

**Pro-life supporters rally on anniversary of Roe/6**



# CAROLINA JOURNAL

A MONTHLY JOURNAL OF NEWS, ANALYSIS AND OPINION FROM THE JOHN LOCKE FOUNDATION

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# BEV'S GOT MAIL

Her predecessor leaves a digital hot potato

By DAVID N. BASS  
Associate Editor

RALEIGH

A gaping budget shortfall isn't the only hurdle Gov. Bev Perdue will face in the first months of her administration. She also must decide how to respond to a lawsuit accusing former Gov. Mike Easley of permitting his staff to unlawfully erase e-mail correspondence among state employees.

By law, Perdue is now the defendant in the lawsuit, which was filed in April by 10 news organizations, including *Carolina Journal*. The complaint alleges that Easley's office and other Cabinet agencies evaded the state's public records law by encouraging staff to delete e-mail before the messages could be archived.

As a remedy, the plaintiffs asked for a court order "permanently restraining and enjoining" the governor and his staff from pursuing illegal policies. They also requested that the court order the governor's office "to take all measures available to them to retrieve any public records that they deleted, disposed of, lost,



or failed to preserve in violation of the Public Records Law."

No ruling has been made in the case, but Easley conceded to some of the news outlets' demands in an 11th-hour executive order signed Jan. 9, his last day in office. Plaintiffs in the case still say some of the guidelines are too vague, and they plan to consult with Perdue before deciding whether to drop the lawsuit.

"I think the language in his order is too broad and ambiguous to give clear guidance to state employees on what the rules are," said Hugh Stevens, a lawyer representing the news organizations. "We found it rather bizarre that after doing nothing about this while it was under his watch, [Easley] signed this thing while he was walking out the door."

The order acknowledges that e-mail between executive branch employees are public records, as required by state law. It bans employees from deleting e-mail for

**Gov. Perdue becomes the defendant in a lawsuit brought against Easley**

Continued as "Perdue," Page 2

## For many travelers, the main emotion on Inauguration Day was frustration

By KAREN WELSH  
Contributor

WASHINGTON

Unfulfilled hopes and expectations met thousands of people as freezing temperatures, mis-managed security lines, unruly crowds, limited supplies of toilet paper, and pushed-over porta-pots became the reality of those attending the 2009 Presidential Inauguration of Barack Obama.



And that was if a ticket holder was lucky to get past the security gate.

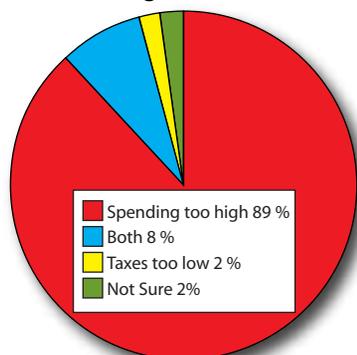
One young boy had 'bedazzled' Obama onto his hat.

The pain and misery of more than 30,000 ticket holders locked out of the ceremony were widely ignored by the media, who were too busy fawning over the who's who list of upper-echelon politicians and celebrities attending the \$150 million to \$170 million gala.

While that money was used to provide a lavish window dressing and expanded coverage of the event, the real story of desperation and despair

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What's the major cause of North Carolina's budget deficit?



Civitas Institute Online Poll, Jan. 14, 2009

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## Perdue Inherits Easley E-mail Problem

Continued from Page 1

a 24-hour period, which allows the e-mail to be saved during daily backups, and requires that e-mail be archived for at least 10 years.

The language is similar to a proposed order drafted by the plaintiffs in November and submitted to Easley. Grayson Kelley, chief deputy attorney general, argued in a memo to Stevens that the order "reflects a fair resolution of the issues and concerns raised by your clients in the lawsuit," but Stevens said some areas still need clarification.

CJ editor Richard Wagner questioned the timing of Easley's order, saying it effectively "dumped the whole mess in the new governor's lap."

"Now, Beverly Perdue must determine how her administration will deal with the issues," Wagner said. "Carolina Journal and other media organizations that filed the lawsuit hope she will deliver on her promise to put transparency high on her list of priorities."

John Drescher, executive editor of *The News & Observer* of Raleigh, one of the plaintiffs in the suit, said the executive order was "a big step in the right direction." The *N&O* has recently tussled with Easley over a series of articles it ran on the state's funding, delivery, and oversight of mental health services.

"I was glad to see the order, but there are still some details to work out, and of course there are also 10 parties in this lawsuit," he said. "We need to get together as a group and with our lawyers."

Perdue is still reviewing the order and evaluating whether changes need to be made, according to press spokeswoman Chrissy Pearson. "I think that Gov. Easley did a good thing for the people when he issued that executive order," Perdue said, according to a Jan. 13 Associated Press article.

### Alleged Easley malfeasance

The lawsuit is based partly on an

affidavit filed by Debbie Crane, former spokeswoman for the N.C. Department of Health and Human Services. Crane, who was fired by Easley in March, alleged that Easley's staff instructed press officers from executive branch Cabinet agencies to delete e-mail to the governor's office before the files could be saved.

"We were told that the preferred means of communication with the Governor's Office was telephone, particularly if the subject of the communications were likely to be controversial," Crane wrote.

"We were also instructed that if we did send e-mail messages to the Governor's Office they were to be deleted from our computer's 'Sent Mail' box immediately after they were sent," she wrote.

Crane alleged that Easley's office gave "specific direction about some subjects," including a policy of not returning phone calls from representatives of the John Locke Foundation, the nonprofit that publishes *CJ*.

The lawsuit was also based on a statement Easley made that he "chucked" a handwritten note from former DHHS Secretary Carmen Hooker Odom that explained why she refused interview requests from the *N&O*. The note was a public record under state law.

"When I read something, unless it's charts or something or budgetary stuff, when I read it I get rid of it. I throw it away," Easley said in March, according to the *N&O*.

### Unresolved issues

Although Easley's executive order closely mirrors the media outlets' suggested version, a number of differences remain. Stevens called most of the disparities "fairly rhetorical."

The draft, for example, prohibits state employees from using state e-mail accounts "for political purposes or to conduct or correspond about a commercial business." Easley's order

left out the ban on commercial business e-mail.

In addition, the draft permits state employees, after a 24-hour period, to delete e-mail that "clearly are unrelated to state business," but the final order omitted that language.

"I have concerns about not so much what is said as what is unsaid," said Stevens. "It left open what happens with respect to a state employee who gets an e-mail and then decides to delete it. Can they delete anything, and if so, on what basis?"

The order applies only to executive branch Cabinet agencies and not to Council of State offices, such as the N.C. Department of Labor. That's another concern, Stevens said.

"One of the things we would like to talk about is if we can agree on a policy that's satisfactory for [Perdue's] agencies, will she try to get the Council of State to adopt the same policies for all executive branch agencies?" Stevens said.

### Perdue pledges transparency

Perdue made transparency a cornerstone of her gubernatorial campaign, and she has emphasized it during her first weeks in office.

"Government must be more accountable to the people," she said Jan. 10 in her inauguration speech. "The state's business must be conducted in the sunshine, to inspire confidence, not cynicism."

On her first business day in office, Perdue signed two executive orders addressing accountability in state government. The first directed the Office of State Budget and Management to create a Web site "that shows state management and spending on grants and contracts," according to a press release from the governor's office.

The second, an executive order, established "a citizen oversight panel to ensure government programs are using tax dollars in the most effective and efficient way possible." *CJ*

## Frustration a Main Emotion on Inauguration Day

Continued from Page 1

was happening outside the scope of their camera lens as panicked crowds, disrespectful behavior, and dashed dreams of witnessing the inauguration became the fare of the day.

Despite thousands of police officers and military personnel assigned to the areas nearest the U.S. Capitol, it became apparent they were there to guard one man — President-elect Obama. None seemed willing or interested in assisting the throngs of visitors, numbering in the millions, who

braved hours of subfreezing temperatures to attend the historic ceremony.

Potentially safe passages were often blocked by metal fences or barricades, causing thousands of people to become logjammed, with no place to go.

As the crowds converged in the dead-end spaces, dangerous situations of pushing, shoving, and crushing were created with police and military officials often looking on without reaction to the pleas and screams of the trapped people who were afraid for their lives.

Ticket holders, especially those with the blue and purple passes to the ceremony, fared the worst. Each gate was responsible for filtering in 20,000 separate ticket holders, but, in reality, they could not process that many people in the two-and-a-half hours planned before the ceremony.

The slow pace of the lines gave way to pushing and crushing shoves from the back as anxious ticket holders tried to get in the gates before Obama's arrival. Once he arrived, however, the

Continued as "Frustration," Page 3

# Frustration a Main Emotion For Many on Inauguration Day

Continued from Page 2

gates were shut tight, and tens of thousands turned away from the festivities.

These same people had braved standing in the cold for hours the day before to get into their senators' and House members' offices to secure their tickets.

There was an egalitarian nature to the confusion. It didn't matter whether the bearer of the ticket was a celebrity, doctor, lawyer, college president, or politician, it's estimated that 30,000 people or more were turned away from the event without apology.

Greensboro Mayor Yvonne Johnson was one of those unable to make it past the security checkpoint into her section.

"It was something else," she said. "I was a blue ticket holder, and I didn't get in. We were just pure stuck. We weren't moving. I think if they had done a better job of planning that this would not have happened."

Greensboro resident and business owner Barbara Maddox was ecstatic after receiving six purple tickets from U.S. Rep. Howard Coble's, R-N.C., office and four from another source. The proud African-American woman was excited to bring close friends and family members to the Capitol to be eyewitnesses to history in the making.

Although they were staying near Dulles Airport, the group had come to town dutifully Monday to pick up their tickets, and then made a dry run for the next day.

"We knew exactly what we needed to do," Maddox said. "We knew exactly where we needed to come in. We were very familiar with the area."

They had made a plan and a contingency plan in case something went wrong, but they never considered they would be locked out of the event.

Because of the large crowds, Maddox's entourage decided to leave their hotel at 5:15 a.m., earlier than they originally had scheduled. They drove to West Falls Church, where they hopped on the metro without any major delay. They arrived at the Judiciary Stop at 7:20 a.m., relying on the alerts and updates the group was receiving via e-mail.

They arrived at the purple ticket gate with plenty of time to spare. Maddox noticed there was no presence of any sort of officials connected with the event. There was no line, only a "sea of people."

"My expectation was that they had issued a certain number of tickets for a certain number of gates and there would be an orderly line," she said. "There was none of that. There was only a street filled with people with nowhere to go."

Although she wasn't afraid, Maddox was worried about a poten-



Thousands traveled many miles and stood in lines for hours to get only a distant view of the ceremonies. (All photos by Karen Welsh)

tial stampede of anxious people. She also tried to stay focused and alert to her surroundings, in order not to fall and be trampled by the maddening rush. "It didn't take very long for it to become a chore for us just to stay upright and maintain our footing," she said.

With the crowd pushing and jostling, Maddox became separated from most of her group. When 8 a.m. came and went without the mass of people moving forward, she began to wonder what was going on. "We saw another line to another gate start moving, but we never moved," she said. "There was no one there who told us what to do."

By this time, the subfreezing temperatures were affecting Maddox's group. Maddox's niece tried to pull some hand warmers out of her pocket, but the crowd was so tight she couldn't get to them. "That's how congested we were," she said. "We were like Vienna sausages in a can."

Some people were trying to get into the purple gate without tickets, Maddox said. Instead of corralling the offenders and making them wait, officials at the security gate sent them back through the already compacted crowd.

As people suffered physical

problems from standing for hours in the crowd, some called 911. Instead of sending ambulances on the nearby empty boulevard, rescue workers pushed the vehicles through the

crowd, causing further chaos and panic.

"Evidently two or three people went down," Maddox said. "But, the crowd was so thick that I couldn't see. The emergency vehicles came through all the people. I had to brace my feet in just to stand,

it was so tightly compressed."

Ten police officers finally arrived on the scene, but the time for the inauguration drew near, Maddox said. Instead of informing the anxious gathering about what was going on, the police simply locked themselves together and began moving through the crowd toward the security gate.

"They did not talk or communicate with us at all," she said. "There

was no bullhorn to communicate with such a massive crowd. Why didn't they send someone to tell us what was going on? I was extremely ticked."

By 10:20 a.m. the crowd appeared to be making small increments of progress. However, Maddox and the two remaining members of her party realized they didn't have time to get in the

gate. Through cell-phone communication, Maddox learned that a man in the crowd had inappropriately groped her adult daughter.

"She didn't want to make a fuss because of the dangerous situation, but that's when we decided to get out," she said. "We at least wanted to make an attempt to see the inauguration from somewhere."

Maddox locked arms with her husband and niece and finally broke free of the pack, quickly heading away from the area. They tried to find a restaurant or another place to watch the inauguration. After two failed attempts, they found an establishment that allowed them entry in enough time to see Vice President Joe Biden take his oath of office.

When the ceremony was complete, Maddox left downtown with bittersweet memories. "I was glad that I was there," she said. "There was nowhere else I would rather be. I knew there would be variables that could keep us from getting in, but it never occurred to me that the people running the inauguration would keep us from going in. That's what hurts so much. We had guaranteed spaces. We were shut out."

"We've done our crying and everything. Thinking about all the money we spent and the time we spent. We did everything we were supposed to do. We were at the right gate. I was there, but I wasn't on the mall. I was there, but I wasn't there. Now the inaugural committee downplaying the whole thing as a security breach is ridiculous. There should be some restitution."

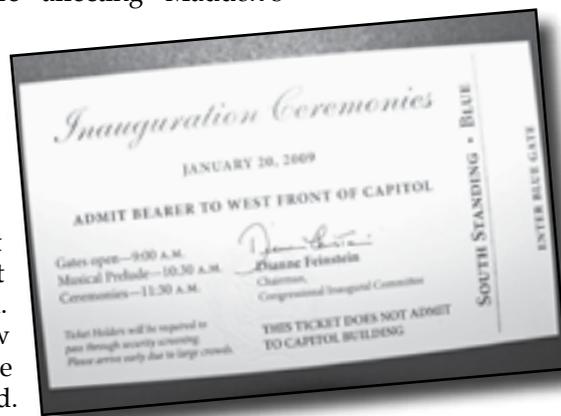
Similar to Maddox, many thwarted ticket holders have written or called their congressional delegates demanding an investigation into the matter.

