywicki discussed the barriers erected at Dartmouth to prevent independent alumni from becoming trustees and, once those barriers fell, the effort to prevent it from recurring.

Historically, the school's board of trustees has been divided between elected and appointed members. There are eight of each. Procedures and entrenched interests have produced trustees that rubber-stamp the "dogma-driven" agenda of the left-leaning faculty, Zywicki said. There is one alternative path: election of an independent "petition" candidate. But the aspiring trustee first must get 500 alumni signatures — in the past an "insuperable hurdle, because the college wouldn't give you mailing lists."

Starting in 2004, with the Internet enabling rapid-fire communications among alumni, four reform-minded petition candidates were elected in short order, including Zywicki. The rest of the board, however, decided to add eight appointed seats, "breaching the principle of parity" that was the system's original intent, Zywicki said.

"They couldn't win at the ballot box, so they got rid of the ballot box," he said. Only the threat of a lawsuit forced the board to postpone any changes to the board's composition.

Not all schools have a back door into positions of real power as at Dartmouth, so other approaches have emerged. One is the creation of independent centers that establish a reform presence on campuses by funding lecture series and scholarships, endowing

chairs, or crafting minor curricula.

But they too face opposition. In 2006, Hamilton College initially welcomed an alumnus' \$3.6 million donation to create the Alexander Hamilton Center as part of the school. When the center's traditional American emphasis became known, an uproar from the faculty caused the administration to withdraw its support.

Soon after, the center's principals formed the Alexander Hamilton Institute off campus, unaffiliated with the college.

Robert Paquette, the Hamilton history professor who heads the institute, said he has suffered retribution since the center opened this September. The dean of his college told him that his salary would not be increased "[d]espite your scholarship and your efforts at teaching effectively." The center itself has been vandalized.

One place where alternative academic institutions have been proliferating is on the Internet. Conference speaker Richard Bishirjian founded Yorktown University, an online school that emphasizes traditional thought, in 2001. Gaining accreditation from official regional associa-

major hurdle, he said.

Accrediting associations, which receive financial support from existing schools, often work in concert with the establishment to choke off competition from alternatives, Bishirjian said, rather than serving as guarantors of quality. Without accreditation, students generally cannot transfer credits to other schools or receive federal financial aid.

Bishirjian recently moved Yorktown University from Virginia because of his longstanding battle over accreditation with the regional Southern Association of Colleges and Schools. The school is now in Colorado, where the regional accrediting agency, the North Central Association, has a history of being open to online education.

The higher-education reform movement is only starting. Not all endeavors will succeed, and whether all such ventures combined will have any lasting effect on the culture remains to be seen. "Academic reformers have to decide whether they are serious or not," Zywicki said. "The entrenched powers are well entrenched and very powerful." CJ

Jay Schalin is a writer and researcher at the John William Pope Center for Higher Education Policy.

"Academic reformers have to decide whether they are serious or not. The entrenched powers are well entrenched and very powerful."

Todd Zywicki
Professor of Law
George Mason University

Commentary

'Helicopter Parents' Can Help

Helicopter parents" are in the news again. These are parents of college students who don't let go — they "hover" over their children, staying in constant electronic communication. When a problem arises, they drop down and help the students get out of a fix. At the extreme, this behavior annoys university officials, and some administrators fear that the parents are keeping their children from growing up.

Helicopter parents got a boost recently, however, from a surprising direction — a new effort by colleges to be accountable. A national survey

found that students whose parents took an active role in their children's school lives were more "satisfied with every aspect of their college experience," George Kuh, director of the survey, told *The Washington Post* (Nov. 5).

Kuh directs the National Student Survey of Engagement. Since 1999, a number of schools has surveyed freshmen and seniors to learn about their college experiences — how "engaged" they are in learning. The survey asks students how frequently they were expected to write papers, how much out-of-class contact they had with faculty, how beneficial their academic advisers were, etc..

In November, for the first time, NSSE, which is situated at Indiana University at Bloomington, published results from 257 schools, out of 610 in total, in cooperation with *USA Today*. Fifteen of the schools are in North Carolina. The results can be viewed on *USA Today's* Web site.

One finding was that parents who stay involved in their children's education deepen and enrich their children's experience. These students did not, however, do as well academically as the children of parents who were not involved in their children's education.

Reporters probably latched on to this news because the NSSE report itself was anti-climactic.

Parents, students, regulators, and watchdogs such as the Pope Center have been pushing for more measurements of student outcomes, and NSSE is seen as one way to judge a school's effectiveness. Until recently, the surveys were mainly an in-house tool for improving the

college experience.

Unfortunately, the newly published reports on individual schools didn't get into details such as how many papers students actually have to write — even though the survey asked such questions. Rather, each school published its scores in five broad "benchmark" categories.

To illustrate: Greensboro College reported that it had a score of 49.1, out of a potential 100, on the "level of academic challenge" it provided for first-year students. For all participating schools of a similar kind — in this case, baccalaureate colleges in the arts

and sciences — the average score was 56. A prospective student, thus, can learn that Greensboro is a little less-challenging than the average. The figures for seniors were 56.1 and 59.9.

A NSSE official points out that a 100 score is an "unattainable ideal." That would mean that every student scores the highest possible on every component of the benchmark. Most scores range between 40 and 70.

Other benchmarks are "active and collaborative learning," "student-faculty interaction," "enriching educational experiences," and "supportive campus environment."

These scores seem vague and not that meaningful to the parent searching for information. The schools receive much more detailed information.

But NSSE did reveal another interesting nugget: Students spend about 13 to 14 hours a week studying. This is about half of what faculty members surveyed by NSSE think is necessary. Now that tells us something. If the faculty is right, most schools don't demand as much of students as they should.

So, one challenge for parents of college students is this: At which schools do students study substantially more than 13 to 14 hours per week? NSSE doesn't tell us. Helicopter parents, call up the administrators and ask. CJ



Jane Shaw

Jane S. Shaw is executive vice president of the John William Pope Center for Higher Education Policy.

Bats in the Belltower**Sometimes T.P. is Just T.P.**

In mid-November at North Carolina State University, in a small maintenance bathroom, someone found a noose made out of toilet paper.

He didn't flush it. He called the police. Shortly afterward, Chancellor James Oblinger announced the discovery to the campus, saying that it "could be someone's idea of a prank or" — here it comes — "it might constitute a crime."

Black activists angrily denounced the chancellor's response shockingly insufficient. *The News & Observer* of Raleigh reported that "students said they want to hear university leaders making fiery speeches condemning racial hatred."

At a meeting of the campus branch of the National Association for the Advancement of Colored People, students said the T.P. noose "should have gotten as much media coverage as the [Duke] lacrosse incident."

Oblinger was blamed for not understanding the gravity of the situation because he "hadn't had anything happen to him just because he's a white man."

A senior, Robert Waldrup, said, "We need to keep someone from hanging from the other end of that noose." Which was, if you will recall, made of toilet paper.

On Nov. 14, Waldrup wrote a guest column in the student newspaper, *Technician*, calling the incident "nothing short of domestic terrorism" and proof that at N.C. State, "we are faced with the reality that racially, things have not changed much in 50 years."

The next day, N.C. State's student government passed unanimously something called the "Racism and Hatred Incident Act," demanding a campus hate-crimes policy, a stronger response from the administration, and criminal prosecution of the noose-maker.

Not that the outrage was limited to the campus. On Nov. 16, *N&O* columnist Ruth Sheehan conjured the ghosts of the Ku Klux Klan and the Nazis in her reaction. She considered but discarded the "Flush it" approach, reasoning, "I am brought up short by a quote from writer/philosopher/Holocaust survivor Elie Wiesel: 'Silence encourages the tormentor, never the tormented.'"

Readers might recall that at Duke in 1997 a black baby doll was "lynched" over a bench frequented by black students. The discovery plunged the university into an uproar, as everyone frantically tried to root up the racists and the "institutional racism." It was later shown to be the work of black student activists who were hoping for exactly that reaction.

Specifically because of hysterical over-reactions such as those on display now in Raleigh, universities are particularly susceptible to the faked hate crimes to jumpstart "campus dialogue" (i.e., create new speech codes and foist compulsory diversity classes on people). The *College Democrat*

from George Washington University drawing swastikas on her own door is the most recent example.

No one at N.C. State knows who made the noose or why. Maybe it was as the governing assumption on campus holds: an exceptionally crude but effective threat of white racism.

Even so, that's hardly a reason for more campus Orwellianism and a new slate of condescending diversity training.

But it could have been a prank aimed at someone who uses that bathroom, a prankster who perhaps never imagined such an over-reaction and is now too terrified to admit it.

Or it could have been the work of a provocateur, someone who wanted to watch the campus ninnies go bonkers and knew from recent events that a noose of any kind would do the trick.

Or it could have been as it was at Duke, a hoax perpetrated by an activist member of the supposedly aggrieved group.

What one would hope for by way of reaction from North Carolina's largest research university, boasting some of the top minds in the state, is what has been sorely lacking: a circumspect, adult response — the realization that, at the end of the day, they are investing all this energy, time, and emotion over toilet tissue. CJ

Jon Sanders is a policy analyst and research editor at the John Locke Foundation.



Jon Sanders

Not Much 'Student' Activity In University Activity Fees

By CJ STAFF

RALEIGH

Only a small percentage of student activity fees at UNC system universities is distributed by students to campus organizations, a study by the John William Pope Center for Higher Education Policy has found.

The majority of student activity fees are allocated by university administrators for purposes ranging from repairs for a student center to an undergraduate teaching award.

At N.C. State University, only \$8.85 out of the \$363.50 collected per student for activities is distributed by students. At UNC-Chapel Hill, only \$39 of the \$291.30 students must pay each year is given to student government to disburse to student organizations. Students also pay health, athletics, "education and technology" and debt service fees.

"Contrary to the general impression, students are almost entirely excluded from the process of disbursing the student activity fee," said Jenna Ashley Robinson, author of the study. "And the fees are substantial. Student activity fees can represent up to 16 percent of total expenses for instate students. At UNC-Chapel Hill, they have gone up 51 percent in the past five years."

The study originated in an effort to find out whether student fees are fairly distributed between conservative and liberal campus organizations. Such fees have been a contentious issue ever since Scott Southworth and two other University of Wisconsin law students sued their university for making them pay fees for student groups with which they disagreed.

The Supreme Court upheld such fees, under certain conditions. The 2000 opinion, written by Justice Anthony Kennedy, said that under the First Amendment a public university can "charge its students an activity fee used to fund a program to facilitate extracurricular student speech, if the program is viewpoint neutral." Thus, student fees are legal as long as their disbursement is "viewpoint neutral." Both conservatives and liberals should have a fair chance, as should other campus viewpoints.

The Supreme Court didn't settle the issue, it appears. On Nov. 20, an appeals court in Albany, N.Y., rejected the method that the student government of the State University of New York used to distribute funds to the New York Public

Interest Research Group. The court said that that it did not meet the standard that the Supreme Court set in the 2000 case now known as "Southworth."

Things are better in the UNC system, the Pope Center study found. "Where fees are used for political groups, the distribution seems to reflect the preferences of the student body," Robinson said.

Student government at UNC-Chapel Hill distributed \$66,412 to liberal students groups in 2006-2007, and \$45,993 to conservative groups. At N.C. State, during the first 2006-2007 semester, conservative groups received \$632 and liberal groups, \$350. N.C. State has strict limits on funding student groups.

But little is allocated by students. Students might think that their activity fees go toward organizations such as Students for Life and the Badminton Club. But at most UNC schools, only a very small portion goes to such student-run organizations, disbursed by student government.

At N.C. State, for example, 95 percent of the activity fee is used by the administration for purposes such as on-campus child care and student legal advice. Debate erupted there last spring when some students objected because a portion of the student activity fee would help fund a Lesbian, Gay, Bisexual and Transgender Center.

Some complained that they shouldn't be compelled to fund a center they would never use. They also argued that students should at least have the right to vote on such proposals. The administration, in charge of the funds, did not back down.

Most of the time, students have no idea where most of their student activity fee goes. To find out, a student would have to contact the university controller and ask for the information. "Activity fees should be called what they really are: extra tuition," Robinson said.

The Pope Center study includes information from controllers' offices at 13 UNC campuses and from student government at five.

The schools are: (in order of size): N.C. State, UNC-Chapel Hill, East Carolina, UNC-Charlotte, UNC-Greensboro, UNC-Wilmington, North Carolina A&T, and Western Carolina.

The missing campuses did not respond to repeated requests for information. CJ

"Contrary to the general impression, students are almost entirely excluded from the process of disbursing the student activity fee."

**Jenna Ashley Robinson
Campus Coordinator
Pope Center**

Opinion

Radical Rebels Without a Clue Hit George Washington University

By JAY SCHALIN
Contributing Editor

RALEIGH
The scene was the George Washington University campus in the heart of Washington, D.C. The event was about a highly sensitive subject likely to stir passions: It was called Islamo-Fascism Awareness Week, a national event initiated by controversial author-activist David Horowitz. The cosponsor was a national organization for conservative students, the Young America's Foundation.

The posters advertising the event were crude and offensive. They said, "Hate Muslims? So Do We!!!"

At first glance, it appeared as if the posters were indeed the work of the YAF. The only clue that the posters were part of a deception to discredit them was in the fine print: "Brought to you by Students for Conservativism Awareness." That is, it was the only clue if you accept the premise that conservatives are by nature racist, and not clever enough to hide it.

Otherwise, people not prejudiced against conservatives could have guessed, from the clownishly exaggerated racism displayed, what the posters really were — a political hoax intended to smear conservatives. These hoaxes are a growing campus phenomenon: College conservatives apparently do not perform enough of the antisocial acts desperately needed by the left to validate their hatred of the right and to fuel public outrage at conservatives. Campus radicals occasionally seem compelled to perform the misdeeds right-wingers would commit, were the right-wingers actually the hate-filled racists the left assumes they are.

The posters were hung on Oct.

8, several weeks before Islamo-Fascism Awareness Week. The following day, a group of seven radical students wrote a confession to the student newspaper. They proudly proclaimed their responsibility for the posters, which included other comments derogatory to Muslims and Arabs.

The derogatory comments did not express the opinions of actual YAF members, as subsequent interviews with members of the YAF leadership revealed.

Sergio Gor, student president of the YAF's George Washington chapter, explained the purpose of Islamo-Fascism Awareness Week. "We wanted to raise awareness about the oppression going on every day in the Islamic world," he said. It was not an indictment of the whole religion or of the Arab people, but rather an attempt to publicize the threat posed by a small, violent minority of Muslims, both inside and outside the Islamic world.

"We made it very clear, right from the start, that we were condemning only a small portion of the Muslims, the small group of radicals who have hijacked their religion," Gor said. "We're bringing in Muslim speakers." Several of the speakers were formerly abused in prison for everyday activities Americans take for



"The left is preoccupied by race. They want to create one race-based group after another on the campus."

Ron Robinson
YAF President

granted. One woman was flogged 300 times for wearing nail polish, and an Iranian student was tortured for protesting the lack of free speech on campus in his homeland.

Ron Robinson, national president of the YAF, said his organization has been inviting Muslims to the George Washington campus since 1983. "One

of our speakers that year was a 17-year-old Muslim who was over here receiving medical treatment for injuries he got as a member of the Mujahideen fighting the Soviets in Afghanistan."

"We've been around for 38 years, and they had to concoct an incident because they couldn't find anything to pin on us in all that time," Robinson said. "We've got a stronger history of working with Muslims than most liberal groups."

Robinson said it is not conservatives but the left that wants to divide people into groups based on their ethnicity. "The left is preoccupied by race. They want to create one race-based group after another on the campus."

The reactions by the George Washington University administration, before and after the perpetrators of the hoax confessed, also indicate that many in academia belittle conservatives, without

any factual grounds. "They (administration officials) told us they found it hard to believe it wasn't us. We felt like we were immediately on trial. There was no presumption of innocence," Gor said.

"When they thought it was us, it was considered a hate crime. When they found out it was done by liberals, they considered it 'satire.'" He said the university's charges against the seven students are minimal.

Despite an official apology to the YAF by the university administration, Gor said that many students on the campus continue to identify his group with the posters. The perpetrators saw an affirmation of their belief that conservatives are racists, even though the YAF never took part in the activities they were accused of. The confession signed by the seven students called the hoax a "creative political action [that] was part of the rich American tradition of raising awareness, in this case, about Islamophobia. We exposed the upcoming Islamo-Fascism Awareness Week ... for the celebration of racism that it is."

The seven guilty students obviously consider the YAF an enemy. They have also forgotten the most basic advice from the seminal work on combat, Sun Tzu's "Art of War," to "know thine enemy." If they did, they might discover that the members of the YAF, whom who they so viciously slandered and demonized, are not the racist ogres they assumed. They might find instead that YAF members are actually decent young people who want to fight what is truly evil and not waste their time inventing evil where none exists. CJ

Jay Schalin is a writer and researcher for the John William Pope Center for Higher Education Policy.

North Carolinians for Home Education

The MISSION of NCHHE is to:

- PROTECT the right to homeschool in North Carolina.
- PROMOTE homeschooling as an excellent educational choice.
- PROVIDE Support to homeschoolers with conferences, book fairs, and other resources.



The IDEALS of NCHHE are:

- Educational excellence.
- Parental authority and responsibility for education.
- Protection and promotion of the family.
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- Responsible citizenship.
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- Defense of Constitutional rights.

Over 9000 people will attend the annual conference and book fair in Winston-Salem May 26-28. For more information about NCHHE, you can call the office at 919-790-1100 or visit the website at www.nchhe.com

As of January 2005, there were over 60,000 homeschoolers registered in the state of North Carolina.

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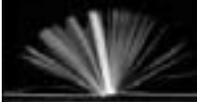
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Town and County

Durham robocalls

The city and county of Durham have gotten into the "robo-call" business. The localities have contracted to use an automated calling system to deliver important notices to residents, the Durham *Herald-Sun* reports.

The system was first used to send a message from Durham City Manager Patrick Baker to 80,000 residents informing them of heightened water-use restrictions.

The Police Department also has sent automated messages.

"This is a common use of such systems, for neighborhood-policing concepts and things like that," Jim Soukup, director of the city-county 911 center said. "It can be an effective tool to help fight crime."

The governments have purchased 200,000 minutes per year of call usage, so citizens can expect to hear from local officials on a regular basis.

The city and county are splitting the \$50,000-per-year cost of the system. The system was adopted in part as a response to difficulties in keeping residents up-to-date on a fire last year at the county's yard-waste facility.

While the fire was contained to the dump, it took days to extinguish and produced heavy smoke, which lingered over nearby neighborhoods.

Annexation contested

Residents of an upscale subdivision are fighting Asheville's attempts to annex portions of the subdivision. Residents of the Biltmore Lake neighborhood contend that the city failed to follow the proper procedures established by state law.

"There is a lot of unfairness here," Biltmore Lake resident Carol Keleher said to the Asheville *Citizen-Times*. Residents object to the annexation on several grounds, noting that they would receive few additional services by coming within the city. In addition, the annexation covers only part of the subdivision, which would tend to divide the neighborhood.

The lawsuit will delay the annexation until the courts determine the city's next move. That typically takes about two years.

Houses in the subdivision are valued at \$400,000 to \$1 million. The owner of a \$500,000 house would pay \$1,700 in property taxes. Asheville would collect about \$600,000 per year in additional taxes if the annexation were upheld.

City officials, meanwhile, defended the annexation. CJ

Local Option Taxes Get Voters' Cold Shoulder

By MICHAEL LOWREY

Associate Editor

CHARLOTTE

In addition to the usual races for municipal office on the ballot in November, voters in more than one-fourth of North Carolina's counties were faced with one or more proposals to raise local taxes. The results were overwhelming in rejecting land transfer tax and sales tax referendums. Voters in 22 of 27 counties rejected the tax increases, usually by substantial margins.

"The taxpayers of North Carolina spoke loud and clear across the state," said Tim Kent, executive vice president of the N.C. Association of Realtors. "As we have stated all along, the transfer tax would have been grossly unfair, singling out one group of people — those selling their homes — to pay for infrastructure, programs, and services that benefit everyone."

The Realtors had campaigned vigorously against the transfer tax.

Localities in North Carolina are, literally, creations of the state. They possess only as much authority as the General Assembly grants to them. This extends to matters of taxation — counties and towns can levy only those taxes that the state says they can. The legislature traditionally has been reluctant to grant localities the power to impose additional forms of taxation.

Attempts by counties to impose levies without explicit authorization have been rejected by state courts. The most recent example of this was when the N.C. Court of Appeals held last year that Durham County could not impose an impact fee for school construction, because it had not obtained the power to do so from the Assembly.

Big changes in 2007

This past session of legislature was significant for the state's 100 counties. The legislature addressed a significant financial burden facing counties: their need to fund 15 percent of the cost of Medicaid, a cost counties had essentially no control over. The impact of the Medicaid funding requirement varied

"The taxpayers of North Carolina spoke loud and clear across the state... the transfer tax would have been grossly unfair, singling out one group of people."

Tim Kent
Executive VP
N.C. Association of Realtors

widely across the state, depending largely upon poverty rates. In many counties, Medicaid funding cost more than school construction.

Under the budget passed this summer, the state would begin assuming additional Medicaid costs from Oct. 1, 2007 on until it eventually becomes entirely a state responsibility. In exchange, counties surrendered revenues from a number of sources to the state. In this exchange, the state will hold counties financially harmless, guaranteeing that they come out at least \$500,000 ahead. In addition, the cost of Medicaid is expected to grow faster over time than the revenue sources counties would be giving up.

The Assembly also gave counties the option of imposing one of two new taxes. They could either impose a higher local sales tax or a land transfer tax. In either case, voter would have to approve the new taxation via a referendum. Counties could even put both kinds of taxes on the ballot, and then choose which one to adopt if both passed.

The appeal of these taxes to counties lies precisely in that they are not property taxes, for which a substantial segment of the voting public is sent a bill once a year.

The sales-tax increase would be by 0.25 percent, raising the rate to 7 percent from its current 6.75 percent in all counties besides Mecklenburg. The local land

transfer tax would be 0.4 percent.

Which tax would generate the greater amount of revenue would vary depending on the specific characteristics of a county. As a general rule, though, the transfer tax would bring in more money. That's true especially in counties that are rapidly growing or that have high property values.

A transfer tax is not a new concept to North Carolina. The state already charges a 0.2 percent land transfer tax. In addition, a number of counties have previously have obtained permission to charge land transfer tax. The tax is a particularly significant source of revenues for several coastal counties.

The voters speak

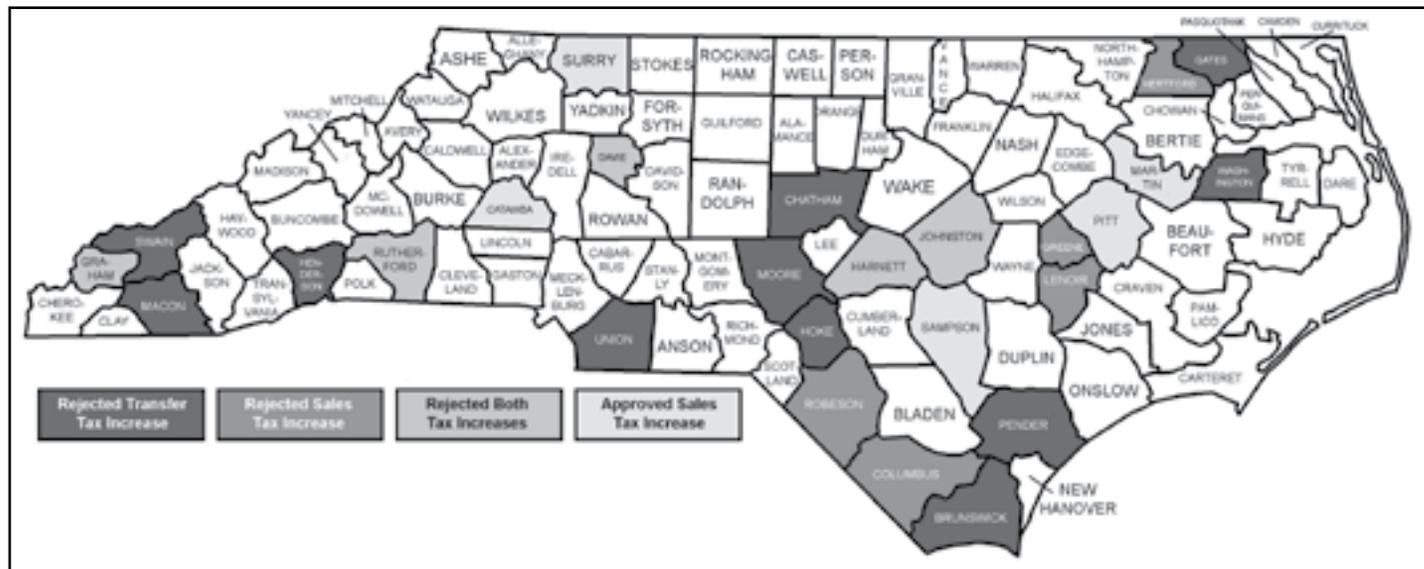
Despite one or both of the new tax options being on the ballot in 27 counties, the outcome is easy to summarize. By tax on the ballot:

- Land transfer tax alone. This was before voters in 11 counties: Brunswick, Chatham, Gates, Henderson, Hoke, Macon, Moore, Pender, Swain, Union, and Washington. It was also defeated by a wide margin in all 11 counties. Only in Gates County (41 percent in favor) did more than one out of every three cast their ballots in favor of the tax. Overall, 77 percent of voters opposed the transfer tax when it alone was on the ballot.