Thomasville resident Eric Beber, also stuck in the chaos at the purple ticket gate, wrote to Coble of his plight.

"I was one of those purple ticket holders who was turned away, along with my wife and our friends," he wrote in an e-mail. "I, along with about 30,000 other people, felt the disappointment of neither seeing nor hearing the events at the ceremony (not even on the big screen) because of the incompetence of those managing security and entrance. As a constituent, I wanted you to be informed of the mess."

Many members of Congress already have signed a document calling on answers from Sen. Diane Feinstein, D-Calif., Sen. Bob Bennett, R-Utah, and other members of the Joint Congressional Committee on Inaugural Ceremonies. Feinstein and Bennett have apologized and offered a selection of collectible inauguration memorabilia, but most attendees do not think that is enough.

The biggest problems took place around the now-infamous purple gate



# Scholars Debate Constitutionality of the Federal Bailout of States

BY KAREN MCMAHAN  
Contributor

RALEIGH

After the \$700 billion bailout of the financial industry and the \$17.4 billion bailout of domestic automakers, Americans are now being asked to pony up billions more to rescue states that have been fiscally irresponsible. A bailout, many argue, would not force states to re-examine their fiscal policies to prevent future deficits and instead would encourage them to continue to overspend.

With more than 41 states facing budget deficits in the current fiscal year, governors are asking the federal government for \$1 trillion to help them pay for education, infrastructure projects, and a host of social and health-care programs, according to the National Conference of State Legislatures.

Just after taking office, Gov. Beverly Perdue met with lawmakers in Washington, D.C., to lobby for federal stimulus money to cover the state's projected shortfall of \$2 billion or more in its fiscal 2008-09 budget.

In a Jan. 15 press release, Perdue said that she plans to "continue our state's practice of sound fiscal management" and vows to balance the budget as required by state law.

Ironically, in September 2007, the liberal N.C. Justice Center praised the state's final 2007-09 budget, with its new major policy spending initiatives, as being "an affordable and responsible approach to moving North Carolina forward," even though the budget increased state spending by \$1.79 billion, or 9.5 percent over the prior year, in the first year and an additional \$27 million in the second year.

Most of the \$1.8 billion increase was for education, both public schools and higher education, to pay for increased teacher and faculty pay raises and for new and expanded programs that require ongoing spending year after year. The fiscal 2007-08 budget for public education was 10.3 percent more than fiscal 2006-07 actual expenditures.

## From surplus to deficit

The Justice Center said the budget, in contrast to prior years, was "close to being structurally balanced" because recurring expenditures in 2007-08 would "only exceed recurring revenues by \$100 million."

Analysts and some lawmakers, mostly Republicans, warned in 2007 and 2008 that there were serious structural problems in the budget because it overestimated future revenues and spent a nearly \$2 billion surplus from higher revenue growth in 2006-07, a one-time occurrence.

Joseph Coletti, a fiscal policy analyst for the free-market John Locke Foundation, said in June 2008 that "any time you use onetime, or nonrecurring, funds for recurring expenses, you create problems in the next budget."

Apparently, in just a matter of months the state went from having a \$2 billion surplus to a \$2 billion deficit.

As legislators were giving tentative approval to the state's budget in July 2008, Phil Berger, a Rockingham County Republican and Senate minority leader, said that the fiscal 2008-09 budget was much like the "one passed in 2000 that plunged the state into deficit just as Easley took office," as reported in the *News Record* of Greensboro.

The *Daily Tar Heel* at UNC-Chapel Hill said in July 2008 that the state was "rather lucky that as of January it had a \$140 million budget surplus for the fiscal year" that ended in June 2008. The article con-

cluded by saying, "We just hope in the future our state officials continue to keep our — the taxpayers' — finances in good order."

As it turned out, the surplus was merely a projection.

## Not a question of fairness

While some are debating the fairness of citizens in states that have been fiscally responsible being forced to pay for the fiscal irresponsibility of other states, the larger question, according to some legal experts, is whether such a bailout is constitutional.

Nick Dranias, director of the Goldwater Institute's Center for Constitutional Government, said he believes the bailout of states by the federal government would violate the 10th Amendment of the Constitution, known as the enumerated powers doctrine.

The 10th Amendment states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

This same argument, along with others, has been espoused by Robert A. Levy, chairman of the Cato Institute, to say that the \$700 billion Emergency Economic Stabilization Act of 2008 is unconstitutional. Dick Arme, former Republican House majority leader and chairman of the FreedomWorks Foundation, is considering a possible legal challenge to the so-called "Paulson bailout."

"The federal government does not have the constitutional authority to spend taxpayers' money to redistribute wealth from one state and give it to another," Dranias said, as the proposed federal stimulus plan would do because the federal government would be taking possession of a power reserved to the states.

In doing so, the federal government would effectively be "undermining state sovereignty and rendering meaningless the boundaries among the states and between the states and the federal government," Dranias said.

"States lack the power by consent to accept the money or to sanction unconstitutional conduct by the federal government," Dranias said.

If a state creates fiscal policies that lead to a budget deficit, the federal government does not have the authority to take tax dollars of other states to cover the shortfall. Such a bailout would make policy competition among the states impossible, Dranias said.

The framers of our Constitution understood the dangers of unlimited federal power and set up a system of checks and balances to prevent it.

In 1782, Thomas Jefferson wrote that "whenever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no

force."

"If Congress can do whatever in their discretion can be done by money, and will promote the general welfare, the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to particular exception," wrote James Madison in a letter to Edmund Pendleton in January 1792.

Later, in 1825, Jefferson lamented that the federal government had already begun to usurp states' rights and consolidate its own power, saying, "It is too evident that the three ruling branches of [the federal government]

are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves of all functions foreign and domestic."

James Madison in an address to the Virginia Assembly in 1799 said that "in the case of deliberate, palpable, and dangerous exercise of other powers [not granted to the federal government in the Constitution], the states who are parties thereto have the right,

and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them."

## Challenging the bailouts

Presently, there is no precedent for challenging these bailouts, Dranias said, because of the problem of "taxpayer standing," meaning it is hard for individual taxpayers to sue the federal government unless they can prove the spending would be injurious to them personally.

However, a state itself could challenge the constitutionality of the bailout, as could members of Congress. Representatives and senators do have "standing" and have exercised that power in the past to challenge certain laws, such as the McCain-Feingold Act dealing with campaign finance reform, said Dranias.

When asked whether citizens could urge their representatives and senators to mount such a challenge, Dranias said they could indeed, but it would likely not be easy. He said that individuals shouldn't think they can't file a good-faith lawsuit, even if such a suit were ultimately dismissed.

"One problem with conservatives is that they believe so much in abiding by laws, they often forget that unjust laws do exist," said Dranias, "and such laws are meant to be broken, peaceably and nonviolently." He also suggested that those who believe the federal bailout of states would be both an unjust and unconstitutional law could force change much like what happened during the Civil Rights Movement as a result of hundreds of individual lawsuits. CJ



# Legislators Ponder Taxing Computer Downloads to Raise Revenue

By MITCH KOKAI  
Associate Editor

RALEIGH

Some N.C. legislators want to take a closer look at taxing songs, movies, books, and games downloaded on computers. A study committee took the first steps toward a new tax in the weeks leading up to this year's legislative session.

"I just think in terms of our retail merchants and folks with bricks and mortar [stores], they're being burdened in a way that other retailers are not because of the way the world has changed," said Rep. Jennifer Weiss, D-Wake, during the meeting of the General Assembly's Revenue Laws Study Committee on Jan. 7. "We are facing an ever-shrinking tax base, and we need to kind of get with the 21st century."

Weiss is not alone. "If neutrality is a goal of tax policy, this certainly isn't neutral," said Sen. Dan Clodfelter, D-Mecklenburg.

Those comments followed a committee presentation, "Taxation for the Digital Age." Trina Griffin of the legislature's Research Division explained how the growth of digital technology has affected the state's sales tax base.

"The takeaway from the presentation is really the stunning statistics about the growth of the digital media industry and the concurrent decline in the sales of physical media in just a few short years," Griffin told lawmakers. "This committee, or even the General Assembly as a whole, may want to look at whether it thinks digital media should be treated differently than its physical counterparts — especially as the sales of those tangible counterparts shrink more and more each year, to the point where some analysts are predicting that virtually all music and mov-



ies will be digital in the near future."

Growth in digital media sales has created a disparity in the sales tax's application, Griffin said. "What we see now as this technology takes hold is that essentially equivalent items are being taxed differently depending on the method of delivery or their format," she said. "If I go to the movie theater, or I buy a DVD in a store, or I order a DVD online and have it mailed to me, or I rent a DVD at Blockbuster or get it in the mail from Netflix, or I watch a pay-per-view movie on cable, all of those things are taxed. But if I download a movie or stream it — and keep in mind I can download that movie and burn it onto a DVD — it's not taxed."

"Music [purchased] in-store [or] online, or even the satellite radio in my car would be subject to tax," she said. "But if I download a song on

iTunes ... or download a ringtone, those are also items that are not taxed."

Other digital items that face no tax include downloaded books, games, and software; online or subscription gaming; and online subscriptions for "information services." These items are different from other taxable goods people order through the Internet, Griffin said.

"If I buy a sweater from L.L. Bean and have it shipped to me, that item is subject to tax," she said. "But with digital downloads, they are not in the tax base at all. They're simply not subject to tax because they don't fall within our definition of tangible personal property, which is ... the core principle of our sales tax statute."

In effect since 1933, North Carolina's sales tax applies only to "tangible personal property," Griffin said. Such property is defined as "personal property that may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses," she said.

More consumers are buying their music, movies, books, and other entertainment in formats that don't fit that definition, Griffin said. "There's no greater example of this transformation than in the music industry," she said. "The statistics are pretty staggering, I think. Digital mu-

sic sales [have] really emerged as the growth sector, at least at present, with regard to digital downloads. Overall, digital downloads accounted for 30 percent of all music revenues last year, and that's expected to grow to 41 percent by 2013. That's the first year, it is thought, that [digital downloads] will exceed the sale of actual CDs."

States are starting to react to the changing market, Griffin said. "The media has cleverly referred to the trend of taxing digital downloads as the iTax," she said. "Seventeen states and the District of Columbia currently tax digital downloads in some form or another. Five of these measures were passed last year, and there were two unsuccessful attempts: one in Wisconsin and one in California."

An initial fiscal estimate shows North Carolina could collect an additional \$3.7 million from an iTax here, Griffin said. That tax would cover about \$80 million in downloads.

Clodfelter asked legislative staff to "work up some options for us to look at" one day before the new legislative session. The analysis was to include potential revenue to be gained from an expanded tax, along with a list of "who would be affected by this and who would not be affected," he said.

At least one legislator raised the issue of scaring away industry with a new tax. "If we do that, I know that some of these issues that Trina has brought up involve things like open-source software, involve things like the gaming industry, and some other things that we are working hard ... to develop and promote," said Rep. Pryor Gibson, D-Anson. "I want to make sure that if we do go off someplace, that it's one of the usual [legislative] finance groups that everybody's involved [with] so we don't scare anybody to death. ... We're getting ready to go into session. I certainly don't want to do some-

thing that not everybody's aware of." Any ideas from the Revenue Laws Study Committee would need support from the full General Assembly to become law. Lawmakers returned to work Jan. 28. CJ

An initial fiscal estimate shows that North Carolina could collect an additional \$3.7 million from an iTax, a sales tax on goods bought online, and that the tax would cover about \$80 million in downloaded material

## Visit our Triad regional page

<http://triad.johnlocke.org>



The John Locke Foundation has five regional Web sites spanning the state from the mountains to the sea.

The Triad regional page includes news, policy reports and research of interest to people in the Greensboro, Winston-Salem, High Point area.

It also features the blog Piedmont Publius, featuring commentary on issues confronting Triad residents.

## N.C. Briefs

## Taxpayer-funded elections

North Carolina should repeal its system of taxpayer-financed elections, since a 2008 U.S. Supreme Court ruling makes it clear the system is unconstitutional, according to a John Locke Foundation Spotlight report.

"As Gov. Beverly Perdue pursues a new endowment fund for taxpayer funding of gubernatorial campaigns, she should be aware that North Carolina's existing taxpayer-financed election systems face serious constitutional problems," said report author Daren Bakst, JLF Legal and Regulatory Policy Analyst.

Rather than set up another taxpayer-financing scheme, lawmakers should scrap their current systems, Bakst said.

"Legislators should not sit idly by and let North Carolinians' First Amendment rights be trampled until a court 'officially' declares this taxpayer financing system to be unconstitutional," he said. "Taxpayer-financed elections should be repealed immediately. At a minimum, there should be a moratorium on taxpayer financing systems until a final legal decision is made on a key element of taxpayer financing called 'matching funds.'"

## Wilson cable service

Wilson's \$28 million Greenlight fiber-optic cable system could be obsolete before it's complete, sticking taxpayers and electric utility customers with the bill for the city's investment. That's the conclusion of a new John Locke Foundation Regional Brief.

"By investing millions of dollars in this telecommunications project, Wilson city officials are irresponsibly risking taxpayer money," said report co-author Dr. Michael Sanera, JLF Research Director and Local Government Analyst.

"The city should have stuck to managing its essential services, but since it is fully invested, all Wilson residents can do now is hope Greenlight can avoid the pitfalls of other city-owned fiber-optic systems across the country."

Greenlight offers Internet, phone, and television service. Taxpayers and electric customers bear the ultimate responsibility for Greenlight's costs, even though they would be least likely to benefit from the service, Sanera said.

"City officials admitted from the start that the fiber-optic cable system was tied to the buzz words 'economic development,'" he said. "In other words, the city is treating Greenlight as another form of corporate welfare to attract new business." CJ

Pro-Lifers Mark Anniversary of *Roe v. Wade*

## More than 1,000 activists march in Raleigh event

By DAVID N. BASS  
Associate Editor

RALEIGH  
Pro-life activists gathered in downtown Raleigh recently to mark the 36th anniversary of the Supreme Court decision that found a constitutional right to abortion.

The rally was conducted Jan. 17, three days before Barack Obama, a supporter of abortion access, was inaugurated in Washington, D.C.