- Both land transfer tax and sales. If both had passed, then the county commission would have picked which one to implement. This option was put before voters in Davie, Graham, Harnett, Johnston, and Rutherford counties.

It would seem that presenting voters with two tax options further enraged them. In all five cases, the land transfer tax was overwhelmingly rejected — in none of the counties did even one in four voters vote in favor. In four of the five counties in which the land transfer tax got 15 percent or less of the vote, the sales tax increase was also on the ballot. In Graham, at 3 percent; Harnett, at 7 percent; and Rutherford, at 8 percent, fewer than one in 10 voters favored the land transfer tax.

Continued as "Local," on Page 17



Local Option Taxes Fare Poorly; Land Transfer Tax Zero-For-16

Continued from Page 16

Voters also solidly rejected the higher sales tax in all five counties, though this levy was somewhat less unpopular than the land transfer tax. On average, the sales tax did 8 percentage points better than the land transfer tax. Still, in none of the five counties did more than three in 10 voters favor a sales tax increase.

• Sales tax only. The results were mixed in the 11 counties that listed a sales tax increase by itself on the ballot. In six cases — Columbus, Cumberland, Greene, Hertford, Lenoir, Robeson counties — voters rejected the tax increase. In five cases, Catawba, Martin, Pitt, Sampson, and Surry counties, voters approved the higher tax.

In Columbus, Cumberland, Greene, and Surry counties, the election was tight, decided by a 52-48 or 51-49 ratio. In Catawba County, 75 percent voted for the tax. In Lenoir County, 36 percent for the tax.

"While many political observers seem fixated on the transfer-tax votes, I think the more telling outcome was that 11 of the 16 sales-tax referenda also failed," said John Hood, president of the John Locke Foundation. "No one can

credibly claim that this result reflected big-money ad campaigns funded by trade associations. When given the clear chance to do so, North Carolinians overwhelmingly voted against higher taxes of any kind."

And the future? What effect, if any, will the tax referendum defeats have on the willingness of counties to go before the voters seeking higher taxes? Hood said he expects the defeat to have little impact, except perhaps for the sort of tax sought.

"Counties will keep seeking voter approval of less-visible, more-regressive alternatives to the property tax — make no mistake about that," Hood said. "The more tax options they have, the higher the tax burden they can impose without severe electoral reprisal. But they will likely bet on the sales tax, which at least passed in a few places, rather than the transfer tax, which passed nowhere."

Alexander is putting the sales tax before voters in January. At least eight additional counties — Caswell, Duplin, Edgecombe, Lee, Nash, Onslow, Orange, and Pamlico — had considered conducting a tax referendum in May. Polk County has a land transfer tax referendum planned for November. CJ

Commentary

Will Rogers Government

December is always a time of reflection for me. The leaves have fallen and my trips home usually involve turning the radio off and pondering various issues as they relate to local government (this and looking for deer milling about). As of this writing I'm off to Costa Rica for a brief respite from the grind of North Carolina politics and policies.

It amazes me how fortunate we are in this state and country. Our roads, bad as they might be, are far more functional than most other countries. Our law enforcement and fire protection is almost second to none. If I get pulled over for speeding, it's usually a legitimate circumstance that gives me cause to ponder insurance issues, not whether to consider a bribe.

Even the water and sewer systems are a marvel of modern ingenuity. The tap water comes out drinkable, the toilets flush, and there is a reason to feel safe about water treatment. Serious storms, while damaging, tend to cause a great deal of property damage, but death tolls never reach into the hundreds or thousands of people.

If you've been able to travel to Third World countries, you'll come to appreciate how good we have it. You will also realize that government cannot answer the ills that do remain in our society.

Will Rogers said it best, "There's no trick to being a humorist when you have the whole government working for you." While I'm not necessarily a humorist, I truly can't make up much of what I've witnessed this year.

Out west, we've witnessed government that has accomplished so much that it now wants to regulate the color of homes on the side of hills. It's called a viewshed ordinance and it's much funnier when it doesn't affect you. Asheville City Councilman Carl Mumpower said he "couldn't believe [they] were discussing this seriously."

On the coast, taxpayers are spending millions of dollars to dredge up 40 tons of ballast rocks from Blackbeard's last ship. When I asked the chief archeologist why he wouldn't consider selling some of the ballast rocks on e-bay to pay for the excavation of the ship (more

than \$12 million) he said, "You clearly don't understand archeology!" But I do understand wasted taxpayer money on ROCKS. I also understand how pieces of the Berlin Wall reside in homes across the planet.

In Raleigh, our legislature had agreed to give \$40 million to Goodyear in Fayetteville. Gov. Mike

Easley declared the legislation gave away too much and vetoed it. When the legislature reconvened, they negotiated with the governor and agreed that it was too much, but simply too much for one business and approved \$60 million for Goodyear as well as Bridgestone/Firestone. It would be like negotiating for a car when the salesman

tells you that he'll sell it for \$40,000 and you turn and say, "Nope, can't do it, but I will buy it for \$60,000!" It's preposterous but easy to do if you're using someone else's money.

Then there are all sorts of hysterical implications for climate change. Local governments are spending thousands of dollars on hybrids and electric cars that will pollute far more with battery disposal than they ever will as gas engines.

Other governments are passing things such as shade ordinances (Chapel Hill) and view ordinances (Caswell Beach), which prevent you from altering your deck if it might interfere with your neighbor's view. Of worth, you can build your neighbor a bigger deck to enhance their view in order to enhance your own. Seriously, I can't make this up.

We have a magnificent state and a great deal to be thankful for, but we need to start paying attention. While we may laugh from time to time, it's not as funny when it happens to you. When Smithfield Chicken was fined \$41,000 for pruning the trees on company property improperly (Raleigh) it wasn't really all that funny. It makes me pine for another Rogers' quote, "Thank God we're not getting all the government we're paying for." CJ



Chad Adams

2007 Local Option Sales Tax Results

County	Transfer Tax		Sales Tax	
	Yes	No	Yes	No
Brunswick	20%	80%	--	--
Catawba	--	--	75%	25%
Chatham	31%	69%	--	--
Columbus	--	--	48%	52%
Cumberland	--	--	48%	52%
Davie	22%	78%	30%	70%
Gates	41%	59%	--	--
Graham	3%	97%	12%	88%
Greene	--	--	48.8%	51.2%
Harnett	7%	93%	19%	81%
Henderson	29%	71%	--	--
Hertford	--	--	40%	60%
Hoke	15%	85%	--	--
Johnston	15%	85%	20%	80%
Lenoir	--	--	36%	64%
Macon	25%	75%	--	--
Martin	--	--	59%	41%
Moore	23%	77%	--	--
Pender	23%	77%	--	--
Pitt	--	--	59%	41%
Robeson	--	--	42%	58%
Rutherford	8%	92%	17%	83%
Sampson	--	--	77%	23%
Surry	--	--	50.3%	49.7%
Swain	21%	79%	--	--
Union	17%	83%	--	--
Washington	29%	71%	--	--

Source: County Boards of Elections (some results still unofficial at CJ press time)

Chad Adams is the director of the Center for Local Innovation, vice president for development for the John Locke Foundation, and former vice chairman of the Lee County Board of Commissioners.

Local Innovation Bulletin Board

Cities Go After 'McMansions'

Cities continue to rein in demolition of old houses and the large homes that replace them despite a housing slump that has slowed construction, *USA Today* reports.

The Atlanta City Council in August approved a zoning ordinance that bans the construction of large homes, called McMansions by critics, on small lots. In a compromise to appease builders, real estate agents, residents, and planners, the city links the size of a home to the size of the lot. That allows big homes on big lots and small homes on small lots.

Edina, Minn., a Minneapolis suburb filled with rambler-style homes from the 1940s and '50s, changed its zoning in June after a spate of home demolitions in the past three years.

Last year, the National Trust for Historic Preservation identified 300 communities in 33 states, including Charlotte and Raleigh, that experienced an increase of home demolitions. The group is drafting an online demolition resource guide that includes sample ordinances from across the United States.

"Everybody jumped on the bandwagon because real estate was going up," Vince Bernardi, president of Rob-Lynn Construction in Lombard, Ill., said to *USA Today*.

Unions and volunteer FDs

The Public Safety Employer-Employee Cooperation Act (H.R. 980), passed by the House in July and now before the Senate, threatens to put millions of Americans at greater risk of loss, injury, or death from fire, says James Sherk, Bradley Fellow at the Heritage Foundation.

H.R. 980 requires every state and local government to bargain collectively with public safety employees: policemen, firefighters, and emergency medical personnel. Many states already do this, but a minority does not. The bill also requires states that already have collective bargaining to bargain over nearly every term and condition of employment.

By requiring every local government to collectively bargain with its public safety employees, the bill would force many firefighters into the International Association of Fire Fighters, a union that prohibits its members from belonging to volunteer fire departments, even as volunteers in their off-time.

Off-duty professional firefighters form the core of America's nearly 26,000 volunteer fire departments, Sherk says. Forcing them into the IAFF would cause volunteer fire departments across America to shut down, threatening public safety and straining local budgets.

Bridge repair without tax hike

Despite past debate on the poor condition of the nation's bridges, the situation was largely ignored before the recent Minneapolis bridge collapse.

For decades, Congress has diverted Highway Trust Fund dollars away from potentially life-saving construction and repair to pork-barrel projects, say Heidi Sommer and H. Sterling Burnett of the National Center for Policy Analysis.

The 2005 highway bill contained \$2 billion annually for bridge reconstruction. The House Transportation Committee considered increasing that figure to \$3 billion a year, but instead Congress stuffed the bill with nearly 6,500 pork-barrel projects costing more than \$24 billion. "High-priority" transportation projects in the 2005 legislation included:

- \$315 million for the infamous "Bridge to Nowhere" intended to replace a seven-minute ferry ride to the Ketchikan Airport in Alaska.
- \$5 million to improve air quality in the Sacramento region of California.
- \$4 million for bike paths and public parks near New River in Calexico, Calif.
- \$4 million for streetscape and pedestrian improvements in Clarkson, Ga.

The 2008 transportation appropriations bill seems likely to continue this trend, with more than \$2.2 billion in earmarks.

Many billions of dollars have been diverted from highway funding to other programs. Only 60 percent of federal gas taxes goes to the construction and maintenance of highways and bridges. Thirty percent goes to subsidize construction and maintenance of public transit facilities, such as bus terminals, light rail, and subway systems. The remaining 10 percent is diverted to other projects, including bike paths, museums, nature trails, and historic building repairs. *CJ*

From Cherokee to Currituck**County Roads Coming Back?**

By MICHAEL LOWREY
Associate Editor

CHARLOTTE

There has been no such thing in North Carolina as a county road for more than 70 years. That could change, however, if the House joins the Senate in passing legislation that would allow counties to build and maintain roads, the *Wilmington Star-News* reports.

During this year's session, the Senate passed a bill that would allow the state's 100 counties to acquire land and to make

improvements to portions of the state highway system, subject to approval by the N.C. Department of Transportation. Municipalities already have the authority to build and maintain roads.

The bill was introduced by Sen. Clark Jenkins, D-Edgecombe. Jenkins describes the measure as a means for rapidly growing counties to address critical road needs years sooner than would be possible if they waited for the state to act.

Some local government officials, however, see the proposal as dumping a state responsibility on county governments.

"I'm just philosophically opposed to the state pushing their shortfalls in revenues down to the counties, especially in the road construction business," New Hanover County Commissioner Bill Kopp said.

Beau Mills, director of the N.C. Metropolitan Coalition and chairman of N.C. Go!, thinks the bill highlights the need to re-examine state transportation policy.

"There's no doubt that the way we are doing business now in transportation is not going to meet our needs in the 21st century," Mills said. "It does seem clear that there will be some role for counties in our future transportation system."

W-S underestimates population

Winston-Salem officials are asking the state that they be allowed to amend the official census filed with the state. At stake is at least \$600,000 in state funds that are distributed on the basis of population.

Each year the state demographer releases official estimates of municipal population based in part upon information supplied by the state's cities and towns. The population numbers are listed as being July 1 population estimates, the day the fiscal year begins for the state and localities. In actuality,

though, the official population figures also include people annexed during the fiscal year.

Annexation tripped up Winston-Salem. The city conducted a major annexation in September 2006, adding an estimated 20,727 people, but the city didn't include the new residents in its population estimate paperwork. Including the annexation would increase Winston-Salem's official July 2006 population from 201,955 to 222,682.

"We're not taking it at all lightly," Ann Jones, the city's budget director, said to the *Winston-Salem Journal*. "We recognize that we made the mistake. If there is a path for adjustment, we would like the adjustment made available for us."

Bill Tillman, the state demographer, opposes changing the estimate.

"Our problem with recertifying is precedent," Tillman said. "We can't have every town do this. If we allow Winston-Salem to do this, you'll open Pandora's Box. I fear we'll get more and more of these requests."

A final decision rests with the N.C. Office of State Budget and Management.

Greensboro water policy

When it comes to managing its water resources, Greensboro is a model. A key, reports *The News & Observer* of Raleigh, is the city's use of pricing to encourage conservation.

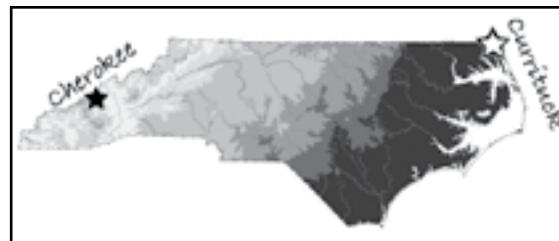
Well before this year's drought, Greensboro changed how it priced water. As residential customers use more water, they are billed at higher rates for the additional usage. The city also eliminated volume discounts for industrial users.

"Until you poke people in the wallet, you're not going to get them to change their behavior and treat water as a scarce resource," said Allan Williams, Greensboro's director of water resources.

"We could not just manage the supply. We had to stem the demand," he said.

Because of the pricing mechanism, Greensboro water usage has actually decreased over time despite an increase in population. Consumption is 33 million gallons per day, down 1 million gallons per day from 1996, despite growing to about 100,000 customers from about 80,000 in 1996.

The typical residential customer's water use has dropped from 5,236 gallons a month in 2000 to 4,488 gallons today in response to the pricing policy. *CJ*



'Calming Sensation' Descends Upon Triad Roads

By SAM A. HIEB
Contributing Editor

GREENSBORO

A calming sensation is settling over the Triad these days, a traffic-calming sensation, that is.

As city planners and transportation directors plan for what they believe to be best for residents, a debate is emerging over whether traffic-calming devices, also known as "road diets," are realistic long-term solutions. City planners think such road designs improve the quality of life for residents. Other researchers, however, believe the devices constitute a politically correct, anti-automobile trend that could possibly place people's lives in danger.

Leading the way are two Triad cities that have recently adapted new standards for streets designed to slow traffic speeds and supposedly make streets more desirable for pedestrians.

Winston-Salem recently instituted minimum street standards that require new streets to have sidewalks on at least one side of the roads. Thoroughfares will have sidewalks on both sides of the roads.

City officials acknowledged that sidewalks are expensive, costing as much as \$30 per linear square foot. Funding comes from sources such as bonds and motor vehicle taxes.

Greensboro's Department of Transportation also recently introduced new standards for street width, effective Jan. 1. According to the GDOT, the primary goal of Greensboro's new standards "is to integrate motor vehicle, transit, pedestrian, and bicycle facilities in a well-balanced network that provides connections and choices for citizens to move about Greensboro and the region."

On major thoroughfares in Greens-



Traffic calming measures were placed in front of Greensboro Fire Station 49. Critics argue that they can impede emergency vehicles. (CJ photo by Sam Hieb)

boro, however, roads will actually get wider, from 100 to 110 feet of right of way, city transportation engineer Carrie Reeves said. The wider standards will accommodate sidewalks, bike lanes, landscaped buffers, medians, and in some cases, on-street parking.

When asked whether the city was widening roads only to narrow them to accommodate sidewalks and bike lanes, Reeves said the 110-foot right of way still met engineering traffic standards.

"That's not the case at all," she said. "We need more right of way so we can keep the minimum lane width that we need."

While Reeves said she thinks Greensboro's new standards are a good thing, analysts on the Thoreau Institute's Antiplanner blog say that "urban planners hate automobiles." Kathleen Calongne, a researcher for the Independence Institute and assistant director of the American Dream Coalition, said cities' accommodation of alternate transportation is a misguided attempt to get motorists out of their cars.

"You read over and over again that the mistake we made was that we built roads for cars," Calongne said. "Now they're going to make the geometry of roads less forgiving because that's the way to slow vehicles. I don't know of any urban planners myself that don't adhere to that philosophy. They're blinded by thinking that people are going to get out of their cars. I haven't read where there's any statistical certainty that this is working."

Greensboro's emphasis on traffic calming is on display along Friendly Avenue, a major thoroughfare running from downtown to Piedmont Triad International Airport.

The city recently finished a traffic-calming device between Holden and Westridge roads at a cost of \$6 million. City officials were concerned that both speed and traffic volume had increased along that section of Friendly Avenue, which has several residences facing it and numerous residential streets running behind it.

As with many road projects, con-

struction took a while. As the road neared completion, residents found that, instead of widening Friendly Avenue with a single turn lane to accompany planned sidewalks, planners decided to install medians with short turn lanes in the breaks of the medians. Traffic backs out of the turn lanes at rush hour, and many motorists trying to get to their neighborhood streets have to make U-turns.

Calongne has studied the effects of traffic-calming devices on emergency-response vehicles and concluded that the greater health risk to city residents isn't speeding cars but emergency vehicles slowed by traffic-calming devices.

Traffic-calming devices are marketed as tools that improve public health. "It's perception, and people are so influenced by the media. They market it so that everybody wants it," Calongne said. "If residents don't protest, then they're throwing caution to the wind for an agenda."

Greensboro Fire Station 49 is situated on Friendly Avenue in front of the new streetscape. David Douglas, the fire department's public information officer, said the department worked closely with the city on the project. "We're involved in the process," he said. "[The city] got truck widths, it got turning radiuses, so they had all that information."

As for making left turns into residential neighborhoods, Douglas said, the city constructed beds designed to support the weight of the truck over which drivers can access side streets.

When asked about possible traffic congestion caused by the new streetscape, Douglas said fire department officials had hoped the turn lanes would divert much of the traffic away from travel lanes, clearing the way for fire trucks. "It looks like it's still a pretty good plan," Douglas said. CJ

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Elizabeth City	WGAI	AM 560	Saturdays	6:00 AM
Fayetteville	WFNC	AM 640	Saturdays	1:00 PM
Gastonia/Charlotte	WZRH	AM 960	Saturdays	2:00 PM
Goldensboro	WGBR	AM 1150	Saturdays	6:00 PM
Greenville/Washington	WDLX	AM 930	Saturdays	10:00 AM
Hendersonville	WHKP	AM 1450	Sundays	6:00 PM
Jacksonville	WJNC	AM 1240	Sundays	7:00 PM
Newport/New Bern	WTKF	FM 107.3	Sundays	7:00 PM
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From the Liberty Library

• John Bolton, the straight-talking former ambassador to the United Nations, takes readers behind the scenes at the U.N. and the U.S. State Department in *Surrender Is Not an Option: Defending America at the United Nations*, and reveals why his efforts to defend American interests and reform the U.N. stirred controversy. A veteran of three Republican administrations and a nominee for the 2006 Nobel Peace Prize, Bolton shows how the United States can lead the way to a more realistic global security arrangement for the 21st century and identifies the next generation of threats to America. In this memoir, he candidly recounts his appointment in 2005 as ambassador to the United Nations, his headline-making Senate confirmation battle, which resulted in his recess appointment, and his 16-month tenure at the United Nations. Learn more on the Web at www.simonsays.com.

• Accused of creating a bogus Red Scare and smearing countless innocent victims in a five-year reign of terror, Sen. Joseph McCarthy is universally remembered as a demagogue, a bully, and a liar. History has judged him such a loathsome figure that even today, a half-century after his death, his name remains synonymous with witch hunts. But that conventional image is all wrong, says veteran journalist and author M. Stanton Evans in *Blacklisted by History: The Untold Story of Senator Joe McCarthy and His Fight Against America's Enemies*. This long-awaited book, based on six years of intensive research, dismantles the myths surrounding McCarthy and his campaign to unmask Communists, Soviet agents, and flagrant loyalty risks working within the U.S. government. See www.randomhouse.com/crown for more information.

• Government planners claim to know all the answers: how far you should live from your job, how big your backyard should be, how cities and forests should grow. They say that if you want to live in pleasant communities, enjoy beautiful wilderness, and get to work on time, you should put them in charge. But 30 years of research has convinced Randal O'Toole that they're wrong. In *The Best-Laid Plans: How Government Planning Harms Your Quality of Life, Your Pocketbook, and Your Future*, he shows in case after case that government planning frequently causes the very problems it is intended to solve. More details are at www.cato.org. CJ

Book review**Collins: Science and Religion Can Coexist**

• Francis S. Collins: *The Language of God, A Scientist Presents Evidence for Belief*; Free Press; New York; 2006; 272 pp.; \$26

By **GEORGE M. STEPHENS**
Contributing Editor

In the debate over evolution there are those who trust only science, and those who have faith only in God. About 40 percent of scientists say they believe in a God who communicates with humans and who answers prayer, so 60 percent do not believe or do not know.

Richard Dawkins, evolutionist, says "Faith is the great cop-out." Biologist Stephen Jay Gould advocated that science and faith should not overlap. Albert Einstein did not believe in Yahweh, God of the Jews. Said an Indian leader, "If non-Indians choose to believe they evolved from an ape, so be it. I have yet to come across five Lakotas who believe in science and in evolution."

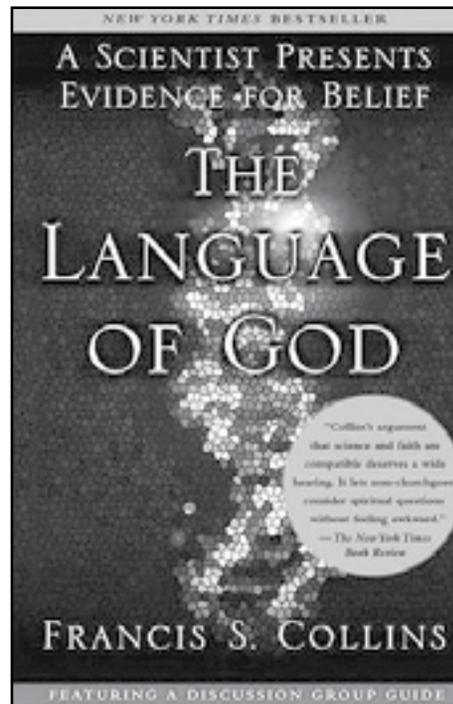
Now, Dr. Francis Collins, one of the most important scientists of our era, wades into this controversy and emerges with the opinion that both science and faith are essential and are not at odds. He was in a good position to learn. His team assembled the human genome, the cryptographic four-letter code for constructing life. The genome is 3 billion letters long, and while pieces of it had been previously decoded, this was the entire sequence.

Dr. Collins said at the announcement, "It is humbling for me, and awe-inspiring, to realize that we have caught the first glimpse of our own instruction book, previously known only to God."

Collins grew up in a family in which the spiritual aspect of life was not important. In college he was an agnostic, one who does not know whether God exists, and gradually shifted to atheism. In his studies he specialized in biochemistry and heard about DNA and its exciting possibilities, but he decided that medicine was the way in which he could be most useful and happy and entered medical school at the University of North Carolina.

A turning point came when an angina patient asked him what he believed, and he had to admit that he wasn't sure, so he began to study. His investigation led him to C. S. Lewis's *Mere Christianity*, in which the former atheist discusses the Moral Law, the highest standard of right behavior, absolute truth. It is completely at odds with postmodernism, which holds that all ethical decisions are relative.

As he investigated, he began to understand that belief in God would have to be based on faith, not proof. He begins with the theory of the Big Bang, which occurred 14 billion years ago, creating the universe, but found that scientists have been unable to interpret the first tiny fraction of an instant. What



As he investigated, he began to understand that belief in God would have to be based on faith, not proof. He begins with the theory of the Big Bang, which occurred 14 billion years ago, creating the universe, but found that scientists have been unable to interpret the first tiny fraction of an instant. What came before the Big Bang?

came before the Big Bang? According to Collins, it cries out for a divine explanation — that only a supernatural force could have done it.

His next subject is Charles Darwin, who between 1831 and 1836, visited South America and the Galapagos Islands, where he examined the fossils of ancient organisms and observed the diversity of life forms in isolated environments. From this he developed the theory of evolution by natural selection, which was published in his profoundly influential book, "The Origin of Species."

He theorized that all species are descended from a very small set of common ancestors and that the ability of a species to survive depends on its adaptability to its environment, a process he called "natural selection." Darwin himself said

that the process was "originally breathed by the Creator," so the author of evolution saw no conflict with religion, but it has generated controversy to this day.