"The Obama presidency threatens to cause a delay in [our] quest, but pro-lifers like you don't give up, and we will succeed in this," Wanda Franz, president of the National Right to Life Committee, told more than 1,000 pro-lifers who braved below-freezing temperatures to rally in Nash Square.

Speakers criticized Obama's voting record and policy goals on abortion, particularly his support for the federal Freedom of Choice Act. The bill, which never has been voted out of committee, would overturn all state-level restrictions on abortion.

"The purpose of this terrible piece of proposed legislation is to undo all pro-life laws anywhere in our country, including any that have been passed in your states," Franz said. "In President-elect Obama, our opponents have found their champion."

Economic issues trumped other domestic concerns during the 2008 election cycle, polls showed. But a survey commissioned by the NRLC found that 25 percent of those who based their



Abortion opponents gathered in Raleigh on Jan. 17 to protest President-elect Barack Obama's voting record and policy goals on the abortion issue. (CJ photo by David N. Bass)

vote on the abortion issue identified as pro-life, compared with 9 percent who identified as pro-choice.

Franz pointed out the movement's legislative gains since the *Roe v. Wade* decision in 1973, including the federal ban on partial-birth abortion and state-level parental consent laws.

"The most likely explanation for the decline of the abortion rate lies in the work of the right-to-life movement and women's own re-evaluation of abortion," she said. "The abortion rate started to decline after

the pro-life movement organized itself and gained critical mass in 1980."

Pro-life students from area universities also attended. One of them, Ashley Tyndall, a graduate student at UNC-Chapel Hill and president of

Students for Life America, said abortion proponents are targeting young people in disproportionate numbers.

"It's time for people my age to stand up and demand better for ourselves," she said. "Demand

better for our friends, our family, our peers. We're not too young, we're not too cool, we're not too busy to do work in this movement."

While many observers expect abortion restrictions to be rescinded under an Obama administration, some pro-lifers also foresee a tough battle at the state level. "The General Assembly has not been very favorable to our legislation over the last couple of sessions, not since 1997 when we were able to get something through one of the legislative bodies," said Barbara Holt, president of North Carolina Right to Life.

The General Assembly's power structure remained mostly unchanged after the 2008 election. Democrats hold a 68-52 seat majority in the House and a 30-20 seat majority in the Senate.

"We're going to be watching for legislation that the other side might want to put forward that would expand abortion in North Carolina," Holt said. "We're going to try to pass some legislation, but keep an eye out for bills that would make things worse for unborn children." CJ

Pro-lifers plan to monitor legislature to have warning for pro-abortion bills



The pro-life protesters said they feel that in Barack Obama pro-abortion activists have found a champion who will push their agenda with more vigor. (CJ photo by David N. Bass.)

# 'Stealth' Congressional Pay Raises: Are They Pay for Performance?

BY KAREN McMAHAN  
Contributor

RALEIGH

Every Jan. 1 Congress receives an automatic pay increase unless members vote to block it. That rarely happens.

Because of a procedural rule that enables Congress to accept the pay raise without having a straight up-or-down vote, critics call it a stealth pay raise. Such a move has an added benefit for lawmakers: They can avoid going on the record.

Jeff Jacoby, writing for *The Boston Globe*, said the rule violates the 27th Amendment, which "limits the power of Congress to change its salary by preventing any pay raise from taking effect until the voters have had their say. Members of the House and Senate are free to alter the next Congress' salary, but they are prevented from enlarging their own."

Despite having the lowest approval ratings in Gallup Poll history — 14 percent in July — lawmakers recently gave themselves a \$4,700 raise, a 2.8 percent increase over last year's pay. The raise brought the salary for most members of Congress in 2009 to \$174,000.

The top six leaders of Congress earn even more. The speaker of the House earns \$223,500, while the majority and minority leaders of both chambers and the Senate president pro tempore each earn \$193,400.

In nine of the last 10 years, Congress has given itself a raise, totaling more than \$30,000. During the same time period, the median income of U.S. families has risen by just \$11,000.

Congress' approval rating has dipped below 20 percent for only six times in Gallup's 34-year history of measuring it. Including this latest reading, four of those readings occurred in 2007 and 2008.

As the recession deepens, more Americans are finding themselves out of work, being forced to work fewer hours, or having to accept cuts in pay and benefits.

Tom Schantz, president of Citizens Against Government Waste, a nonprofit taxpayer watchdog group, said in a recent press release, "Congress should be mortified to accept a raise. They failed to pass most of their appropriations bills, the deficit is on pace to reach an unprecedented \$1 tril-

lion, and the national debt stands at \$10 trillion."

## Lack of transparency

Many lawmakers have been demanding increased corporate transparency and accountability in light of the international financial meltdown, complaining that more regulatory oversight is needed to prevent future problems and to protect taxpayer dollars.

Some economists and analysts blame the financial crisis on Congress for failing to carry out its regulatory oversight responsibilities, for massive overspending, and for creating laws that led to the mortgage credit crisis by requiring mortgage originators, such as Countrywide Financial, Fannie Mae, and Freddie Mac, to lend to high-risk borrowers.

While much of the debate has centered on companies taking federal bailout dollars, Rep. Barney Frank, D-Mass., chairman of the House Financial

Services panel, has sought legislation to force all publicly traded companies to restrict "excessive CEO compensation" and to require new compensation disclosures for a company's principal executive officers. The legislation would include short- and long-term performance measures used for determining officers' compensation and whether these measures were met.

Even as some lawmakers have

criticized corporate ethics and accused executives and board directors of having conflicts of interest that potentially harm their stockholders, Congress has had its own share of ethical scandals, conflicts of interest, and financial misdeeds.

In October, the Justice Department began investigating possible public corruption charges involving special mortgage deals that Sen. Christopher Dodd, D-Conn., and Sen. Kent Conrad, D-N.D., might have received from former Countrywide Financial employees.

The Associated Press reported recently that the House Ethics Committee was expanding its investigation of Rep. Charles Rangel, D-N.Y., chairman of the House Ways and Means Committee — which writes tax laws — to determine whether he protected an oil drilling company from paying a large tax bill after the company's CEO gave \$1 million to a college center named



after the congressman. Rangel already was being investigated for allegedly failing to pay taxes on \$75,000 in income from a rental property in the Dominican Republic.

Sen. Ted Stevens, R-Alaska, was convicted in October on seven felony counts of violating federal ethics laws for failing to report more than \$250,000 in improper gifts he received over a seven-year period.

Dodd, chairman of the Senate Banking Committee, has received more than any other lawmaker from Fannie and Freddie's PACs and employees. The contributions total \$133,900 since 1989. Other top recipients include Sen. John Kerry, D-Mass., Conrad, and Sen. Robert Bennett, R-Utah.

Financial firms also have been among the largest contributors to Barack Obama's presidential campaign and to his inauguration fund.

Employees of Citibank, which received \$45 billion in bailout money and is asking for billions more from the TARP funds, has given \$113,000 to Obama's inauguration, the largest donation to the fund thus far.

Goldman Sachs employees have donated \$44,500 to the inauguration fund, and they were the second-largest contributor — \$884,907 — to Obama's campaign. Citigroup employees gave \$586,866 to Obama's campaign, the seventh-largest contributor, and Morgan Stanley employees gave \$425,502 to Obama's campaign.

## Fighting the pay raise

A few lawmakers have fought automatic pay raises consistently. Among them is Rep. Jim Matheson, D-Utah, who, according a recent *Deseret News* article, has tried vainly every year since he was first elected to Congress in 2000 to force a straight up-or-down vote. With the economic downturn, Matheson predicted lawmakers in the new 111th Congress might be more interested in forcing the issue to a vote.

Early in 2009, three bills were introduced in the House and one in the Senate to deal with this issue. All members of the N.C. delegation were contacted. Of those who responded, most added they would likely support any bill to stop pay raises, should one come up for a vote.

The first bill, H.R. 156, would prevent members of Congress from receiving any automatic pay adjustment in 2010. N.C. delegation cosponsors are Reps. Walter Jones, R-3rd, Howard Coble, R-6th; Sue Myrick, R-9th; Larry Kissell, D-8th; and Heath Shuler, D-11th. Rep. David Price, D-4th, plans to cosponsor the bill, according to his spokesperson, who added the decision was made prior to being contacted about his position on this issue.

Rep. Virginia Foxx, R-5th, is a cosponsor of H.R. 346, which would repeal the law that provides automatic pay adjustments for members of Congress.

Coble is also a cosponsor of H.R. 201, which would prevent automatic pay raises for members of Congress in the year following a fiscal year in which there was a federal budget deficit.

S.B. 102 would repeal the law that provides automatic pay adjustments for members of Congress. Deputy Press Secretary David Ward said Sen. Richard Burr, R-N.C., has voted against automatic pay increases in the past and would do so again. Colleen Flanagan, a spokesperson for Sen. Kay Hagan, D-N.C., said Hagan is opposed to any automatic pay adjustments, given these economic times.

## E-mail barriers

In a disturbing trend, many lawmakers have switched to a zip code verification mechanism on their Web site to prevent Americans from contacting them via e-mail unless the individual is in that member's district.

Because most lawmakers sit on as many as three to four committees that make decisions affecting all Americans, analysts are concerned the move discourages Americans from easily voicing either praise or protest.

One spokesperson, who declined to be identified, said legislators are doing this because of the large volume of mail and added that citizens can always call. However, many people work during the day and either don't have time or are fearful of using a work phone to call legislators.

Six of North Carolina's representatives and both senators can be contacted via e-mail. Those who can be e-mailed only by constituents in their districts are Reps. Etheridge, D-2nd; Kissell; Myrick; McHenry; Shuler; and Rep. Brad Miller, D-13th.

For more details on the Congressional pay raises, go to [www.legistorm.com](http://www.legistorm.com). CJ

# Munger: A Third Political Party in the Mix Improves Electoral Choices

BY CJ STAFF

RALEIGH

North Carolina voters faced more than just the familiar choices of Democrat and Republican in the state's major 2008 elections. Thanks to a change in the state's ballot access law and the electoral performance of gubernatorial candidate Michael Munger, voters will continue to see a Libertarian Party option on the North Carolina ballot in the future. Munger, a Duke University political scientist, recently discussed third-party politics 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:** First of all, let's explain to people why it is that your performance — more than 2 percent, close to 3 percent of the vote in the gubernatorial race in 2008 — will mean that Libertarians will get to keep a spot on the ballot.

**Munger:** The North Carolina General Assembly changed the law in August 2006 from 10 percent [of the vote in a given election] for a party to stay on the ballot down to 2 percent, and it's only [the elections] for president or governor. So it's a very restrictive standard. Even now it's four times as big as in other states, where the average is one-half of 1 percent.

But still, 2 percent is something more manageable. So we really had to fight for that 2 percent. I had hoped for rather more. I got more votes than any Libertarian candidate ever had — more than 120,000. The problem was that there were so many voters, so many first-time voters, people who voted straight party ticket, that it was only 2.9 percent [of the total], but it was enough. What that means is that for the next four years, there will be a Libertarian Party alternative on the ballot, 2010 and 2012.

**Kokai:** Why is it so important for people to have all these options, not just Democrat and Republican?

**Munger:** I think it's important to note that voters get to decide whether it's really important, but 18,000 people voted straight Libertarian Party ticket, and 120,000 voted for me. We had 130,000 [votes] — nearly 140,000 — for our Senate and lieutenant governor candidates. I think a lot of people are looking for some kind of choice.

There is a lot of political science literature, Mitch, that shows having even a relatively weak third party ... you have somebody out there to raise other questions and to say, what about this issue?

That makes a big difference in the quality of the choices that you get from the two big parties, so having me, I'm hoping, will make the two parties more honest.

**Kokai:** We mentioned at the outset that your day job is being professor at Duke University ...

**Munger:** And Wednesday morning I was glad to have that. Being a tenured professor at Duke is not a bad gig.

**Kokai:** ... in political science, economics, and public policy. Putting on that [professor's] hat, how does having these alternate voices — whether it's Libertarians or Greens or any other third party — improve the level of public policy?

**Munger:** There is research in political science that having a third party at all that gets 3 or 4 percent



Duke political scientist and 2008 Libertarian gubernatorial candidate Michael Munger. (CJ photo)

has two big effects. First, it reduces corruption. It means there are fewer arrests and less public money is misspent if you just compare across states. The other one is that the state-sponsored parties themselves are more responsive. They don't just go to the median, the middle distribution of voters, and then auction off policy. And that's what we've seen in North Carolina. We have what's called the "pay-to-play" system, where there is an actual auctioning of public policy. Having a third party may help prevent that.

**Kokai:** Going through your campaign, what were some of the other obstacles that you ran into that North Carolina's system should not set out in front of a potential candidate?

**Munger:** Well, I think we should not decertify parties in the sense that we throw people out of registrations. We had 13,000 registered Libertarians in 2006, and the state changed all of them against their will to unaffiliated. Then when we got on the ballot again, none of those people were contacted and told that Libertarian was an option. I don't really think that it's a violation of my rights to say that I don't get to run for office. It's a violation of voters' rights because they don't get to vote for the party of their choice. I actually think that's unconstitutional. North Carolina's laws are way too restrictive.

We also encountered over and over again the difficulties just of registration — the forms. If you see MoveOn.org, or if you go to one of your counties and ask for a registration form, until the last couple weeks [of the 2008 campaign], Libertarian was not an option, even though we'd been qualified since May.

So why is it that the state goes so far out of its way not to have even the common courtesy of inclusion of your name? The thing that we're working on right now is the income tax, Mitch. I don't know if most people know this, but on the income tax you have options where you can donate money to party campaigns. You can donate to the Democrats or to the Republicans, and the third option is "Other." And if you donate to other it gets split between the Democrats and Republicans. The Libertarians don't get any. So we're trying to sue about that, and the

state attorney general's office I think basically agrees that the question is, how can they get it changed? That is, are they going to make a recommendation to the governor that the way that's set up is changed?

As it stands, you're not allowed to make a voluntary contribution to the Libertarian Party even though we have ballot-access status equal to the Democrats or Republicans.

**Kokai:** Now that the party has ballot-access status, how does it change preparations for the elections coming up in 2010, and especially when the governor's office is back up for grabs in 2012?