Gregor Mendel, a contemporary of Darwin, demonstrated that inheritance could come in discrete packets of information (the effect of yet-unknown "genes"). Archibald Garrod, at the turn of the 20th century, showed that the rules applied to humans.

DNA was discovered in 1944 and shown to be capable of transferring inherited characteristics. Its "double helix" structure was found in 1953. Collins calls DNA "elegant" and notes, for example, that if you cut the ladder down the center of each rung, each half ladder contains all the information needed to rebuild a complete copy of the original.

In 1992 Dr. Collins was selected to head the Human Genome Project, and he published the book after its completion. However, his change of belief was not based simply on the Project, as "The Language of God" title might imply, but on his entire scientific career.

After explaining how DNA works he turns again to Darwin, saying that biologists are convinced that he is correct. He suggests that religious believers look carefully at the overwhelming weight of scientific data. They dismiss it as a "theory," i.e., unproven. To a scientist a theory is a fundamental principle. Forty-five percent of Americans in 2004 believed that God created human beings at one time within the last 10,000 years. Biologists find the contrary evolutionary evidence overwhelming.

In the second half of the book he discusses atheism and agnosticism and then "creationism," a literal reading of the origins of the universe and the Earth in Genesis 1 and 2. It treats the six days as 24-hour ones and concludes that the earth must be less than 10,000 years old.

Yet another theory is Intelligent Design, whose major focus is on perceived failings of the evolutionary theory to account for the complexity of life. It sees evolution as atheistic. Dr. Collins thinks the primary scientific argument for ID is crumbling as structures of "irreducible complexity" are shown to have been possible to assemble in a gradual process.

To complete his discussion Collins describes what he calls "BioLogos," science and faith and harmony, or theistic evolution, which sums up his own beliefs. God created the universe and established natural laws that govern it. He used evolution to create microbes and animals of all sorts and give rise to creatures with intelligence, who would evolve the Moral Law (and often break it). Theistic evolution cannot prove that God is real. It requires a leap of faith, which he takes. In his view, science and spiritual worldviews can coexist. CJ

'What If?' Questions Can Help Us Understand Our History Better

A former professor told me once that historians should never ask counterfactuals. Instead, they should write only about what happened. I disagreed, because asking counterfactuals can help historians understand what were truly significant events.

Admittedly, until writing entries dealing with the Spanish exploration of our state, I had never pondered how North Carolina (or whatever it would have been named) might be different if the Spanish had gained a permanent stronghold in the land.

Below are two entries from northcarolinahistory.org that describe parts of the Spanish exploration and that will, I think, make readers ponder "What if...?"

Although European governments financed many explorations, individuals bankrolled more than a few. Consider Lucas Vasques de Ayllon:

A lawyer and nobleman from Spain, Lucas Vasques de Ayllon sponsored the

first Spanish explorations (three total) of what became North Carolina. He also discovered Chesapeake Bay and established San Miguel de Guandape, a settlement near what would be Jamestown.

Ayllon sponsored three missions to the New World. In 1521, he sent Francisco Gordillo to find a Northwest Passage. The Spaniard landed near the Cape Fear River and explored a land called Chicora (between the Cape Fear and Jamestown Island). In 1524, Ayllon traveled to Chicora for his second mission, discovered the Chesapeake Bay, and offered a report to Charles V, who made the nobleman the lifetime governor of the land that he had explored.

His last mission was in 1525 to 1526. Ayllon and approximately 500 to 600 colonists (including three monks) sailed to the New World in a convoy of 6 ships. They landed near the Cape Fear River (which they called Rio Jordan), but decided to go to a more salubrious place. They went north and established San Miguel de Guandape. Disease, however, plagued the Spanish settlement, and the numbers dropped quickly to 150. The dead included Ayllon.

Shortly afterward, Spaniards abandoned San Miguel de Guandape and approximately eighty to one hundred horses. Many wild horses on Shackleford

Banks near Beaufort, North Carolina, are believed to be the descendants of those that the Spanish deserted.

Approximately 40 years later, a Spanish sergeant's actions, told in the entry titled "Moyano's Foray," spoiled diplomatic relations with the Indians:

The snowy winter of 1566-1567 temporarily stopped Juan Pardo's exploration of modern-day Piedmont and western North Carolina, so he and his Spanish force built Fort San Juan near the Indian town Joara (near present-day Morganton). When the weather permitted, Pardo continued his expedition. But he garrisoned the fort with between twenty to thirty men under the direction of Sergeant Hernando Moyano, whose interest in locating minerals and gold more than likely prompted the only attack against Indians during the Pardo Expeditions.

During the spring of 1567, Moyano and fifteen Spaniards and an unknown number of Indians attacked the Chiscas. Recent archeological scholarship locates the Chisca town near Saltville, Virginia. The rival tribe is unknown, but scholars contend that the Joara chief and his warriors allied themselves with the Spaniards. Whoever they were, the Indians scalped fallen Chisca warriors. Juan de Ribas, a participant in the foray, claimed thirty years later that the rival chief paid

Moyano in gold.

A chief from the mountains soon threatened to attack the Spaniards, so Moyano launched a preemptive strike. With his men and an unknown number of Indian allies, Moyano traveled four days and found and burned Guapare, the town of the mountain cacique on the Watauga River. No indisputable source exists regarding the number of Indian fatalities, but one Spaniard estimated 1,500.

After the attack, Moyano explored what is now east Tennessee and eventually built a fort near Chiaha (near Dandridge, Tennessee). The sergeant and his detachment stayed there until October, when Pardo found them unharmed. Moyano and his men abandoned the fort, joined Pardo's second expedition, and began a treacherous voyage eastward, across the mountains.

For sources and more concerning this topic, see northcarolinahistory.org and the following entries: "Spanish Exploration in North Carolina," "Fort San Juan," "Hernando de Soto," "Joara," and "Pardo Expeditions." CJ

Troy Kickler is director of the North Carolina History Project (<http://www.northcarolinahistory.org>).



Dr. Troy Kickler

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Short Takes on Culture

Dickens Classic Extraordinary

• "A Christmas Carol"
Raleigh Memorial Auditorium
www.theatreinthepark.com

This year Raleigh's Theatre in the Park will celebrate the 33rd anniversary of its musical adaptation of Charles Dickens's "A Christmas Carol." A Raleigh favorite and a holiday tradition for many, myself included, this production is full of spirit, wit, and Christmas cheer.

Ira David Wood III writes, directs, and stars as Ebenezer Scrooge in each year's production and his performance should not be missed. Wood modernizes Dickens's original work with performances of popular Christmas songs, current political sarcasm, and interaction with the audience. In addition to his role as a North Carolina theatre legend, Wood serves as the executive director and founder of Theatre in the Park.

The production opens with townspeople caroling through the village, only to be interrupted by Scrooge's arrogant refusal to participate. Scrooge is introduced to his poor employee's crippled son, Tiny Tim, and remains convinced the young boy does not need any help from him. The story continues as the ghosts of Christmas past, Christmas present, and Christmas future visit Scrooge and lead him to a change of heart. The production features dancing chimneysweepers, festive stage design, and colorful costumes. More than 90 volunteer performers with great talent for acting and singing make the performance extraordinary. I guarantee you will walk away with a few laughs and a warm Christmas heart.

— JANA DUNKLEY

• "The Ultimate Gift"
20th Century Fox Home Video
Directed by Michael O. Sajbel

Filmed mostly in Charlotte (with a cameo by Mayor Pat McCrory), "The Ultimate Gift" tells the tale of one particularly spoiled, shallow and materialistic young man's journey to become more fully human. Born into a dysfunctional family that greedily lives off the largess of his wealthy, dynamic grandfather (James Garner), Jason Stevens (Drew Fuller) is a textbook trust fund brat. The petulant youth surrounds himself with the usual sycophants and lives for the next party or cheap thrill, yet his deceased grandfather saw him as worthy of redemption and the best heir to his vast fortune.

His grandfather posthumously

imposes a series of tasks which must be completed before Jason can receive his inheritance.

The tasks are designed to build character and illustrate values. Jason is a reluctant participant, and his progress is slow and uneven. But the "tough love" approach eventually works its magic, and he learns empathy, forgiveness, and more, and is transformed into a caring, purposeful being.

OK, it's more than a little corny, but with Christmas coming up it doesn't hurt to watch an antidote to the season's call to excessive materialism. Despite its uplifting message, "The Ultimate Gift" might not be appropriate for very small children, as it contains a heart-rending subplot. While a young girl's (Abigail Breslin) unrealistically adult personality might grate on adults, "The Ultimate Gift" is still an entertaining, well-crafted, generally family-friendly reminder of the important stuff.

— JAY SCHALIN

• "Ocean's Thirteen"
Warner Home Video
Directed by Steven Soderbergh

In the third installment of Steven Soderbergh's "Ocean's" series, Danny Ocean (George Clooney) rounds up the boys for a third heist, after casino owner Willie Bank (Al Pacino) double-crosses one of the original eleven. Uniting with their old enemy Terry Benedict (Andy Garcia), who himself has a vendetta against Bank, the crew pulls off a major plan that unfolds on the night that Bank's newest hot spot opens up.

As in both previous movies, Danny and his gang are mostly talk and very little action. But at least the talk is amusing. The plot twists, turns, and dips so many times that it's difficult to follow and impossible to predict what will happen next.

Despite its focus on crime and revenge, "Ocean's Thirteen" is all comedy. In private conversation George Clooney and Brad Pitt (as second-in-command Rusty Ryan) deliver unexpected yet witty dialogue. Casey Affleck and Scott Caan are convincing as quirky, bickering brothers Virgil and Turk.

This installment is the best of the three. It's funnier than "Ocean's Eleven" and smarter and more satisfying than "Ocean's Twelve" — definitely worth a rental. And if you haven't seen the other two, go ahead and make a long night of it.

— JENNA ASHLEY
ROBINSON CJ

Book review

Is Thompson Reagan Redux?

• Steve Gill: *The Fred Factor: How Fred Thompson May Change the Face of the '08 Campaign*; Music City News Publishing; 2007; 189 pp; \$13.95.

By HAL YOUNG

Contributing Editor

RALEIGH

The day after Fred Thompson told Fox News that he was considering a run for president, Nashville's leading talk show host, Steve Gill, asked fellow talker Hugh Hewitt for his opinion. Hewitt, a fervent promoter of Mitt Romney and author of *A Mormon In The White House?*, didn't think Thompson was serious, and he expected it would produce nothing more than a little buzz for Thompson's acting career.

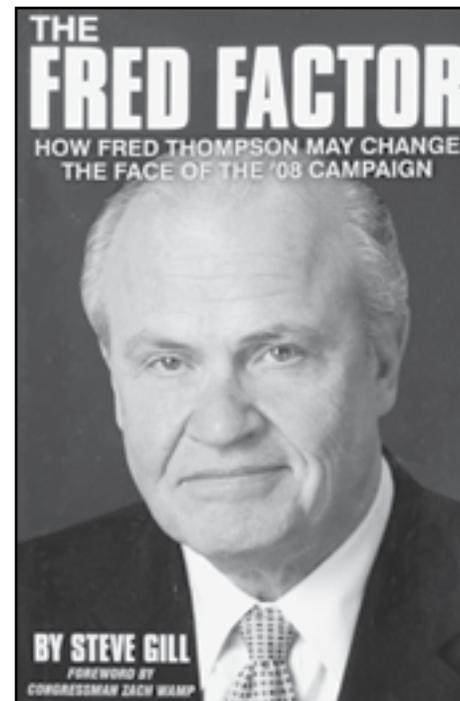
Hewitt was wrong. Thompson's candidacy became official the first week of September, and *The Fred Factor* is Gill's explanation why this might be the candidate conservatives were waiting for. The "factor" that Gill sees in Thompson is a common-sense, common-man appeal, coupled with broad national recognition and a practical conservatism lacking in the other front-runners. However, it remains to be seen whether Thompson's "Reaganesque" image holds true in more than an acting career and a wobbly start in the electoral race.

Thompson was a successful lawyer early in his career — like Hillary Clinton, he provided legal counsel to congressional committees to the Watergate hearings — but he started married life living in public housing. His run for Senate stagnated until he ditched the blue suit and started campaigning in shirtsleeves from the bed of a pickup truck. Gill says this works only for Thompson because it reflects reality.

"For such imagery to be successful, the underlying authenticity must be there," he writes. "[The] shift in campaign strategy for Thompson put him back in touch with his blue-collar roots and made him more comfortable with the voters."

But "authenticity," like "gravitas," is ephemeral. What does the "authentic" Thompson stand for? Unlike some candidate profiles, *Factor* depends on extensive quotations from the campaigner's own writing — another echo of Reagan's career. Gill devotes 36 pages to lengthy excerpts of Thompson's entries in conservative journals, his weblog, and appearances on Paul Harvey's radio program. This is a helpful break from official campaign spin, especially when the quotation predates the campaign by several months or years.