**Munger:** There are two things. First, we don't have to get the darn signatures. We don't have to spend a quarter-million dollars dissipating all of our time and resources just to get the signatures. So we'll have more money, more time. And the second thing is, I'm going to travel around the state, and I think a lot of the other Libertarian statewide candidates are going to travel around this state and work on organizing counties. We want to have at least the 20 largest counties to be well-organized in the sense that they have meetings, they have a large number of registered Libertarians, and we get the message out to say, "This is a real alternative." To do that, you have to work at the grass-roots level.

**Kokai:** Remind us what it is that Libertarians believe in and what they would bring to the table for most North Carolinians.

**Munger:** Most people think of Libertarians as being socially very liberal and economically very conservative. I would say that the Libertarians are consistent. We want people to take personal responsibility for their own lives, but we also want people

to be able to realize all the fruits of their own labors and not have it be taken away, or as Barack Obama said, "Spread around." The real thing, the simplest description of what Libertarians want, is a government small enough to fit inside the Constitution. There are many things that government does that are outside of its constitutional scope. Let's refocus, let's cut spending by making government do only those things it's supposed to do, and then let's try to make it do

**Munger:**  
Demand  
government do  
only what it  
is supposed  
to do

it well.

**Kokai:** Do you think now that you will see a growth and support over the years?

**Munger:** A lot of people say, "I'd like to vote for you, but I don't want to waste my vote." The question is, are they going to continue to be satisfied with two really inadequate choices? Having a third choice isn't going to matter unless enough people exercise it and say, "I'm going to step outside the box. I'm going to vote for someone who's a little bit different because I'm not satisfied with the other choices." So that's really up to the voters. I'm going to try to put that message out there. If the voters will help support the Libertarians, if the voters will say, "I'm not satisfied with the choices." ... Political scientists call this "voting the LOTE" — the lesser of two evils. If you always vote the lesser of two evils, it means you're voting your fears and not your dreams. If you always vote your fears, your fears are going to come true, and that's the kind of the government we've got now.

CJ

# Roger Bacon Academy Eschews Fads, Leads Way With Basics

BY HAL YOUNG  
Contributor

A rural school named for a 13th-century cleric is one of the largest charter schools in North Carolina.

Despite low funding and an economically disadvantaged demographic, the school's test scores run above state and local averages, drawing interest from education leaders in other states.

The founder, though, says the school's success is simply a matter of observing what works and scrupulously pursuing it.

Charter Day School in Leland teaches grades K-8; a sister campus, Columbus Day School in Whiteville, offers K-4. The two enroll more than 1,000 students under the aegis of Roger Bacon Academy, which was founded by Baker Mitchell in 2000.

Mitchell is a retired engineer who began teaching when he sold the company he founded. Astonished to find his children had written off science in the fourth grade as insufferably dull, he began watching what made the difference between effective and ineffective teaching. What he learned, he said, was that successful teachers and schools systematically observed the effects of their teaching and adapted their methods to how their students really learned.

"Others were adopting fads willy-nilly, whatever the latest idea was, and they were invariably not successful. It occurred to me that education is no different than medicine or engineering — we need to pay attention to data," Mitchell said.

The school was named in honor of the Franciscan monk who pioneered the modern scientific method, for that reason. "He wasn't a big hero, he was not particularly brilliant, but he was excruciatingly honest in the quest for trustworthy knowledge. We always want to keep that in front of us," Mitchell said.

Roger Bacon Academy uses the Direct Instruction method, a systematic presentation of "rules, tools, and techniques" rather than the facilitated discovery model popular in the state's teacher colleges.

"You can take any content, the classical trivium or something nouveau, as long as it's nested in a behaviorally sound approach to instructional design," Mitchell said. "Look at the

end goal task, break it up into components, teach each subskill to mastery." Military and industrial training follows this design, "but here, no, no, we take a kindergartner, immerse him in books and expect him to learn how to read."

Mitchell said his schools typically hire teachers straight out of college, "before they form bad habits," and put them through extensive training before they start teaching. At one time, RBA's faculty averaged less than three years experience in the classroom.

Megan Britt, a kindergarten teacher at Charter Day School, was hired a month after she graduated from UNC-Wilmington. She said the intensive phonics program at CDS is more effective than what she

learned in college and student teaching, which emphasized "whole language" theory.

"A lot of people have a problem with the high expectations for the teachers," she said. "You have to do what you're supposed to, and if you don't, you get

called on it — which is good."

Robert Wingett, a retired Marine who teaches second grade, said the scripted program actually demands creative teaching rather than squelching it.

"There is a misconception about Direct Instruction, that it is robotic," he said. "I can assure you it is not." There are specific skills that are taught in a particular sequence, he said, but "you can add to the script all you want. You can develop your own style. The bottom line is to make the kids successful."

Nila Wojton, who teaches fifth grade, is a 32-year veteran who came to RBA from a Catholic school in Connecticut. She said the accommodation for special-needs students is "no different than what I was used to" in other school systems. The technique, while demanding of the teacher, is "effective — absolutely," she said.

"You are responsible for bringing them to mastery," she said.

RBA's philosophy is that every child can learn if properly taught. State records say it's working. Compared to other Brunswick County elementary and middle schools, Charter Day School had 17 percent more students on or above grade level for reading, 29 percent more in math, and 23 percent more succeeding in both subjects. Many RBA students are going into Early College programs next. This occurred while receiving 30 percent less in funding than surrounding schools, Mitchell said. CJ



## COMMENTARY

### Just Close Bad Schools

According to the editors of *The News & Observer* of Raleigh, "If too many kids aren't making the grade, neither are the [public charter] schools of which they're a part, and no one is doing those students a favor to try to keep an underperforming school open." They are right. But we are not doing students a favor by keeping underperforming district schools open, either. It is time for the state to close underperforming public schools — charter and district alike.

The *N&O* editorial was written in response to news that the state Office of Charter Schools recommended closing three low-performing charter schools — PreEminent and Torchlight Academy charter schools in Wake County and Provisions Academy charter school in Lee County. The evidence suggests that there are good reasons for the state to close these charter schools. All three appeared to have poor or unstable leadership and failed to provide instruction that met the needs of their students. According to Department of Public Instruction audits and investigations, two of the three schools experienced administrative and fiscal mismanagement.

While closure is a constant threat to public charter schools, even the worst traditional public schools do not face the prospect of closure. It might not be feasible to close traditional public schools permanently. Nevertheless, the state could follow the Louisiana model and allow chronically low-performing district schools to reopen under the management of KIPP, Edison, or another private or charter entity that has a proven record of raising student achievement.

In 2003, the Louisiana legislature passed a law that gives the state authority to take over "academically unacceptable" district schools for at least five years. For this to occur, schools have had to "fail" under the school and district accountability program for four or more school years. The state solicits applications from char-

ter school or independent public school operators, and chooses an operator that will best address the needs of the student population at the failed school. The converted school is subject to school and district accountability standards and oversight by the Louisiana State Board of Elementary and Secondary Education. By most measures, the program has been a success.

A number of district schools in North Carolina have long histories of poor leadership, low-quality instruction, and deplorable student performance. Over the last

six years, at least 40 N.C. high schools have not passed at least 60 percent of their students on state exams. For example, since 2000, half of all students at high schools in Halifax, Northampton, and Hertford counties did not pass state standardized tests. A mere one-third of students at one high school in Durham passed state tests last year. One Guilford

County high school has had a 21 percent drop in average test scores over the last six years.

State law permits local boards of education to close district schools, although the process is much more extensive than the one required for charter schools. The State Board of Education can choose to terminate or not renew a charter if a school fails to meet at least one of six educational, fiscal, or legal standards outlined in state law. The closure process for district schools requires the school board to conduct a thorough study of affected students' welfare and conduct a public hearing. The latter process also should be required of the State Board of Education when it proposes closing a charter school.

Closure is one of many accountability tools, and while never pleasant, it is occasionally necessary. As such, the state should hold all public schools — district and charter — to equal accountability standards. CJ



**TERRY STOOPS**

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

## School Reform Notes

## NEA fights drug tests

Robbinsville High School is one of the few places in the country where teachers have been ordered to submit to random tests for drugs and alcohol, the Asheville *Citizen-Times* reports.

Teachers in the school district are divided over the policy, which would test all employees and which remains on hold awaiting a state appeals court's decision.

Several other school districts with random drug testing policies also are in rural Appalachia. At least four in eastern Kentucky have such policies, with the blessing of a 2004 ruling from the region's U.S. District Court.

But they're among the "very, very few" that randomly test teachers, American Civil Liberties Union staff lawyer Adam Wolf said.

Another federal district court in southern West Virginia stopped a similar policy three days before its Jan. 1 start in Kanawha County. The idea is also on hold in Hawaii's statewide school district, awaiting a state board's ruling.

A lawsuit by the N.C. Association of Educators kept random tests from starting in summer 2007. Though a judge upheld the policy, the association appealed. The state Court of Appeals heard arguments in December.

## Limit on ABC stores

ABC stores could find new restrictions on where they open, if one local legislator has anything to say about it. State Sen. Katie Dorsett said she would introduce a bill this year to restrict ABC stores from opening within 1,000 feet of schools, the *News & Record* of Greensboro reports.

The issue came up at a luncheon of the Guilford County Board of Education on Jan. 12 that was used to lobby state and federal legislators for more money and changes to some programs.

Late last year, the Greensboro ABC board considered building a store near the SCALE alternative school on Pisgah Church Road. The school board voted to oppose the store, and the ABC board eventually dropped the idea. School board members want to see that it doesn't come up again.

Dorsett said she would need to hear more about a similar issue involving the placement of new prisons and jails. *CJ*

## General Assembly

## Educational Spending to Take a Hit in Session

By JIM STEGALL  
Contributor

Years of robust growth in education spending will come to an end this spring as the General Assembly grapples with a projected \$2 billion revenue shortfall.

With little or no new money to spend, teachers, administrators, and special-interest groups are being forced to rethink their priorities. There will be hard fighting over scarce resources, and by the time it's over, some sacred cows might find themselves in the slaughterhouse.

Gov. Beverly Perdue has already ordered education agencies to trim expenditures in the current fiscal year by 2 percent, a smaller hit than that ordered for other agencies. As of late January, her budget proposal for the coming fiscal year was still being drafted, and House and Senate legislative leaders would not speculate on whether total spending on education would hold steady in 2009-10, go up slightly, or actually decline.

That hasn't stopped lawmakers and lobbyists from crafting their own spending proposals. The State Board of Education submitted its wish list for new spending in December, but State Superintendent of Public Instruction June Atkinson acknowledges there's little hope the board will get much of what it wants.

Her top priority for the upcoming session is a modest \$4.7 million proposal for overhauling the state's accountability program. In an interview in January she called the current program "confusing to parents and teachers" and outlined a more user-friendly system that would give parents feedback on their children's progress based on grade levels, rather than the four achievement levels currently in use.

Interest groups are also readying their agendas. The N.C. Association of Educators, the state's largest teachers union, will continue to lobby for a pay increase despite the revenue shortfall. House Education Appropriations Committee Chairman Doug Yongue, D-Scotland, said that he, like many members, is committed to raising teacher pay to the national average, but calls the outlook for progress this year "very bleak."

"There are so many things we want to do," he said, but with so many competing priorities "it's hard to say which ones will ultimately win out."

Complicating the picture for teachers, the state employees health plan was \$300 million in debt at the end of December. The plan is on pace to finish the fiscal year more than \$700 million in the red. Legislators will have



Gov. Beverly Perdue already has asked for a 2 percent cut in educational spending for this fiscal year. (CJ photo by Don Carrington)

to address that shortfall immediately upon returning to work.

After years of increases in pay, teachers might wind up with less in their pockets after accounting for possible increases in premiums, copays, or prescription drugs, all of which have been suggested as cures for the health plan's woes. The NCAE has vowed to fight any increases in premiums or reductions in services.

The N.C. School Boards Association has a couple of agenda items on the table as well. The association for several years has been sounding out legislators about the possibility of granting independent taxing authority to local school boards, instead of having the school boards request funding from their county commissioners.

In addition, the association would like to see school boards exempted from paying state sales tax, or at least being allowed to apply for a refund, as most other local governmental agencies are now able to do.

At the meeting of the Joint Legislative Education Oversight Committee on Jan. 14, lawmakers approved a modest agenda of items with little new spending. One new item that is sure to get some attention this year is a request for \$20 million to help school cafeterias meet tougher new nutrition standards. School cafeterias receive some state funding, but they must sell popular, high-calorie foods such as pizza and french fries to generate enough income to stay in business. The new standards will require them to shift to a healthier,

but less-profitable menu.

Some established programs might be on the chopping block. With Mike Easley no longer in office, some of his signature education programs, especially More at Four and literacy coaches, could be targeted for cuts. Some legislators have already suggested combining More at Four with Smart Start to save money, and Easley's planned expansion of literacy coaches from 200 to 300 might be put on hold. As of mid-January, key legislators were waiting to see how hard Perdue plans to push for the programs before commenting on their fate.

Lack of money will not stop some lawmakers from trying to leave their mark on education policy in other ways. Rep. Rick Glazier, D-Cumberland, again will rally support for his controversial bill on school bullying. The bill, which lists categories of children that would be protected specifically from bullying or harassing behavior, engendered a spirited debate in the last two sessions of the Assembly.

Proponents of raising the compulsory attendance age to 18 also have vowed to press forward.

Charter school proponents probably will file bills to raise or remove the cap on the number of charter schools in the state, and those bills likely will be ignored by the Democratic majority.

A few policy bills actually might make it into law. One, which allows retired teachers to return to work without a loss of retirement pay, most likely will be extended another two years.

If the states are successful in wrangling construction money out of the federal government's proposed fiscal stimulus package, there is a good chance that some of the funds could go to school construction. Commenting on the impact that the stimulus bill could have in North Carolina, Yongue said, "Governor Perdue and President Obama have so many things they want to do, but the difference is Obama can print money."

Predicting what the Assembly might do in a given session is always risky — the fiscal situation could change, new problems demanding immediate attention could arise, and scandals could empower some and dethrone others.

"Anything I say now is subject to change due to fiscal or political developments," Yongue said. *CJ*

Other legislative issues include bullying, charter schools, and retirement pay

# CMS's PU Expands Schools' Mission to Include Teaching Parents

More than 12,000 signed up for classes last semester

By COLLEEN CALVANI  
Contributor

CHARLOTTE

If buying a car, understanding your child's text speak, or identifying predatory lending practices are not your strong points, the Charlotte-Mecklenburg school system has some news for you: Class is in session.

In its second semester, Parent University is CMS's effort to educate parents about kid and grownup issues alike. The classes concentrate on four aspects of parenting: parenting awareness, helping children learn, health and wellness, and personal growth and development.

Parent University grew out of CMS Superintendent Peter Gorman's strategic plan for 2010. Gorman wanted to increase parental involvement in their kids' lives, and so began CMS expansion of providing relevant and useful lectures to some decidedly non-traditional students.

Jerri Haigler, executive director for Parent University and family and community services at CMS, explained that the administrators searched the country for an analogous experiment. The closest they found in scope and structure was in Miami-Dade County, Fla., where Parent Academy has been in existence for nearly five years.

A group of administrators and community members worked on getting Parent University off the ground,



The goal of Charlotte-Mecklenburg's Parent University, say officials, is to increase parental involvement in their children's lives. (CJ photo illustration)

taking the ground work from the Parent Academy and applying it to the needs and interests of CMS principals, teachers, and parents.

"Part of the success of this program has been the collaborative effort," Haigler said. There are advisory, curriculum review and community relations committees, and various community groups, such as the library, local hospitals, and police department, have jumped in to offer instructors, money, or classrooms.

Funded by grants from the Wachovia Foundation (\$200,000) and The Belk Foundation (\$100,000), Parent University's first run kicked off in September and ran through November. A whopping 12,000 parents signed up for the free classes last semester.

"We are very, very excited about the momentum that's gaining," Haigler said. PU doubled the number of classes it offered this semester. The 64 options range from child-focused classes such as "Transitioning from elementary to middle school," "Preparing for the end-

of-course tests" and "Teen driving safety," to cultural awareness courses, such as "Hip hop/pop culture — a bridge for connecting with urban youth," to personal development classes, such as "Car buying for busy people," "Identity theft and Internet safety," and even "Careers in the healthcare field."

Pam Dollaher is a parent of a kindergarten, third- and fifth-grader. She attended PU last semester. Dollaher also works in community affairs at Wachovia, which is one of PU's partners in education. With about 19,000 employees centered in Uptown Charlotte and in the university area, Wachovia has an interest in hosting some of these PU courses at its campuses.

"Some of the courses that we'll offer here will be things like building study skills, surviving adolescence, managing behavior through positive discipline," she said. "From more of a personal growth and development [standpoint], higher education for working adults and resume writing... will really be helpful for our employees here." Wachovia plans to offer the courses at lunchtime.

Despite PU's first semester success, there are still areas in need of improvement, Haigler said. "We know that there's a tremendous need at middle and high school levels," she said, noting that the majority of parents in the first semester had kids at the elementary level. Making sure there are enough topics of interest for the older demographic was a point of consideration in picking out courses.

Another group that had relatively low attendance was parents from "underserved populations," including low-income parents and non-native speakers. To combat the uneven distribution, PU is getting flexible.

"One of the lessons learned from last semester [was to look at] where parents already are and [when] to do classes," Haigler said. In addition to early-evening and lunch classes, PU will offer classes at night and on Sunday mornings and 15 classes in Spanish.

"We also are trying to reach out to

specific neighborhoods (and) families that are in transitional housing such as our YWCA," she said. PU also hopes to reach out to the Salvation Army as well.

Dollaher said that reactions among parents have been very positive. "I don't think there's a parent out there who could honestly say it's not a helpful tool. I think every parent could gain something from Parent University," she said.

After taking a class on useful tools for parent-teacher conferences last semester, for example, Dollaher said that "she came away from that having a better understanding of the conference itself. ... I came away (from the class) with questions I never thought of asking."

Shedding some light on how CMS works was one goal of PU, and some of the most popular classes reflected parents' need for more information. This semester PU will offer classes such as "CMS' data dashboard — quick access to test scores and data in the district," "Understanding the testing system in North Carolina and CMS," and overviews of the CMS Web site. Other popular classes taught parents teaching skills for helping kids with homework and about gang awareness.

The curriculum review committee, made up of CMS staff and other agencies in the PU partnership, decides what courses to pursue. "We sit down and look at the curriculum and rate it: Is it research-based? Is this a topic that's of interest to parents?" Haigler said.

Reviewing suggested topics from parents, the committee also looks at whether the topic is inclusive and can fit into an hour or hour-and-a-half time slot.

Some ideas gleaned from parent feedback included courses on attention deficit disorder and medications, gifted programs, and student career placement.

CMS teachers often teach the courses, but businesses and public institutions, such as library staff, also contribute instructors. PU will continue expanding through programs like Knowledge on the Go, which brings certain PU classes to business and organizations such as churches or neighborhood coalitions. After the success of its inaugural Family Fun Day last semester, PU will host the event again in April. About 9,000 people attended last year.

"They've done a great job making sure that these classes are spread throughout our county, and that's not an easy task when you have something like 60 classes," Dollaher said. "I think it's really going to have a wonderful impact on our community."

For a comprehensive list of courses, go to [www.cms.k12.nc.us](http://www.cms.k12.nc.us). CJ

## Interested in N.C. history?

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The North Carolina History Project is a project of the John Locke Foundation

## State School Briefs

## Budget discussion

Setting the stage for a tough year ahead, state legislators and officials from Charlotte-Mecklenburg Schools and Charlotte talked Jan. 19 about the clash between shrinking state money and growing Charlotte-area needs, *The Charlotte Observer* reports.

State Rep. Martha Alexander, D-Mecklenburg, said projected state deficits for 2009-10 meant legislators would be struggling to "just remain afloat here over the next year or two."

"Education always has remained a priority for the state, Democrat and Republican, both sides of the aisle," she said. "I feel confident that education will remain, as best as we can, on a steady course."

Superintendent Peter Gorman said he and the school board expected budget cuts from the state, which provides about 60 percent of CMS's \$1.2 billion budget. "Please let school districts make decisions as far as what to reduce and where to reduce," he asked the legislative delegation.

CMS also asked lawmakers to restore a refund on sales tax for school districts — or better yet, cut down paper work and exempt districts from paying it in the first place. Last year, CMS paid \$2.7 million in state sales tax and \$1.9 million in local sales tax.

## Wake reverses rule

In an effort to defuse tension with members of the county school board Jan. 19, Wake commissioners appear to have ramped up partisan friction among themselves, *The News & Observer* of Raleigh reports.

In a 4-3 vote down party lines, the new Democratic majority reversed a requirement that the school board ask the commissioners for permission if school administrators shift spending by more than 15 percent of its approved budget in any of several broad categories.

Republican Tony Gurley lamented that he considered the measure a signature achievement of his tenure on the county board, shortly before the Democrats cut off debate in the middle of his remarks by ruling the past chairman out of order.

New Chairman Harold Webb was so eager to vote he declared the item approved immediately after he and the other Democrats said "aye," forgetting to ask whether anyone on the board was opposed, as is required. CJ

## Cases grow 9 percent annually

## Autism Putting Strain On School Budgets

By COLLEEN CALVANI  
Contributor

CHARLOTTE

North Carolina's public schools educated 9 percent more autistic children in 2008 than 2007, the Department of Public Instruction has found. The number of students eligible for special services reached 9,755 this year, raising questions about how schools are dealing with an influx of students whose conditions may range from nearly fully functional to more severely disabled.

Autism is a bona fide epidemic, with one out of every 150 children in the United States receiving a diagnosis somewhere on the spectrum, according to the Centers for Disease Control and Prevention. The majority of those diagnosed are boys. There is still no known single cause of autism or of its rapid growth, according to the Autism Society of America, but it is known the number of diagnoses continues to grow.

"What has changed is how the diagnostics are happening," said Kim Tizzard, a parent advocate of the Autism Society of North Carolina, Mecklenburg County chapter. "They're just doing such a better job of identifying different learning disabilities and disorders, and I think that the people using the different tools have gotten better at using those as well."

Diagnosis tools are used by parents, doctors, and, very often, educators. In Charlotte-Mecklenburg Schools, the exceptional children department includes professionals in autism education and support for teachers who work with the growing number of diagnosed students.

Kathy Fallin, who works in the exceptional children's program for autism in CMS, has been in special education for 32 years. She remembers when schools began issuing the first Individualized Education Plans to students with learning disabilities. Since then, the prevalence of IEPs, and mildly to severely affected students with disabilities, has grown significantly.

In a span of four years, the number of students with autism receiving special education at CMS nearly doubled, from 352 in 2004 to 648 students in 2008.

Nationwide, the number of students with autism spectrum disorders in special education programs increased from 22,664 in 1994 to 211,610 in 2006, according to the CDC.

"I do think we're doing a much better job of identifying," she said. "We still have a long way to go in terms of identification tools. A lot of it is still very much subjective, which is scary, but it is improving."

Funding for the education of these special needs children comes from several sources, according to Claire Greer, a consultant on autism, severe intellectual disabilities, and multiple disabilities at DPI. According to information Greer provided, all Local Educational Agencies receive funds from state aid, or \$3,387 per child in some districts; state aid preschool funds, which allow schools to receive as much as \$54,244, plus \$2,862.69 per child; federal funds averaging \$1,461 per child in addition to varying amounts per Local Education Agency. There are also additional federal and state funds for which LEAs may apply.

Led by Assistant Superintendent Jane Rhyne, the autism program at CMS has undergone some changes, Fallin explained with help from Anita Lamb, director of administrative services for the exceptional children department.

Perhaps the biggest change has been the move to edu-

cate children with disabilities in the same classroom as those without learning issues.

"We started with a pilot group of schools several years ago using Dr. Marilyn Friend's model of co-teaching," Fallin said. The idea behind co-teaching is to blend the strengths of general education teachers with those of special education teachers.

"The general education teachers are masters of the content ... (and) the special education teachers are masters of strategy," Lamb said. "If you put the two together, you're going to be able to meet the need of the classroom. The object ... is that students will be taught in the least-restrictive environment."

The staff also worked with Vanderbilt University and the University of North Carolina at Charlotte to develop teaching, reading, math, and science programs that have since been exported across the state.

Another project is based on a device called the classroom tracker. The PDA-like device holds the caseloads of students in self-contained classrooms, or those with only learning-disabled students. A teacher will have access to all her caseloads through the classroom tracker, allowing her to access information about the child, update a caseload as the child makes improvements, and so on.

"In turn, you can utilize and come up with strategies for students. It's very cutting edge,"

Fallin said.

But the biggest resource — teachers — might be in the highest demand. Despite having a high special education teacher-to-student ratio, with about 1,000 special education teachers in the system, some parents don't think CMS does enough to meet the needs of these highly individualistic students.

One mother in the Charlotte-Mecklenburg School system who spoke on condition of anonymity explained that the biggest problem is a lack of qualified teachers and incentives for training new ones.

CMS offers professional development to any special education teacher who works with autistic students. Offered quarterly, these training modules are open to general education teachers as well. CMS also offers a summer institute and teacher in-service days. But there is no requirement for employees in CMS to undergo special training if they don't want to, meaning that those teachers who do choose to take on the task do so out of their own interest or good will.

Additionally, to receive certain pay-based or other incentives, special education teachers must show that their students achieved the same degree of improvement on standardized tests that is required of general education teachers. Without incentives, many schools depend on pressure from the principal or parents for new special education teachers, said the mother who spoke on condition of anonymity. She said that it's often the squeaky wheel that gets the grease.

That's where people like Tizzard and her fellow parent advocate, Nancy Popkin, come in. They help parents understand what their rights are and how the schools can help, and also assist the schools in understanding the issues the child with autism faces on a daily basis.

This is helpful to CMS administrators, Fallin said. "I think the wonderful thing about our community is we have so many support groups. We work with them really well," she said. "We also definitely try to put ourselves in the parents' shoes and see what they're going through, too." CJ



# University Teaching Specialist Role Finds New Acceptance as Colleges Strive For Efficiency

By JAY SCHALIN  
Contributor

RALEIGH

Are market forces about to alter fundamentally the traditional relationships of professors to their students, to their departments and universities, and even to their subject matter? This issue was raised recently at a round-table conference sponsored by the Pope Center for Higher Education Policy.

For the faculty, everything today is “publish or perish.” Research is the key to tenure and promotions. The teaching of undergraduates might be the primary mission of academia, but it often gets short shrift in a faculty-dominated universe.

Yet to administrators, money is the motivation, and enrollment paves the way to higher state subsidies and increasing tuition revenues. To attract students, universities must offer at least the appearance of a quality undergraduate education.

One solution to the widening gulf between faculty and administration discussed at the conference was to embrace the tendency toward specialization. The catalyst for the discussion was a presentation by Penn State University senior lecturer Dirk Mateer, a self-described “large-class teaching specialist.”

Mateer is hardly the stereotype of the nontenured lecturer — a graduate student, part-time adjunct, or itinerant lecturer hoping to land a tenured position somewhere else. Such teachers usually share neither job security nor high pay with their tenured colleagues, and have little influence within departments.

Mateer, however, was lured to Penn State’s economics department from a tenured position at another college by the offer of a high salary and a long-term contract. He said that, by teaching introductory economics to more than 1,000 students per semester, he bridges the gap between the opposing priorities of tenured faculty and administration.

His presence frees tenured researchers from the time-consuming act of high-volume teaching of introductory courses so they can advance knowledge and bring prestige to the school, and so they also can mentor more advanced students intensively. Administrators gain as well — they can pack the lecture halls with tuition-paying students and thereby fill the coffers.

He said his job requires unique presentation skills and the ability to manage others. He provides value to the school — he enables it to “scale up” and take advantage of employing low-cost graduate and undergraduate assistants to tutor and grade papers.

Using the incentives of high pay, long-term contracts,

Critics, though, say the new role conflicts with the ideal of the researcher/teacher

and freedom from the pressure to publish, the economics department at Penn State has attracted eight other teaching specialists. Mateer cited another reason for the university to hire them — teaching specialists who do not meet expectations can be eliminated easily at the end of their contracts, unlike their tenured counterparts.