The positions Thompson espouses are not surprising, of course. He thinks President Bush's Iraq strategy, though unpopular, is necessary. "We should not confuse symbolic gestures for genuine strategy," Thompson told the American Enterprise Institute. "The purpose of ter-



rorism is to undermine public opinion here at home, to weaken the strategic center of the war." He calls *Roe v. Wade* "bad law and bad medical science," and calls for judges who will not create social policy. Gill notes that both NARAL and Planned Parenthood gave Sen. Thompson their lowest ratings. He uses illegal immigration as an opportunity to discuss the impact of leftist government policies that stagnated the economies to our south. He opposed federal tort reform because he thought it should be a state issue, and he is considered solid on the Second Amendment as well as the Tenth.

Thompson has his own baggage to carry, too, such as his bout with cancer (in remission) and his "trophy wife" (married two decades after his divorce). Conservative commentators criticized his support for the McCain-Feingold Bill. Gill thinks Thompson's vote was a reaction to the obstruction he endured from Senate Democrats as chairman of the committee investigating Bill Clinton's Chinese campaign donors — a last-ditch hope for something that would limit foreign influence in U.S. elections.

Thompson's image as a "lazy" campaigner has been picked up by the media. He told one critic, "I don't do 'frenetic' well" and his first appearances have been somewhat lackluster. His late start has already missed the first straw polls in Iowa, and more vocal opponents overshadowed his first debate appearance.

However, Gill concludes that like Reagan, Thompson "would likely govern as he has lived and worked throughout his lifetime, with straight talk, a sense of humor and humility, a willingness to do what is right even when it is unpopular." As Gill points out, the last actor in the White House didn't turn out too badly. CJ

Wal-Mart Revolution Tells Why Store is Left's Bogeyman

• Richard Vedder and Wendell Cox: *The Wal-Mart Revolution*; American Enterprise Institute; 2006; 199 pp; \$20.

By **GEORGE LEEF**
Contributing Editor

RALEIGH

Without a doubt, Wal-Mart is the most demonized business in American history. The company is widely accused of mistreating and underpaying its workers, ruining communities, aggravating the trade deficit, and that all-purpose sin "putting profits before people." No Democratic candidate for national office dares to utter anything but condemnation for fear of appearing "soft" on this horrible scourge.

And yet, despite the constant stream of attacks, the corporation attracts vast numbers of customers every day. Wal-Mart keeps growing and whenever it opens a new store, even in "blue" areas of the country, it is thronged with job applicants. Profits are reasonably good for the retailing industry, but not spectacular.

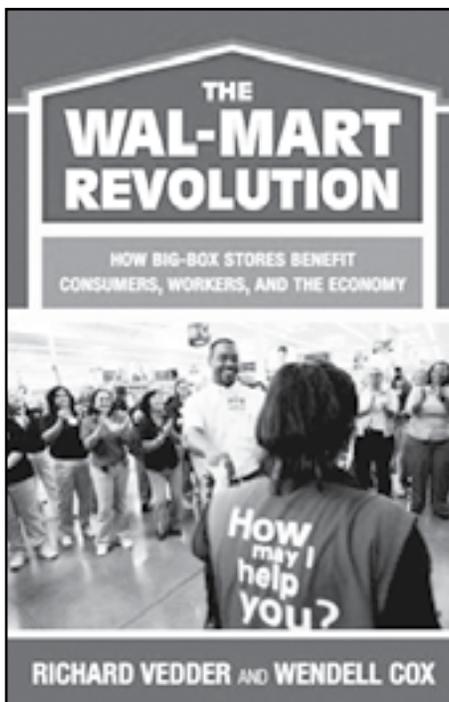
So what's going on? Has a corporate monster managed to hoodwink the masses to keep them from seeing its villainy? Or are the critics trying to create an enemy to hate, as in 1984, for their own purposes?

In their book *The Wal-Mart Revolution*, economist Richard Vedder and public policy consultant Wendell Cox take a clear, unemotional look at Wal-Mart, beginning with its rise from a tiny Arkansas retailer to America's largest company, and examining the charges made against it. To summarize the authors' conclusions, Wal-Mart has been successful because its founders figured out how to satisfy consumers better than their competitors, and the critics' case

against it is much ado about almost nothing.

Regarding Wal-Mart's efficiency, Vedder and Cox compare founder Sam Walton with that business genius of a century ago, John D. Rockefeller of Standard Oil fame. Both were highly innovative, hard-working, self-made men who set a personal example for their employees. Both knew how to get the most value for a dollar. Both succeeded by cutting prices to expand their customer bases. And both opposed unionization of their operations, seeing it as the enemy of efficiency. The combination of large profits and unwillingness to cave in to demands for collective bargaining made both Standard Oil and Wal-Mart targets for a swarm of egalitarian social critics.

The middle chapters of the book are devoted to analysis of the charges that Wal-Mart is a social menace. Does the company underpay its workers? Vedder and Cox show that Wal-Mart employees are paid comparably with other retail workers. As to the comparison that



If workers thought that Wal-Mart was underpaying them, the company would have trouble maintaining its workforce. It doesn't.

turn to Medicaid. In response, Vedder and Cox observe that there are also many workers at other retailers who don't have health insurance coverage. Furthermore, many Wal-Mart employees neither want nor need health insurance through the company. They prefer to take their compensation in other forms.

If workers thought that Wal-Mart was underpaying them, the company

is often drawn with big-box rival Costco, which doesn't resist unionization and therefore escapes criticism, the authors note that while the average compensation for Costco workers is somewhat higher, that is accounted for by the fact that many Wal-Mart stores are situated in rural areas where wages are lower.

What about benefits, particularly health insurance? The critics say that Wal-Mart should give most or all of its workers health insurance coverage, but doesn't. The greedy company is therefore a drain on taxpayers since some of its employees who don't have company insurance have to

would have trouble maintaining its workforce. It doesn't.

Another emotion-laden attack against Wal-Mart is that when it opens a new store, the result is often the demise of many small, "Mom and Pop" stores in the area. That can happen, of course, when any modern store opens. Unless we want laws to prevent customers from preferring new and efficient things to old and inefficient things, this "problem" is unavoidable. Again, Wal-Mart is being singled out for the crime of competing too well.

It is no coincidence that the rabid Wal-Mart critics come mostly from labor unions. Unions represent many workers in competing retailers, and those companies, beset by inefficient union work rules, fare poorly against Wal-Mart.

Vedder and Cox are not Wal-Mart fans, though. They merely argue that the company should be treated no differently than are other businesses. They come out firmly against tax breaks and other incentives to lure Wal-Mart, or any other employer, to an area. They're also against Wal-Mart, and any other business, seeking cheap real estate through eminent domain. Finally, they criticize the company's recent public relations efforts as foolish attempts to "appease the unappeasable."

In recent years, Wal-Mart spokesmen have come out in favor of higher minimum wages, for example. The authors give that two thumbs down. They're rightly appalled at the spectacle of successful capitalists trying to cozy up to the enemies of the free market by advocating increasing governmental coercion in voluntary business relationships. CJ

George Leef is vice president for research at the John W. Pope Center for Higher Education Policy.

BOOKS AUTHORED BY JLF STAFFERS



By John Hood
President of the
John Locke Foundation

Selling the Dream Why Advertising is Good Business

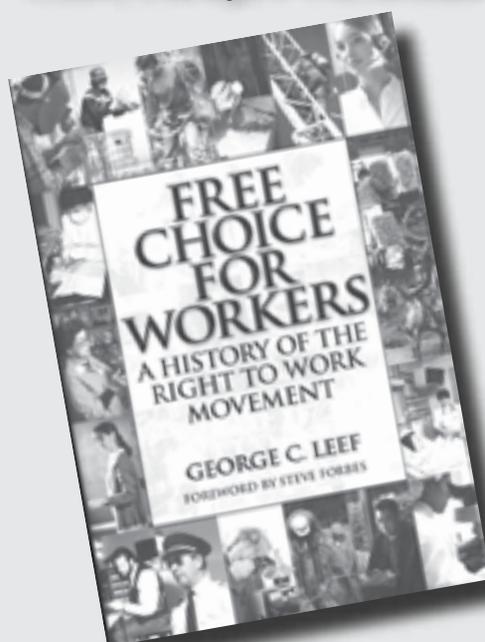


"[Selling the Dream] provides a fascinating look into the world of advertising and beyond ... Highly recommended."

Choice
April 2006

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Free Choice for Workers: A History of the Right to Work Movement



By George C. Leef
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Commentary

Conserving Taxpayer Paychecks

The drought in North Carolina and the rest of the South has evoked cries for water conservation. The situation is so bad that Gov. Mike Easley recently urged the state's citizens to cut their water usage in half. Water is a precious resource, and certainly it should be used wisely when it's in short supply.

Times have been tight in other ways, too. Remember the recession that hit after Sept. 11, 2001? Several years after that dark day North Carolinians pulled the state gravy train through a tunnel of despair while the governor and the General Assembly piled on higher taxes. Since Easley took office, the state's

operating budget has soared from \$14.4 billion to \$20.4 billion — a total increase of about 42 percent in only seven years.

Nowadays, gas prices are skyrocketing, home foreclosures are rising at an alarming rate, health insurance remains unaffordable for many families, and personal savings accounts have fallen to an all-time low. Yet North Carolina's leaders continue to swim in revenue as though they're vacationing in the Bahamas.

Water is vital, but money, as well, is a precious resource. It buys things such as food, and water itself. Depending upon the health of the economy, money also can become scarce. If forecasters are correct, an economic downturn lurks around the corner. Already, retailers are cutting prices long before this year's Christmas season.

Now would be a good time for the governor and the legislature to exercise some civic responsibility and start conserving the resources they take from families. Following the governor's lead on offering tips for consumers to save water, here are a few ways the political elite could curb their wasteful habits:

- Put buckets next to their chairs when they sit down so excessive tax collections can spill from their pockets into the pails. A few million dollars here and there is mere pocket change to politicians, but to their poor constituents it represents the difference between making or breaking family budgets. The big spenders could pour the runoff into a fund to build new water

reservoirs around the state.

- Buy rain barrels for the state's rainy day fund to obviate any need for further tax increases.

- Put a brick in the loopholes that continue to allow Speaker of the House Joe Hackney and Senate President Pro Tem Marc Basnight to maintain slush funds at the Department of Transportation. Then flush the spoils system at DOT and funnel the savings into construction of badly needed new roads.

- Tap the billions of dollars that Easley and Basnight manipulate through Golden LEAF and channel the money into the General Fund.

- Use zero-based budgeting, so state agencies won't have an overflowing pool of revenue to splash around any way they please year after year.

- Stop laundering money and clean up corruption. This alone could save untold millions of gallons of revenue.

- Dismantle the massive pipeline that irrigates corporate welfare.

- Install a money-saving showerhead, such as a Taxpayers' Bill of Rights, or TABOR. A TABOR would require amending the state's constitution to (1) limit the growth in state revenue and spending to the growth of population plus inflation; (2) ensure surplus revenue above this amount is returned to taxpayers; and (3) require voter approval for tax increases or any weakening of the amendment's limits. Colorado taxpayers received more than \$3 billion in surplus revenue from 1992 to 2004.

- Shorten legislative sessions to lessen the release of carbon dioxide and methane into the atmosphere. "Scientists" speculate that the hot air spewing from the Legislative Building might be contributing to global warming.

All these conservation tips are environmentally friendly: They return more green to taxpayers, and they develop a "sustainable" economy. CJ

Richard Wagner is editor of Carolina Journal.



Richard Wagner



Editorial

Climate Group Should Open Up

The North Carolina Climate Action Plan Advisory Group proclaims its commitment to "transparency," but when asked by *Carolina Journal* to provide data and analysis by its consultant, the state-appointed panel had little information to offer.

CJ has repeatedly requested data used to inform analysis conducted by CAPAG's consultant, the Center for Climate Strategies, which produced 56 policy recommendations for the state to reduce emissions of carbon dioxide, a "greenhouse gas" that some claim contributes to global warming.

CJ also has requested data related to an outside economic analysis being conducted for CAPAG and CCS by Appalachian State University's Energy Center. Appalachian State has denied access to most of the records that have been requested.

"The processes will be transparent," says a memorandum from CCS addressed to CAPAG and the N.C. Division of Air Quality, dictating procedures that CAPAG will follow. "Policy options will include clear design parameters (such as levels, timing, coverage, and implementation mechanisms) as well as technical analyses with clear data, methods, sources and assumptions. All proceedings will be posted to the project website by CCS after review for accuracy by DAQ."