While the practical benefits of such specialization appear to be many, other participants raised objections and caveats, both pragmatic and emotional.

David Mulroy, a classicist from the University of Wisconsin at Milwaukee, said, for example, that this scenario conflicts with the ideal of a professor he received when entering the profession — a researcher on the cutting edge of knowledge and an educator who can “reach out to young students” and give a “riveting lecture.”

Mulroy’s comment raised the question: Is it possible that this traditional ideal of the professor is on the way out for the sake of greater efficiency? Or is there some inherently noble quality in the ideal that is worth preserving, despite the benefits of specialization?

The discussion raised other questions: Should teaching specialists receive parity with their research-focused colleagues in rewards, recognition, and influence? After all, in many cases they are paying the bills

for their research-oriented colleagues.

If the teaching specialist emerges as a new force in higher education, will intellectual stagnancy result? And is tenure, as the supposed safeguard of academic freedom, an inferior instrument to more efficient, long-term, renewable contracts?

All of these issues are being faced in real-life academia. Some schools are dropping the research requirement for professors, in order to focus on their teaching mission. The use of contingent faculty is rapidly increasing. And the inefficiencies of tenure are coming under the scrutiny of higher education officials.

Division of labor has contributed greatly to the enormous improvement in living standards worldwide. Perhaps it can do the same for undergraduate education.

Yet, rarely does such change occur without some loss. In this case, the loss might be a scholarly ideal, which, at its best, is greater than the sum of its parts. In light of economic realities, however, that ideal might now be a luxury beyond the means of all but a few. CJ

Jay Schalin is a senior writer for the John W. Pope Center for Higher Education Policy.



Some schools are dropping the research requirement for professors to enable them to focus on their teaching. (CJ photo illustration)

## Campus Briefs

- William Easterly will give a talk, “The Poor Have a Dream: Freedom for All and Escape from Global Poverty,” at N.C. State as part of the John W. Pope Lecture Series. Easterly, a professor of economics at New York University, is known for his skepticism about the benefits of foreign aid. His book *White Man’s Burden* points out that Western planners develop ambitious, costly schemes for other countries but can’t do simple things such as provide antimalaria drugs or even bed nets for people whose lives are in danger. Easterly is an intellectual counterweight to the establishment economist Jeffrey Sachs, head of the Earth Institute, who supports multibillion-dollar federal aid programs. Easterly also is a research associate of the National Bureau of Economic Research and coeditor of the *Journal of Development Economics*. The lecture is hosted by NCSU’s College of Humanities and Social Sciences and the College of Management and is supported by a grant from the John W. Pope Foundation. The event will be held at 7 p.m. Feb. 23 in 3712 Bostian Hall.

- Conservative politics aren’t required to win the Pope Center’s new teaching award, but the ability to foster intellectual inquiry is. The Pope Center encourages students across the state to nominate professors for the Spirit of Inquiry Award. The 2008 award went to a professor at UNC-Chapel Hill who says that he is a “capital-L liberal” in just about every way.” Bart Ehrman, the James A. Gray Distinguished Professor in the department of religious studies, teaches a course in the New Testament. He received the prize along with two other UNC-Chapel Hill professors: Larry Goldberg, lecturer in the department of English and comparative literature, and Mark Crescenzi, associate professor of political science. The Pope Center named the award the Spirit of Inquiry to express what these professors achieve — a spirit of open-minded exploration within the guidelines of a particular discipline. The nomination period for 2009 extends until May 15. We encourage students to think about their best courses and start nominating the professors who teach them. CJ

Compiled by Jenna Ashley Robinson, campus outreach coordinator for the John W. Pope Center for Higher Education Policy in Raleigh.

## COMMENTARY

## Jazz Artist Speaks Out

Here's what you're supposed to think about college students: They're very eager to learn and improve themselves, mastering advanced fields of knowledge and honing their skills to a razor-sharp edge. At any rate, that's what America's higher-education establishment would like you to think, so you'll go along with its pleas for ever-increasing taxpayer "investment" in college education.

On the other hand, more than a few people who actually deal with those students have a different opinion. One of them is Branford Marsalis, the famed saxophonist who has taught at several universities. He is now artist-in-residence at North Carolina Central University.

In a short video clip that has been ricocheting through cyberspace, Marsalis offers the view that most of his students want only praise, whether or not it's merited. They don't want to work hard enough to really be good, but just want to live in what Marsalis calls "a massive state of delusion," where everyone pretends that they're excellent.

Marsalis thinks that this delusion accounts for grade inflation, with schools ensuring that students get good grades so that they won't go somewhere else. Anything less than a B is apt to provoke wails of anguish.

Marsalis is right, not just with regard to music education, but across the board.

In 1996, in his book *Generation X Goes to College*, pseudonymous author Peter Sacks wrote about his experience in trying to teach journalism. He ran squarely into the same brick wall Marsalis is talking about.

Many of his students came into college (and a nonselective one at that), believing that they were already excellent writers. They weren't willing to listen to criticism from a mere professor who had actually done journalism.

Often when he would correct their writing, Sacks would get a retort like this: "Well, that's just your opinion. My high school teachers all said that I was a great writer!"

In order to save his job, Sacks had to resort to coddling the students.

Why is it that students who aren't good at playing an instrument, aren't good at writing — aren't good at learning — insist that they are good and get offended when someone says otherwise?

The answer is found in the "progressive" theory that education should aim at raising students' self-esteem so they will enjoy school.

Patting students on the head and praising them for nearly everything is regarded as "best practice." Con-

versely, sharp grading, critical comments, and even the use of red ink are bad. Students who have grown up with teachers who put their happiness above all else naturally react adversely when they run into college professors who have the temerity to tell them that their efforts are not good.

As professors J. Martin Rochester and

David Rose wrote in the *St. Louis Post-Dispatch* more than a decade ago, K-12 educators have adopted "reforms that seem to reflect the growth of a standardless, dumbed-down culture calculated to give all students a false sense of achievement."

We pay a steep price for the educational theory that treats students as if they were fragile little glass figurines that might shatter at any blow. Eventually, their self-esteem bubble has to burst. The student will, at some point, encounter a no-nonsense boss who will say, "That's not good enough. Either improve or you're out of here." Instead of wasting years in the smiley-face environment where everything is praised, it would be a lot better if students had to face reality all along.

Let's have a big round of applause for Branford Marsalis — not this time for his saxophone playing, but for his willingness to point out a serious problem with American education. CJ

George Leef is director of research for the John W. Pope Center for Higher Education Policy.



**GEORGE LEEF**

## Two Investigations Undermine Image of 'Student-Athlete'

By JAY SCHALIN  
Contributor

RALEIGH

It's an age-old question, one as old as the athletic scholarship itself: Are college athletes on scholarship primarily students? Or are they more like hired mercenaries, brought in to do a specific job, and students second — or perhaps not at all?

Two recent newspaper investigations indicate that, in the major revenue-producing sports of men's basketball and football, the classroom

is not the players' strong suit. Evidence presented by the *Atlanta Journal-Constitution* (Dec. 27, 2008) and *USA Today* (Nov. 20, 2008) suggests that many of the nation's universities are complicit in an unethical system. Students are admitted with credentials that do not even begin to approach the university's norm, they are directed toward meaningless courses, and they either do not graduate or receive degrees with little value.

The *Atlanta Journal-Constitution* compared SAT scores of regular students, all athletes, and athletes in men's basketball and football at 54 major athletic powers. The newspaper found that "nationwide, football players average 220 points lower on the SAT than their classmates — and men's basketball players average seven points less than football players." Other male athletes, on average, scored 115 points higher than football players, and female athletes averaged 147 points more.

The same article also stated that football players graduate only 56 percent of the time, and male basketball players graduate at a dismal 49 percent rate, compared to 66 percent for all athletes and 64 percent for all students.

*USA Today* in November revealed that scholarship athletes tend to choose their college majors so that they get the best grades for the least work — they "major in eligibility." Reviewing 142 Division I schools, the newspaper found that athletes tend to "cluster" with their teammates in certain majors. The article quoted one former Kansas State University football player as saying "the athletics academics advisors said 'this is what everybody is doing. It's the easiest major.'" Even athletes who could do well academically are funneled into weak courses, the newspaper said.

The articles described a system engaged in a giant collaborative scam — as if administrators were saying in unison: "They (the athletes) aren't qualified to succeed academically at our school, but we pretend to teach them, they pretend to learn, and we don't have to pay them much. And they give us the publicity we crave."

Although many individual athletes are serious students, many others simply do not belong on their campuses. Their presence is not always benign. In one case of an athletic program run amok,

between 1997 and 2004, nine women at the University of Colorado filed sexual assault charges against football players and recruits.

Perhaps the main reason why administrators are willing to sacrifice their school's integrity is that athletic teams have great "marketing

value" for schools seeking teenage applicants, suggests Harry Lewis, a former dean of the Harvard University undergraduate college.

One way to avoid the dichotomy between major athletic programs and ethics would be to "spinoff" the revenue-producing teams, like professors who "spinoff" their research into privately owned companies. The teams could retain the "university brand," keeping the allegiance of students and alumni, but be separate, profit-seeking entities that can serve the interests of all constituencies better.

Schools could get the publicity they desire without compromising admissions and academic standards. Athletes could be paid as the revenue-producing employees they are. There also could be scholarships for athletes ready and willing to face the rigors of college study.

Yet no reform will occur until a majority of the university administrations agrees they need to change. Right now, a lot of people prefer things just the way they are.

Until there is a major catalyst for change, schools are going to submit to the pressure to field competitive teams for the sake of publicity and recognition, even as it compromises the integrity of their mission. CJ

Jay Schalin is a senior writer for the John W. Pope Center for Higher Education Policy.

Newspaper studies find athletes have lower SAT scores and choose the easiest majors at their schools

Opinion

# When it Comes to Tuition, Who Pays the Piper Calls the Tune

The University of North Carolina is in the process of setting next fall's tuition. This rite is always divisive, but this year the economic crisis and budget cuts are making the process more difficult, and more emotional, than usual. Revenues are down, the state has less money to spend, many students' families have less income to spend on tuition, and university administrators are looking for any means to fill their declining coffers.

We at the Pope Center believe that higher education is too expensive; students could be taught — and taught better — for much less than it costs now. But that does not necessarily translate into keeping lids on tuition extremely tight. Let me explain why.



**JANE SHAW**

The context: North Carolina already charges its students less than most states. *Kiplinger's* consistently ranks UNC-Chapel Hill as the best college value in the nation because it combines quality and affordability, and the tuition and fees at all UNC schools are low, compared to the schools they consider to be peer institutions. The state's low tuition makes a mockery of the recent "Measuring Up" report by the California-based National Center for Public Policy and Higher Education, which gave all states except California an F for affordability.

UNC is trying to keep tuition

increases low and predictable, limiting them to 6.5 percent a year (except for debt service fees). The latest proposals are still under discussion, but the average proposed by the system's chancellors is an increase of 3.8 percent. Something like that will probably carry the day, and over the short term, this seems right.

Over the longer term, however, what are North Carolinians getting for their commitment to keeping the price of education down? It might be less than it seems at first.

Low tuition is not always as fair as people think — or even always good for students.

Keep in mind that low tuition is not the same as "low cost." Students pay less in North Carolina because taxpayers foot a large portion of the bill. According to UNC system President Erskine Bowles, throughout the system about 70 percent of the expenses for a student's instruction are covered by state appropriations. Tuition covers only about 30 percent, on average.

At Chapel Hill, which has enthusiastic alumni and large private donors, state support of student instruction is somewhat less, about 60 percent. Many students from wealthy families pay \$16,370 to live and study at UNC-Chapel Hill. This compares to \$40,000 or more at private schools such as Wake Forest, Duke, and Vanderbilt. Should wealthy families really be paying only 40 percent of the cost



of their children's education?

The taxpayer is paying the remaining 60 percent. Yet only about one-fourth of North Carolina's adults have college degrees. Construction workers, sales

clerks, and short-order cooks are contributing to the education of affluent students who will themselves go on to make large amounts of money, thanks in part to their Carolina degrees.

So fairness is not an open-and-shut case.

Additionally, while low tuition is attractive to students, it contributes to some motivational problems.

Most colleges and universities routinely pay lip service to how well they serve their students' needs, but the reality is that they cut corners. At large institutions such as N.C. State, for example, it's often hard to get into the classes you want, either because they are full or because they are not offered very often (or both). If you don't select your major soon enough, you might have to delay graduation. It's standard practice in some of our leading universities to seat students before often-unprepared graduate assistants in giant lecture rooms.

In my view, one reason why students get slighted is that the universities inevitably pay more attention to the people who provide the big bucks — the General Assembly — than to those who provide fewer bucks — the students.

There's an expression "Who pays the piper calls the tune." If stu-

dents (and their parents) were paying the full cost of their tuition bill, they would demand more and would probably get it.

What we often see, instead, is compromise. With tuition low (and loans available), many students take a few courses, stop and work awhile, then go back, pattering along. They are "in school," but they lack the motivation that they would have if they (or their families) were paying larger amounts of money. Many do not graduate. And the low price attracts people to college who would be better off seeking other options. Ironically, low tuition might help explain the poor graduation rates that plague many of our public universities in North Carolina.

In contrast, legislators are paying most of the academic piper's wages, and they often have goals other than making university education the best it can be. For example, legislators like to support on-campus centers of research, advocacy, and business incubation, even K-12 education. These might have merit, but they are not focused on college students. To the extent that the taxpayers fund them, college students are being shortchanged.

Although I sympathize with students' (and parents') desire for low tuition, we need to examine the unintended consequences — for both students and taxpayers.

Because of the motivational problems, and because of some doubt about its fairness, I am skeptical that North Carolina's policy is the best. *CJ*

*Jane S. Shaw is president of the John W. Pope Center for Higher Education Policy in Raleigh.*

## North Carolinians for Home Education

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

## Could Changes in Testing Explain Why So Many Students Attend College?

*"Griggs v. Duke Power: Implications for College Credentialing," by Bryan O'Keefe and Richard Vedder, explores this topic.*

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## Town and County

## Wake EMS charges ahead

Wake County's Emergency Medical Services Department is purchasing five souped-up Dodge Chargers as part of a plan to get additional paramedics to the most serious cases more quickly. The program is the first of its kind in the nation, *The News & Observer* of Raleigh reports.