But after several public records requests by *CJ*, many of materials that fall under CCS's, CAPAG's and the Energy Center's control are still not available to the public.

The state's Division of Air Quality, which oversees NCCAPAG and handles its public records requests, said it has no background materials to provide about CCS's economic, scientific, or technical analysis.

This is either difficult to believe or highly irresponsible on the agency's part, as a contract between DAQ and CCS

requires, among the "deliverables" from CCS as a consultant, "various technical materials, agendas, spreadsheets, etc...." DAQ has stated that all the technical information it possesses is posted on the NCCAPAG Web site. However, only reports that briefly address each carbon dioxide mitigation option, how much they would reduce greenhouse gases and the costs for doing so, are available on the Web site. No specific technical data that informed how they arrived at their conclusions, or that would allow others to replicate their analysis, is posted.

DAQ officials also said they had no material background data or analysis on the Energy Center's work even though DAQ Deputy Director Brock Nicholson has promoted their jobs analysis publicly, citing the center's preliminary findings.

When asked for all documentation on the Energy Center's work, DAQ said it had no records, because Nicholson had obtained his information via telephone conversations. Why would a top agency official promote work that he had not reviewed with his own eyes?

In response to a similar request from *CJ* to Appalachian State University for all input data and technical analysis related to its jobs analysis, university lawyer Dayton T. Cole denied access to the materials on the ground that the contract is between the Energy Center and CCS, a private entity, and therefore not public information.

However, CCS obtained approval from DAQ to contract with the Energy Center, and the work conducted by CCS for the state is what provided data for the Energy Center's study.

Some of the work of CAPAG and its analysis — shallow as it is — is posted on its Web site. However, the failure of DAQ to require documentation of CCS's work shows them to be anything but "transparent," so they ought to quit that charade. CJ

N.C.'s Raw Gas-Tax Deal

Taxpayers have a right to be angry about how system works

Fuel prices are among the most visible economic indicators to the public. Not surprisingly, people tend to get agitated when these prices are persistently high, and often translate their frustration into a broader pessimism about the economy and strong disapproval of incumbent politicians.

North Carolinians have a better reason than most to be angry. About 48 cents on every gallon of gas they buy goes to federal and state government in motor-fuels taxes. That's higher than in most other states and all of our neighbors. And North Carolinians get one of the worst returns on their gas-tax money in the nation.

Now, that's not to say that gasoline taxes are the most egregious taxes North Carolinians pay. As a matter of fact, they ought to remember that one reason the state gas tax is higher than average here is that our property taxes are lower than average. In most states, local governments play a larger role in road finance. And when taxes on highway users (fuel plus vehicle taxes) are truly dedicated to highway needs and spent wisely, the public can derive significant benefits in time, money, and safety.

Unfortunately, North Carolinians

get an extremely raw deal for the gas taxes they pay. Let me count the ways.

First, the convoluted federal system for financing transportation has never been in North Carolina's interest. Taxpayers pay at the pump, the money flows to Washington, the politicians and bureaucrats pocket some shipping and handling charges for themselves and their constituencies, and then return some of the remaining revenue back to the states – but not in proportion to collection.

Second, North Carolina state government itself violates the trust of highway users. Well over \$100 million in gas-tax receipts flow each year into non-highway expenditures such as transit, rail, and ferries.

Third, even the highway revenues that are spent on highways are mismanaged and poorly prioritized.

A new 24-member commission appointed by Gov. Mike Easley and legislative leaders is studying North Carolina transportation needs anew. Its members would be well advised not to put the cart before the horse. Major reforms must come before any attempt to raise taxes or institute new fees. North Carolinians are angry. They have a right to be. CJ

Land Grab in Elizabeth City

City wants to use eminent domain to benefit a private business

Over the past couple of years, a bipartisan group of lawmakers and activists has argued for eminent-domain reform. Whenever they gained momentum in the General Assembly, the North Carolina League of Municipalities and other local-government lobbies would insist that there was no need for additional legislation or a constitutional amendment protecting private property rights because existing law did not allow a North Carolina government to use eminent domain for economic development in the first place.

Let's be charitable and assume that they just haven't heard of the Elizabeth City-Pasquotank Aviation Research and Development Park.

As the Elizabeth City *Daily Advance* reported recently, city officials there are preparing to seize five acres from a local family, the Halls, who doesn't want to part with their land for the planned economic-development project. The park will include several private businesses and an educational building associated with Elizabeth City State University. No one is claiming that the land in question would be used for an airstrip or other transportation infrastructure. It would not be acquired to protect the public health and safety.

The plan is to take the family's

private property in order to deliver an economic benefit to other entities, mostly private businesses. This is wrong. It's an abuse of power.

Using eminent domain for economic development under the cloak of a transportation need isn't some new, wacky idea that no one has ever thought of or warned against. In policy papers published over the past year, John Locke Foundation policy analyst Daren Bakst discussed precisely this problem in current North Carolina law. By constantly arguing that existing law was sufficient to protect property rights, opponents of a proposed constitutional amendment invited the obvious question: If localities currently lack the legal authority to seize land for economic development, what's the harm in explicitly forbidding them from doing so?

The answer, obviously, is that many local politicians and bureaucrats believe they can, indeed, use eminent domain for economic development, as long as the circumstances are convenient. The last thing they want is clarity in the law or ironclad protections of property rights in the state constitution.

Amending North Carolina's constitution to address this abuse of power wouldn't be extraordinary, at all. In fact, it's downright necessary, if recent events are any indication. CJ

Commentary

Beware Education Bandwagons

Remember when local politicians and school officials in Wake County defended their forced-busing policies by arguing that Charlotte-Mecklenburg's lower test scores reflected the inevitable results of re-segregation? Remember when they attributed Wake's higher performance among minority and low-income students to their socioeconomic target? Remember when the state and national opinion leaders lionized Wake's self-styled courage and castigated protesting parents as racist troglodytes?

Uh, never mind.

According to the latest scores, minority and low-income students in Charlotte-Mecklenburg, where forced busing is now largely absent, are now performing at the same level as similar students in Wake, where forced busing remains the law.

This is hardly the first time that a highly touted educational "breakthrough" in North Carolina has turned out to be far less in substance than the initial marketing would lead one to suggest. My favorite example, which I never tire of repeating, is the 1999 press conference where then-Gov. Jim Hunt attributed improvement in North Carolina performance on the National Assessment of Education Program that year in part to the benefits of his Smart Start early-childhood program.

The reporters dutifully scribbled down the governor's claims and repeated them. Only later, thanks to the urging of a pesky Raleigh think tank, did they think to do the math. The NAEP scores were for 4th and 8th-graders. Not a single participant in a Smart Start-funded preschool program would have been old enough to take the NAEP test in question.

Everyone's guilty of jumping on bandwagons from time to time. It's human nature. We tend to notice evidence that fits our preconceived notions about what is true and how things work.

There's something to be said for good, old-fashioned conservatism in such situations. I don't mean political conservatism *a la* Reagan or Thatcher in this instance. I mean the conservatism of caution, of treating experience and tradition as sound guides for consideration and action.

In education policy, the con-

ventional wisdom is not, in fact, based on experience and tradition. They are often seen as the vestiges of a previous era of ill-informed rote learning, classroom authoritarianism, and severe discipline. Today's conventional wisdom is that teachers should enable, not command; that children should construct their own knowledge, not receive it from those in the know; that the core curriculum of the past is little but an arbitrary list of facts and works from privileged white males; and that technology, teamwork, and gimmickry should replace lecture, repetition, and testing as the indispensable tools of effective instruction.

Most of these ideas come from educational philosophers with sharp wits, sharp tongues, and dull minds. They are not based on sound research or a coherent explanation of how and why children should learn. Although many students will perform adequately or better regardless of how poorly they are taught and assessed, others flounder in schools based on the twaddle that so many educators are taught in universities where the likes of John Dewey and Jean Piaget are venerated, not ridiculed.

There are contrary trends, thank goodness. Although it has many (fixable) faults, North Carolina's testing program has at least focused attention squarely on outcomes. Some districts and schools have responded by implementing what works, not what is peddled in education schools. Successful charter, private, and home schools usually hew to a more traditional line. More parents should be allowed the opportunity to explore these options for their children without severe financial penalty.

As for Wake County, it ought to end the current practice of manipulating school enrollments to engineer a preferred socioeconomic outcome, and instead rededicate itself to effective instruction of all students entrusted to its care. It's not that Charlotte-Mecklenburg has the answer — both systems' high-school students continue to score abysmally. It's just that Wake clearly doesn't have the answer, either. CJ

Hood is president of the John Locke Foundation.



John Hood

Editorial Briefs

Ethanol's water shortage

Heavily subsidized and inefficient, corn-based ethanol has already driven up food prices. But the Senate's plan to increase production to 36 billion gallons of ethanol by 2022 will place even greater pressure on farm-belt aquifers, *The Wall Street Journal* says.

Ethanol plants consume about four gallons of water to produce each gallon of fuel, but that's only a fraction of ethanol's total water consumption. Cornell University ecology professor David Pimentel said that counting the water needed to grow the corn, one gallon of ethanol requires 1,700 gallons of water.

Some corn-producing regions are already scrapping over dwindling supply. Kansas is threatening to sue neighboring Nebraska for consuming more than its share of the Republican River.

There is local opposition to a proposed ethanol plant in Erskine, Minn. Anti-refinery yard signs are popping up, and residents are concerned about well water.

Backers of a proposed plant in Jamestown, N.D., recently withdrew their application when it became clear that the plant's million-gallon-a-day appetite would drain too much from a local aquifer.

Ethanol's big environmental footprint is not limited to water, because biofuels such as ethanol are highly inefficient, the *Journal* says.

Growing corn to produce ethanol means converting land from food production to fuel production. Writing in *Science* magazine, Renton Righelato and Dominick Spracklen estimate that in order to replace only 10 percent of gasoline and diesel consumption, the United States would need to convert 43 percent of its cropland to ethanol production.

The alternative approach—clearing wilderness—would mean more greenhouse gases in the atmosphere than simply sticking with gasoline, because the carbon dioxide-using trees cut down to make way for ethanol absorb more emissions than ethanol saves.

The warming debate's gray area

Dr. William Gray, a top climate scientist and professor emeritus of the atmospheric department at Colorado State University, calls the theory that won Al Gore an Oscar and a Nobel Peace Prize "ridiculous" in *Investor's Business Daily*. Others, he says, would speak out if they didn't fear retribution from those who put ideology over science.

According to Gray, a natural cycle of ocean temperatures related to the amount of salt in ocean water was responsible for global warming, which he acknowledges has taken place. As part of this natural cycle, global temperatures will eventually cool again.

Fluctuations in hurricane intensity and frequency, Exhibit A in Gore's inquisition, have nothing to do with carbon dioxide levels or human activity, but with changing ocean currents. There were 101 hurricanes from 1900 to 1949, in a period of cooler global temperatures, compared with 83 from 1957 to 2006, when the earth warmed.

"It bothers me that my fellow scientists are not speaking out against something they know is wrong," Gray said. CJ



Economics Best Way to Conserve Water

Although recent rains have helped, North Carolina is still suffering from the worst drought in 100 years. Many municipalities are counting the days until reservoirs are empty, and rural water users worry their wells will run dry.

Governments have responded to the crisis in two ways. They have called on households and businesses to conserve water voluntarily. And they have imposed restrictions on the use of water, particularly for outside irrigation.

However, water restrictions require rules about who can use water, when they can use it, and what they can use water for. Inevitably, questions are raised about the fairness and implications of such rules. As the restrictions are tightened, the questions become more intense.

To be effective, regulation of water use must be enforced, so governments must spend resources on policing the rules or relying on residents to report violators.

Economists argue there is another approach to managing water availability during droughts, and it's based on the fundamental economic principle of incentives. If we want people to use water more frugally, economists say, the quickest and more direct way to do so is to increase the price of water. The core economic principle of demand says the higher the price of a product, the less people will use.

Recently, two of my colleagues, Roger von Haefen and Robert Fearn, proposed incentives-based water usage plans. One plan is tier-based water pricing. Here, the price of water rises as water usage rises. For example, consumers would pay the lowest rate for the first "x" gallons used per month, then would pay a higher rate for the next "y" gallons used, and a still higher rate would be paid for the next "z" gallons used. Water authorities could implement as many tiers as desired.

The purpose of tier-based water pricing is to charge the lowest price for the most essential uses of water, such as for cleaning and bathing, and charge higher rates for less-important uses, such as grass

watering and filling swimming pools. As a result, consumers will be motivated to cut back on less essential—and now more expensive—water uses.

The second approach, the Fearn plan, would explicitly add a "drought fee" to the price of water whenever water supplies fall below acceptable levels. The purpose of the fee would be twofold. First, it would prompt people and businesses to use less water. Second, the additional revenues from the fee

would be used to finance the installation of water-saving technology in homes and firms and to expand future water supplies.