The most complex cases Wake County EMS responds to, such as heart attacks, have sometimes required the crews from two ambulances to treat. Sending an experienced paramedic in a Charger would allow the second ambulance to remain available to respond to other calls.

"This program allows us to make more efficient use of the paramedics," said Dr. Brent Myers, Wake County EMS' medical director.

County officials defended the use of the police-package Chargers for the program, which come equipped with a 5.7-liter HEMI V8 engine that produces 368 horsepower. They noted the vehicles cost far less and are more fuel-efficient than ambulances or even SUVs. Their resale value should also be higher.

"We didn't choose this vehicle because it has a powerful engine or a fast start or something like that," said EMS District Chief Jeffrey Hammerstein.

## Tax funds for civic center?

Asheville City Council is proposing that the General Assembly change an obscure provision in state law that controls how money from the hotel-motel tax in Buncombe County is allocated. The City Council wants a percentage of the tax receipts to help pay for a \$4 million upgrade to the Asheville Civic Center.

Buncombe County is not unusual in having a hotel-motel tax. What is unusual is how the revenue from the 4 percent tax is spent, the *Asheville Citizen-Times* reports. A special appointed board, the Buncombe County Tourism Development Authority, controls the money. Four of the authority's seven voting members must be hotel operators or owners. In most other jurisdictions, public officials control the allocation of hotel tax money.

"Right now we're having to upgrade that building on the backs of (property) taxpayers," said Asheville Vice Mayor Jan Davis in calling for a change to the law. CJ

## Money Woes to Dominate Session in 2009

By SAM A. HIEB  
Contributor

GREENSBORO  
Municipal annexation will take center stage during the General Assembly's new session as the N.C. League of Municipalities deals with efforts to reform the state's annexation laws put forth by property owners upset over paying city taxes for services they don't need or want.

Anything standing in the way of annexation, whether it's third-party oversight or a vote by affected citizens, could reduce cities' ability to collect new revenue. New revenue will be hard to come by, as cities face the stark realities of the economic meltdown.

In order to better prepare cities for those realities, the league sent out a memo to mayors and administrative members urging them to consider reducing expenditures for the current fiscal year, adding that such "reductions may be easier to make now ... than they would be if delayed until after the revenue situation becomes clearer."

The state, with an expected budget shortfall of \$1 billion to \$3 billion, likely will not be much help. While cities are lining up for federal funding for infrastructure improvements proposed by the Obama administration, no one is sure how such funding will be distributed.

"There are many unanswered questions right now on the federal stimulus package," league director of governmental affairs Kelli Kukura wrote in an e-mail message. "While we are working with various involved parties, we have no definite information on what funding for municipalities may be available in any federal stimulus package."

Even under such extreme economic conditions, the league's 2009-10 legislative agenda has two main components — more money and more oversight. It highlights infrastructure spending, a main component of the Obama administration's federal economic stimulus plan.

When looking at the league's agenda, policy analysts believe that the league's agenda spells out one thing: higher taxes.

"North Carolina citizens better hold onto their wallets," said Chris Hayes, a senior legislative analyst with the N.C. Civitas Institute. "It seems the league's first and highest priority is for more and greater taxes and taxing options for cities and towns. Apparently the league's solution is more revenue first, reduction in spending second."

Since "securing a strong foundation — roads, bridges, transportation



Citizens upset with paying city taxes for services they don't receive have spurred efforts to get the General Assembly to reform the state's annexation laws.

systems, water, sewer, and stormwater facilities, and affordable housing is both a local challenge and a statewide concern," the league will seek legislation to provide additional funds for municipal infrastructure, "including long-term permanent sources of dedicated revenue, additional local option revenue sources and state bond packages for infrastructure needs."

The league also follows state and federal templates on energy, seeking to "enhance the ability of municipalities to implement energy-efficient practices and programs, and to remove obstacles to doing so, through incentives, funding, and research."

Water is a major concern, considering the fact that "North Carolina's rapid growth and limited water resources may require policy changes to ensure efficient use and an adequate, sustainable water supply for all uses."

With that in mind, the league will push for "legislation or administrative changes to provide for the gathering of data for all water withdrawals sufficient for basin-wide modeling and future allocation decisions." In addition, the league will seek similar changes to address "inequities and inconsistencies in the issue of notices of violations and civil penalties for sanitary sewer overflows" and to "codify the obligation of governmental agencies with regard to payment of local government stormwater utility fees for agency facilities."

Hanging over the legislative agenda is the annexation issue, which could be addressed by the newly elected legislature in the coming weeks. Both the league and citizens opposing annexa-

tion have met with the Joint Legislative Study Commission on Municipal Annexation. The league's proposals to the commission were centered mostly on providing citizens with more information leading up to the annexation process and more time to organize petitions, file legal challenges, and, most important, pay water and sewer assessments.

Existing law states that property owners may pay special assessments in up to 10 annual installments. The league's proposal would require cities to allow property owners in annexation areas up to 20 years to pay any special assessments for water and sewer.

One other proposal that supposedly would address taxpayers' concerns is the date at which annexation becomes effective. Existing law states that unless the annexation is effective in June, the last month of the fiscal year, taxes are prorated based on the number of full calendar months remaining in the fiscal year after the effective date. If the effective date is during the period of Sept. 2 to May 31, the prorated taxes will not be billed until the following fiscal year, meaning a larger-than-anticipated property tax bill.

The league's proposal would require city-initiated annexations to become effective June 30, thus reducing the need to prorate taxes for a partial fiscal year.

While annexation will be one of the league's most critical issues in the coming year, the fact that it's not on the legislative agenda tells annexation opponents that the league simply isn't interested in real reform.

"Right now, they're on the defensive," said Daren Bakst, a legal and regulatory policy analyst at the John Locke Foundation. "Where's the agenda? It's just 'more money, woe is us.' There's still no recourse for people about to be annexed." CJ

Analysts say  
League's agenda  
means one thing:  
Higher taxes

# Court Rebuffs Chapel Hill On RCD Building Permit

By MICHAEL LOWREY  
Associate Editor

RALEIGH

**A** Chapel Hill company won the opportunity to build a house on a lot the firm owns, thanks to a recent N.C. Supreme Court ruling.

In its ruling in December, the high court found that Chapel Hill had violated its own rules in not issuing a building permit for the lot that is largely situated in the town's Resource Conservation District.

Chapel Hill Title and Abstract Company owns a vacant lot on Coker Drive in Chapel Hill. Development of the property is affected by both restrictive covenants that run with the land and Chapel Hill's Resource Conservation District ordinance.

In 2002, the town issued Chapel Hill Title a building permit for a house to be situated on the 21.5 percent of the property not

included in the district. Neighbors soon sued. They claimed the structure would violate setback requirements in the covenants. A judge agreed and enjoined Chapel Hill Title from making use of the building permit.

Chapel Hill Title then applied for a building permit on the portion of the lot in the district. Ordinarily, building is not allowed under Chapel Hill's district ordinance. The ordinance creating the district does allow for variances if 75 percent or more of a property is in the district. The town's Board of Adjustment rejected the variance application.

Chapel Hill Title sued the town, arguing that it should have granted the variance. A Superior Court judge ruled for the company. Upon the appeal, however, the decision was overturned. A majority of a three-judge panel of the N.C. Court of Appeals ruled in favor of the town. Because the decision was not unanimous, the state's highest court was required to hear the case upon Chapel Hill Title's request.

Before the high court, the town again argued that the variance had been rejected properly. It contended that because Chapel Hill Title had obtained a building permit for a spot on the property not covered by the district, the district was not responsible for petitioners having no reasonable use of the property. In the town's view, the fact that restrictive covenants prohibited

making use of the building permit was irrelevant. The town also argued that because Chapel Hill Title was aware of the district ordinance and covenants when it bought the property, any hardship was self-created and not attributable to the district.

The Supreme Court was not swayed by the town's arguments.

"The central question we address is whether the Board should consider the operation of the RCD ordinance independently, or in conjunction with, the effect of the private restrictive covenants, when determining if petitioners are entitled to a variance," wrote Justice Robin Hudson in ruling for Chapel Hill Title.

The Supreme Court's seven justices unanimously held that the town's district ordinance required that the ordinance and covenants must be considered together. The high court noted that the plain language of the ordinance

said as much, with its requirement that "the Board of Adjustment shall consider the uses available to the owner of the entire zoning lot."

"... Because more than seventy-five percent of the property is subject to the ordinance, petitioners have shown they are entitled to rely on the rebuttable presumption of 'no legally reasonable use' of the property," Hudson wrote for the court.

"This presumption is not rebutted by a building permit that was issued but can never be used."

Justice Edward Brady filed a separate concurring opinion, arguing that the refusal to issue a variance also amounted to an unconstitutional taking of private property without just compensation.

"I believe that respondents' denial of petitioners' request for a variance not only violates the provisions of the Chapel Hill Resource Conservation District Ordinance because of respondents' failure to consider the effect of the restrictive covenants on the subject property, but I also believe that the denial results in a de facto taking, which requires respondents to provide just compensation for petitioners' land," he wrote.

The case is *Chapel Hill Title & Abstract Co. v. Town of Chapel Hill Board of Adjustment*, (275A08) (<http://www.aoc.state.nc.us/www./public/sc/opinions/2008/275-08-1.htm>). CJ

**Court said refusal to issue variance an unconstitutional taking of private property**

## COMMENTARY

### *Let Free Market Work in Insurance*

**I**t hasn't really sunk in yet, but should the government find itself trying to solve problems, what you'll get is a new set of rules and regulations that will ensure the problems will exist forever.

It sounds counterintuitive, but homeowners along the coast are getting a dose of reality. The Department of Insurance, one of those departments that we probably don't really need, has decided that coastal property insurance is just too darn low. So, effective Feb. 1, 18 coastal counties will see dramatic insurance premium increases and a 100 percent increase in deductibles.

The frustrating aspect of the deductible increase is the way in which it is being applied. Essentially, the deductible will go from 1 percent of a home's value to 2 percent per incident. Imagine such a rule in health insurance: your deductible wouldn't be for annual expenditures, just for each incident, and wouldn't be cumulative. Not a pretty sight.

If a home along the coast is worth \$500,000 (not a rarity these days) and a small storm does \$10,000 in damage, the owner would cover that at 100 percent. If another storm comes along a week later and does similar damage, again the owner covers 100 percent.

That's an odd situation, compounded by the fact that coastal folks will face premium increases on top of the deductible increase. New Hanover, Brunswick, Pender, Onslow, and Carteret will see inland rates increase by 30 percent with barrier island rates going up 17 percent.

It's not like coastal insurance is cheap now, but the way in which the state government meddles with it only makes it more bizarre. Coastal folks saw a sizable increase just two years ago. Some inland rates actually go down. Mecklenburg, Union, and Gaston will see a 6 percent decrease.

But coastal areas aren't taking the situation lightly and are actively engaging the state in a lawsuit. Dare, Washington, Currituck, and New Hanover counties have joined the Town of Duck, Southern Shores, and Starco Realty and Construction in appealing to the Department of Insurance about

the surcharges and deductible increases in the new Beach Plan.

The wily and conservative folks over in Carteret are planning to join the lawsuit as well. As this moves forward, other cities and counties are expected to join this train. The Joint Select Study Committee on Potential Impact of Major Hurricanes on the North Carolina Insurance Industry has this exciting topic among its list of many and will be making suggestions to the General Assembly shortly. (Ironic, isn't it, that the name of the committee belies the bizarre nature of this issue?)

Sadly, there is a lot about all of this that is confusing to the general public and even to those living along the coast. Even the Beach Plan itself is rather odd. It's actually known as the North Carolina Insurance Underwriting Association. That group is funded by the insurance industry via premiums paid by all and operates "like" an insurance

company. It provides wind, hail, and homeowner policies to folks who can't get policies in the normal market. What does "like" an insurance company mean? What is a "normal" market for coastal insurance? Those are entirely interesting questions in light of the fact that we have a North Carolina Department of Insurance (NCDOI) in the state that regulates the entire industry.

The truth is, the further we get away from a free market in insurance, the more bizarre and unintelligible the entire issue becomes. You can insure anything, for a price. If the price is too high, then the cost of ownership increases.

NCDOI and the General Assembly should consider allowing the free market to work. Actuarial tables can determine risk, insurance rates can be set, and we will move toward the reality of what it costs to own coastal property. The critics' lawsuit might win, but that doesn't solve the coastal insurance dilemma. CJ



**CHAD ADAMS**

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

## Local Innovation Bulletin Board

**'Broken Window' Theory**

If you're walking by a wall covered with graffiti, are you also more likely to litter? The Broken Window Theory, crystallized in a 1982 article in the *Atlantic* by political scientist James Q. Wilson and criminologist George L. Kelling, posits that the environment has a significant effect on whether people engage in antisocial behavior. But there's been little empirical research on how "broken windows" lead to social disorder and crime — until now, says *Science* magazine.

In a series of experiments reported in a paper published online by *Science*, researchers at the University of Groningen in the Netherlands found that if people see one norm or rule being violated, such as graffiti or a vehicle parked illegally, they're more likely to violate others, such as littering or even stealing.

In one setup, for example, the experimenters attached useless fliers to the handles of bicycles parked in an alley that had a sign on the wall forbidding graffiti. There was no trashcan in the alley. The experimenters covertly watched how many people tossed the fliers on the pavement or put them on another bike rather than pocketing them for disposal.

On another day, they set up the same condition in the same place, except with graffiti on the wall. The results were striking: When there was no graffiti, a third of 77 cyclists tossed the flier away, but more than two-thirds littered after the graffiti was applied.

Auditory cues also can set the scene for disorder. Four out of five cyclists littered their fliers when they could hear illegal firecrackers being set off, whereas barely half did so when it was quiet.

**The new college try**

Mayor Thomas M. McDermott Jr.'s College Bound plan, which pledges to pay college tuition for children of all Hammond, Ind., homeowners, might seem an odd use of tax revenue, but supporters insist it will attract home buyers, raising property values and civic commitment as it ups the education and skill levels of the city's population.

Across the Rust Belt and the nation, dozens of cities are pursuing similar projects, betting millions of dollars that free college education can foster widespread social change.