Importantly, the level of the drought fee could be changed as water conditions change. If the drought worsened and more water conservation was needed, the fee could be increased. However, once the drought ended, the fee would be removed.

Some water systems already use the tiered pricing system, but to my

knowledge, no system applies the drought fee concept. One reason might be that not everyone is convinced the economic approach to managing droughts makes sense. Higher prices are seen as painful, particularly for a necessity such as water. Instead, managing water supplies through appeals to conservation and with government rationing plans is often viewed as more logical and fair.

The skepticism to the economic reliance on prices to change water consumption is understandable, but economists do have a response. The price of any resource reflects both the relative value of that resource and its scarcity. That is, price is a signal. With price as a signal, users are prompted to treat the available quantity more carefully. Isn't this exactly what we want consumers to do when there's a shortage of water?

CJ

Michael
Walden

Michael L. Walden is a William Neal Reynolds distinguished professor at North Carolina State University and an adjunct scholar of the John Locke Foundation.

State Transportation Needs Might Get Needed Attention

Transportation in North Carolina might finally be getting much-needed attention from the General Assembly. At least we can hope.

A new commission was recently appointed to study ways to bring North Carolina's transportation needs into the 21st century. A 24-member panel, appointed by the governor, speaker of the House, and speaker pro tem of the Senate, is composed of legislators, local elected officials, business people, professors, economic developers, and former transportation officials.

The 21st Century Transportation Committee is charged with studying ways to improve transportation to promote economic development and compete in a global economy. The committee will look at funding transportation needs with both state and local revenue. Urban congestion, bridge safety, prioritizing of projects, and cost efficiencies will be studied. Members of the committee will look into creative ways to use technology and explore the use of recycled materials. The commission will study intermodal transportation, including ports, airports, mass transit, rail, and greenways and bicycle paths. They also will look at fuel and energy conservation.

They will submit a report to the General Assembly with recommendations before to the short session convenes in May. Of course, the study is only a beginning. The House and Senate Transportation committees, the House and Senate Transportation subcommittees of the Appropriations committees, and ultimately the legislature and the governor will make the final decisions.



Becki Gray

While efforts to address North Carolina's growing transportation needs are to be applauded, the committee will be only as valuable as its recommendations. Of course, the recommendations will be valuable only if they truly address the needs and offer real solutions to transportation problems. North Carolina maintains the second-largest state-owned road system in the United States. It once ranked 23rd on road conditions, but now it ranks 47th. One-third of the state's bridges are ranked structurally deficient, and the Department of Transportation projects a \$65 billion shortfall to build and maintain roads over the next 20 years.

Numerous studies have been conducted over the years. State roads continue to deteriorate. Maintenance has been ignored, road construction is slowed by environmental and funding quagmires, money has been diverted to slush funds, and bridges are crumbling. Studies are valuable. (We actually study lots of things at the John Locke Foundation with outstanding results.) But what is needed in transportation is a clear direction, a plan and a commitment to solve problems.

Here are some suggestions I'd like to offer the committee, the Assembly, and anyone interested in better roads:

1. Clean up the DOT. During their presentation to the committee, DOT officials presented an overview of what they are doing and how it is paid for. In order to meet current and future needs, they argued that they need money, a lot of money. Recent scandals include a paving fiasco on Interstate 40, organizational inefficiencies, expensive technology problems, and most recently, a \$3.6 million survey with hidden results. Nothing can be done to move transportation forward until the agency in charge is clean and clear and focused on

putting transportation in North Carolina on the right road.

2. Disband the Board of Transportation, which wields way too much political power in naming which projects get funding. Projects should be selected based on statewide prioritization dictated by need, safety, congestion relief, and projected impact.

3. Relieve congestion first. Buses, trains, and bikes will do little to relieve congestion. People value the convenience of their own cars. Bureaucrats who talk about "smart options" in an effort to engineer people's behavior and attempt to reduce traffic load through mass transit grossly overstate the impact of those methods on traffic and congestion. If people in one region want mass transit, state taxpayers shouldn't have to subsidize that desire.

4. Local governments should fund non-road needs such as public transportation, mass transit, and light-rail systems with local revenue. If Charlotteans want light rail, they should pay for it. State dollars need to go to roads statewide, and only for roads, not bicycle and walking trails and other low-priority projects. Some projects, such as ferries, should be paid for primarily by those who choose to use them. Payment at turnstiles placed at gates or docks would be easy to implement.

5. The equity formula needs to be changed. Established in 1989, it directs half of the money be distributed by population while the other half is directed to areas that have nothing to do with relieving congestion and keeping people and goods moving. Larger, more heavily populated areas of the state are not getting adequate funding to relieve congestion, while many rural counties are building roads that no one is using. Build roads where

the demand is (and there is plenty) rather than try to create a demand where there is none.

6. Toll roads are a way to get new roads built and paid for quickly. Many travelers through North Carolina are from other states and are not paying North Carolina taxes. Toll roads are a way to capture revenue from those who are actually using the roads. With private-public partnerships, they can be built quickly and cost effectively.

7. Taxation should be fair and borne by those using services. The current gas tax is based on gasoline usage, but it should be based on miles driven. With vast improvements in gasoline mileage since the original formula was implemented, a truer reflection of wear and tear on roads is by number of miles a vehicle drives on the road. The formula should still allow for fluctuations in the price of oil so that the revenue flows with the actual costs of road construction.

8. Highway funding needs to be reformed. A \$172 million annual transfer from the Highway Trust Fund might have made sense in 1989 but the demands of our transportation system have changed. The transfer to the General Fund needs to stop and all transportation money needs to be directed to meeting road construction and maintenance projects.

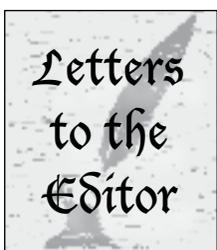
The answer to better roads is not simply throwing more money at the problem. The answer is clear, clean and effective management with every dollar spent going toward getting people and products moving across North Carolina. Now that's a goal worth studying. CJ

Becki Gray is the director of the State Policy Resource Center.

Felony Erasure Legislation Would Just Be Bad Law

To the editor,

Felony convictions will be erased by pending legislation supported by state Senator Doug Berger. This is an alarming statewide issue. This irresponsible legislation will hide serious criminal acts of 16- and 17-year old felons and put our schools, our work places, and our communities at high and unacceptable risk. Needlessly,



The NC Administrative Office of the Courts (AOC) estimates that thousands of convicted felons will apply to have their criminal records erased.

A petty misdemeanor crime of "youthful indiscretion" might warrant a second chance. But consider the following felonies that Senator Berger wants to have erased:

Third-degree sexual exploitation of a minor; soliciting sex with a minor via computer; taking indecent liberties with a student; distributing drug paraphernalia to minors; domestic abuse, neglect, exploitation of disabled or elder adults; possessing stolen property; using drugs or instruments to destroy an

unborn child; larceny of property worth more than \$1,000; breaking and entering; forgery; larceny of a firearm; receiving or possessing a stolen firearm; possessing a firearm on school property; embezzlement of money or property from a place of employment or a church, or a charity; looting; trafficking weapons to minor; cross burning.

Are these petty "youthful indiscretions"? Certainly not. The victims know these are adult crimes.

However, Senator Berger demonstrates a pattern of sponsoring legislation to hide felony convictions. In the 2007 General Assembly session, Senator Berger sponsored three separate and

alarming bills that would erase the felony records of a very wide range of convictions.

Our families and neighborhoods face enough serious risks today without erasing the felony records of thousands of criminals.

Contact your local senator and House representative and make it very clear that felony erasure legislation is bad law, and is not good for North Carolina. Tell Senator Doug Berger, too.

Chuck Stires
North Carolina Citizens
for Accountable Government
Youngsville, NC

Study: 1890 CO₂ Levels Would Create 10 Million Jobs (a *CJ* parody)

By ALBERT AHAB
Environmental Writer

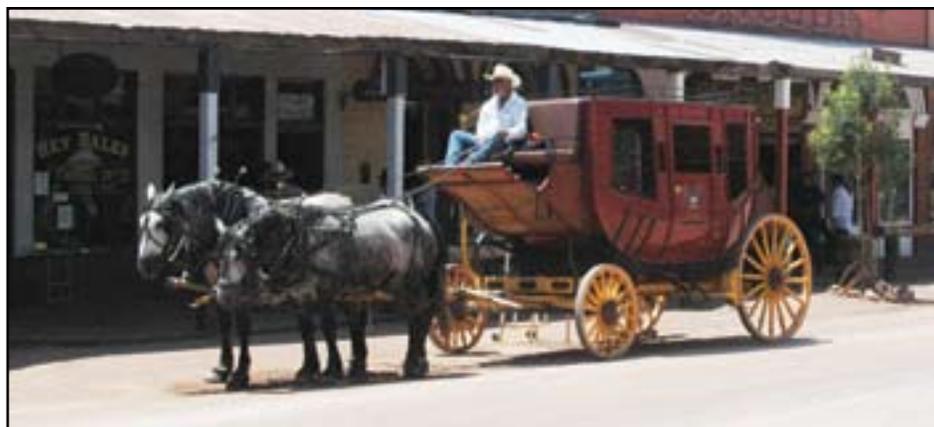
CHAPEL HILL

Proposed taxes and regulations intended to cut carbon dioxide emissions to 1890 levels will create more than 10 million jobs, according to a report by The Energy Center at Appalachian State University.

"This study builds on our first report," said Jeff Shiller, an engineer and co-author with a student in political science, Raven Fledgling. The study was prepared for North Carolina's Climate Action Plan Advisory Group and demonstrated that reducing emissions to 1990 levels would create 600,000 jobs.

"It makes sense," said Shiller, "if 600,000 jobs can be created by reducing emissions to 1990 levels, obviously we could do even better by reducing emissions to 1890 levels."

The new policies would revitalize industries that have been dormant for a century, Shiller said. "I foresee a resurgence of the horse and buggy industry with large multiplier effects that would stimulate the buggy whip and the blacksmith industries. Two million jobs will be created in the transportation sector alone." More than 50,000 additional jobs will be created for lower-skilled workers employed shoveling horse manure off



Mass transit at optimum 1890 CO₂ levels, as envisioned by the researchers at Appalachian State University. (*CJ* photo by Wells J. Fargo)

city streets across the state, he said.

ASU number crunchers also claim that the whale oil industry would stage a comeback. Unlike crude oil, which would be heavily taxed, whale oil is considered a low-carbon fuel.

But many economists say the new taxes would cause massive price increases for gasoline and electricity in particular. North Carolina State University economist Henry Gazlitt, author of *The Lesson of Economics*, estimates a price increase of about 2,000 percent. "This would hurt the poor and lead to job losses in much more productive non-whale oil-related industries," he said.

"This is why it is important to have

engineers and aspiring political scientists working on these studies rather than economists," Shiller said. "Economists are fixated on the outdated concept of opportunity costs, ignoring the benefits to residents along the coast."

"The whaling industry would take off like a hog waste-powered rocket ship. New whale oil refineries will create over 500,000 jobs in economically depressed eastern North Carolina," he said.

"There are many ways jobs can be created. Building the pyramids created jobs, and wars create jobs when bombed-out cities are rebuilt," Shiller said. "Even something like a broken window will create jobs for glazers

with multiplier effects throughout the economy. Economists have yet to learn this simple lesson."

Commenting on the study, John Marrou, co-chairman of the N.C. Legislative Commission on Climate Change, suggests that the social benefits will be just as great as benefits to the economy. "Each evening, as people returned home from their new-found jobs, they would gather around whale oil lamps as grandpa reads chapters from Herman Melville's classic *Moby Dick*," he said. "This is the kind of world I want my children to grow old in."

Terry Bask, an analyst with the far-right John Locke Foundation, said, "Crude oil saved the whale from extinction in the 1850s. The species will be brought to the brink if these policies are allowed to proceed." But Marrou, a tireless advocate for the environment, said, "Extinction of a few species is worth it. Thousands of species will be lost if global warming is allowed to continue. A few species for each degree of cooler temperatures is a sustainable tradeoff."

"If predictions of 10 million new jobs are anywhere near correct, North Carolina's future in terms of the environment and the economy are assured," Marrou said. *CJ*

Help Us Celebrate Our Anniversary

The John Locke Foundation invites you to join us as we celebrate our 18th anniversary with two of the country's most influential commentators and authors, George Will and Peggy Noonan. Will headlines our Charlotte anniversary event in January and Noonan keynotes our Triangle event in February.

George Will



January 10, 2008

Westin Hotel Charlotte
6:30 p.m.
\$60

Peggy Noonan



February 16, 2008

Embassy Suites Cary
6:30 p.m.
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