A handful, including Kalamazoo, Mich., which pioneered the

concept, were instant beneficiaries of generous donations from wealthy benefactors. Most, like Hammond, have had to fight for public funds or beg citizens for small contributions.

For all their nascent successes, it's still not clear whether these massive civic investments are an innovative idea to aid ailing cities or a well-meaning misuse of money better spent elsewhere.

Critics say this program is little more than "a great campaign idea" to improve the mayor's image. Others say it will turn into middle-class welfare because it will benefit kids who have the "where-withal to learn and meet minimum academic standards." Renters in Hammond say that College Bound won't make a difference because it isn't helping all city children.

Nevertheless, McDermott and town leaders are encouraged by what they've seen since College Bound launched. After falling by more than 1 percent (or nearly 1,000 people) per year since 2000, Hammond's population lost only half that many residents in the 12 months ending in June 2007.

**Good teeth pay off**

Is good oral health valued in the labor market? While there are obvious health benefits to fluoridated water, there are economic benefits as well.

Co-authors Sherry Glied and Matthew Neidell of Columbia University studied the effect of oral health on adult wages by examining the variation in access to fluoridated water during childhood.

Women who resided in communities with fluoridated water during childhood earn about 4 percent more than women who did not. However, there is no effect of fluoridation for men.

But why does fluoridation affect women's wages and not men's? The authors hypothesize that women are more likely to be affected by consumer or employer discrimination on the basis of appearance.

Women also are more likely to select occupations based on their physical appearance. Even when the type of occupation is controlled for, the effect of fluoridation is reduced by only 6 percent.

They conclude that their results support the "beauty myth" argument: that women are held to different standards of physical appearance than men. CJ

**Greensboro Faces Growing PD-Related Legal Expenses**

By MICHAEL LOWERY  
Associate Editor

RALEIGH

Greensboro faces mounting legal costs associated with its police department. The city has spent more than \$1 million on lawyers and settlements over the past four years in cases involving the department, and the number is almost certain to increase substantially, the *Greensboro News & Record* reports.

Much of the legal expenses center around the actions of and subsequent removal of David Wray as police chief in 2006. Wray and Randall Brady, who was deputy chief, sued the city in January.

In addition, 39 black officers are suing the city, alleging that they were victims of racial discrimination. A \$750,000 settlement offer in that case was withdrawn after news of it leaked and some residents objected.

"It's really a shame," said City Manager Mitchell Johnson. "It's been an incredibly unfortunate situation and could have been dealt with more effectively a long time ago if people had made the right decisions."

Greensboro hired a new city attorney, Terry Wood, last year. While Wood would like to bring more work in-house, the realities of many of these cases make that difficult.

"We've got employees suing employees. We've got employees suing the city. In the David Wray case, they specially mention the city attorney's office being involved," Wood said. "You reach a point where you have pretty heavy conflicts of interest."

**Crackdown on graffiti**

Asheville seems ready to address the problem of graffiti in a big way. A city council committee and the city police department are examining the issue. A dramatic surge in people spray-painting on buildings, however, isn't necessarily behind the urge to address the problem.

"This is occurring because there is so much graffiti that has not been cleaned up or removed, that we are seeing it everywhere," Capt. Tim Splain of the Asheville Police Department said to the *Asheville Citizen-Times*.

"Many abandoned buildings are covered in graffiti, and many areas that have not been affected by graffiti are now seeing it. The commercial

corridors where people shop, eat, and socialize are now covered in graffiti — some old, some new."

The city does not have an ordinance that requires building owners to remove graffiti.

Ideally, police say, graffiti would be removed soon after it is discovered. This deprives the vandals of the attention they seek and makes investigating the crimes easier.

"We want to take back one building, one block, one neighborhood at a time," City Councilmember Kelly Miller said. "We're not going to stand for this any longer."

More than 300 reports of graffiti vandalism were reported between Jan. 1, 2008 and mid-December. Police suspect that the true number of incidents is much higher, as residents often don't bother calling the police. Still, the APD put in 500 hours investigating the graffiti, conducted more than 50 hours of surveillance operations, and made 14 arrests.

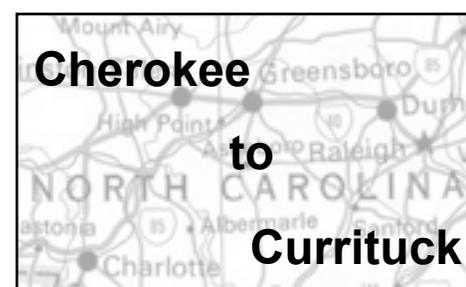
**Mecklenburg donation policy**

Mecklenburg County is reconsidering when and how many nonprofit groups are allowed to ask county employees for donations at the workplace. The county is also considering measures that would help prevent employees from being pressured into giving, *The Charlotte Observer* reports.

Under the county's current rules, only two groups — the United Way and the Arts and Science Council — are allowed to seek county employee donations at the workplace. The ASC is an umbrella group for local arts agencies. Under a recommendation the Mecklenburg County Commission is considering, the donation periods for the two groups would be combined into a single 30-day period, with as many as 30 other groups not affiliated with the United Way also allowed to seek employee contributions.

The proposal also would ban posting lists of employees who make "suggested contribution level" donation or offering prizes or awards for donating.

"Posting a list on the bulletin board of those who gave 'at the suggested level,' is a way of twisting arms," said County Commissioner Bill James, who helped draft the recommendations. "The people who aren't on the list are not 'team players.' And in Charlotte, that's a mortal sin." CJ



# CATS Scales Back Service, Hopes for Obama Stimulus Check

## CATS officials want to cut costs by \$8 million over next two years

BY COLLEEN CALVANI  
Contributor

CHARLOTTE

The Charlotte Area Transit system will scale back some routes in an attempt to counter three major decreases in funding, department officials said in January.

Though buses will take the brunt of the reduction, the new light-rail train system also will be cut during peak hours. All told, CATS hopes to reduce its operating costs by \$8 million in the next two fiscal years, it explained in a presentation in December, and available online at [www.charmeck.org](http://www.charmeck.org).

The Lynx train, operating in only one of the five corridors that CATS still plans to build, will now run six trains per hour during the morning and evening rush. That's a decrease of two per hour, but CATS Chief Operations Planning Officer Larry Kopf explained that the new schedule is more efficient than the old.

As the trains currently run, a mix of one- and two-car trains arrives every 7.5 minutes.

"We found that when some people see the one-car train coming, they'll actually wait (for a two-car train)," he said.

Now, trains will run every 10 minutes, but each train will be two

cars. These changes amount to a saving of as much as \$100,000, Kopf said. "The capacity along the line is not going to change. We're going to have the same number of cars providing service," he said.

The buses are going to take the brunt of the cuts, and that's the way it should be, according to Mike Nail, operating budget manager. Nail said the buses' operating costs, including maintenance, operators, and diesel fuel, far exceed those of the train. Additionally, the majority of public transit users take the bus, not the train.

"(The number of) our passengers before we started rail was 18 million. Our passengers after we started rail (number) in the 19-20 million range. Both have grown even with the introduction of services," he said.

Many of the bus routes that are being changed, scaled back, or eliminated, beginning March 2, are those with low ridership, such as the First Ward Shuttle, which has, on average, 973 riders per month. Six routes have been axed altogether.

"We do monitor our services on a regular basis. We have a system that we call route performance monitoring, and it looks at statistics (of each route)," Kopf said. "We use that consistently to keep up with how our routes

are doing."

The relative ease of making these changes, however, has some questioning why the system did not run so efficiently in the first place. If running trains at the same capacity, but slightly less often, can result in \$100,000 savings, there seems to be validity to the question of just how CATS has arrived at this juncture.

In its December presentation, CATS officials said they expected to receive an anticipated

\$5 million to \$7 million less in local sales tax, 6 percent to 12 percent reductions in state assistance, and an anticipated 30 percent reduction in federal funds. But a 44 percent decrease in the cost of fuel and an unexpected boon in ridership, which netted an additional \$3.6 million in revenue, did little to offset CATS' operating costs, said Dee Pereira, administration manager for CATS.

Transit services are typically measured by unlinked passenger trips. For example, a round-

trip journey would comprise two unlinked trips. Per ride, CATS pays \$1.91 per rider for rail, and \$3.37 for bus ride, Nail said.

But these numbers, particularly for the light rail, do not take into account the \$463 million it cost to build the one line currently in operation. In January, CATS officials also announced they were moving forward on building a second Lynx line through northeast Charlotte. Though still far from established, the plan has already reached an estimated cost of about \$900 million.

The large spread between construction and operating costs and what is called a fare-recovery ratio does not bother Pereira. "The fares from revenues typically do not offset the operating costs," she said. "I think that's normal for all transit agencies."

Therein lies the problem, said David Hartgen, a retired University of North Carolina-Charlotte professor of transportation studies. Hartgen has been following the CATS plan for expansion and expenditures for years. He also prepared a report for the John Locke Foundation in 2006 examining North Carolina's largest transit systems.

"Their vision of what they wanted (public transit) to be was totally unrealistic," Hartgen said of CATS' and other cities' efforts. In North Carolina

and across the country in places like St. Louis, Mo.; Portland, Ore.; and Minneapolis, Minn., light rail has been sold as a solution to congestion problems and environmental issues, and as a way to plan for future growth.

But repeatedly, these costly experiments have failed to satisfy some key questions, Hartgen says.

"We're lying to ourselves, misleading ourselves. It's not changing land use, it's not reducing congestion, it's not (preventing) air pollution," he said. "What this is, is a huge cross subsidy to downtown workers who don't want to pay parking in the suburbs."

As the Lynx runs now, those who live within about two miles of either side of the line and work downtown are reaping the greatest benefit of the service. But if commuters live farther than that, Hartgen estimates, their time has to be worth less than the time it takes to ride public transit combined with the amount it costs to park downtown each day. That, in Hartgen's opinion, amounts to a small slice of the population.

Lynx proponents argue that reaching more Charlotteans is the reason for expansion, and with plans for four more lines and an expansion of the current one, the train will certainly be reaching larger sections of the city. But if they built it, will they come?

Maybe it doesn't matter. Regardless of ridership, which dipped a little in December, CATS officials plan to use capital reserves to expand the northeast and north corridors, officials said in December. In 2007, Pereira estimated that CATS would contribute \$22 million in fiscal 2008 and 2009 to the capital reserves, which also will be used in 2009 to purchase buses and build park-and-ride lots.

CATS officials also hope to benefit from President Obama's proposed stimulus bill. CATS submitted requests for \$295 million, with \$285 million for capital projects including "capacity enhancements" to the current line.

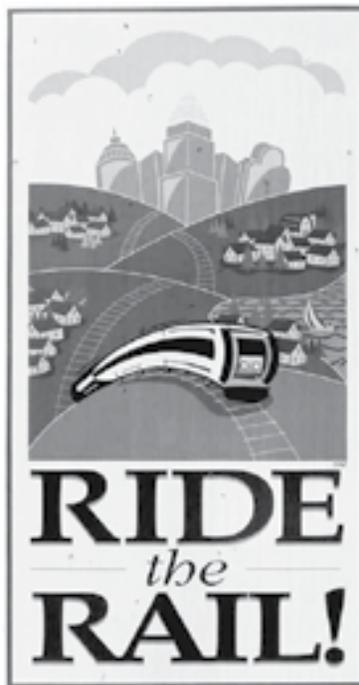
Another \$10 million would go to an "enhanced airport bus, downtown business shuttle (and) transportation demand management," the December presentation said.

In the absence of help from on high, CATS could make some immediate improvements, Hartgen recommends. "The first they could do is delay flow into the capital fund," he said. "For CATS to suggest that it is required to maintain the capital fund is just plain foolish."

Hartgen also recommends raising fares again, charging for use of park-and-ride lots, selling advertising on buses and trains, and cutting the administration budget.

In addition, he recommends increasing enforcement of ticket-buying, a move CATS officials announced in January.

CJ



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## From the Liberty Library

• Many activists on the right maintain that the United States was founded as a "Christian nation." Many on the left contend that the Founders were secular or Deist and that the First Amendment was designed boldly to separate church and state. None of these claims is true, argues Steven Waldman in *Founding Faith: Providence, Politics, and the Birth of Religious Freedom in America*.

With refreshing objectivity, Waldman narrates the real story of how our nation's Founders forged a new approach to religious liberty, a revolutionary formula that promoted faith by leaving it alone. *Founding Faith* vividly describes the religious development of five Founders: Benjamin Franklin, John Adams, George Washington, Thomas Jefferson, and James Madison.

Waldman provocatively argues that neither side in the culture war has accurately depicted the true origins of the First Amendment. He sets the record straight, revealing the real history of religious freedom to be dramatic, unexpected, paradoxical, and inspiring. More at [www.randomhouse.com](http://www.randomhouse.com).

• John Fund offers a guided tour of our error-prone election systems, which nearly half of Americans say they don't trust, in *Stealing Elections: How Voter Fraud Threatens Our Democracy*.

When some states have systems so flawed that you can't tell where incompetence ends and possible fraud begins, it isn't surprising that scandals have ranged from rural Texas to big cities such as Milwaukee and St. Louis.

Fund dissects some anomalies of Florida 2000 and analyzes the bitterly protracted election for governor of Washington state in 2004. He spotlights the perils of "provisional ballots," the flaws of the "motor voter" law that has allowed people to get absentee ballots for phantom voters, and the shady registration drives of the radical group ACORN. Learn more at [www.encounterbooks.com](http://www.encounterbooks.com).

• The 20th century has entered history as an age of tyrants: Stalin, Hitler, Mussolini, Mao Zedong. In *The Corporation*, Yuri Felshtinsky exposes a new type of tyrant in Vladimir Putin.

From acts of domestic terrorism and political assassinations to windfalls in billions of dollars worth of shares in state-owned companies, Felshtinsky unveils the shocking truth about Putin's reign. More at [www.encounterbooks.com](http://www.encounterbooks.com). CJ

## Book Review

## Young Generation Shown as Brash, Young, Dumb

• Mark Bauerlein: *The Dumbest Generation*; Tarcher; 272 pp; \$24.95 hardcover

BY DAVID N. BASS  
Associate Editor

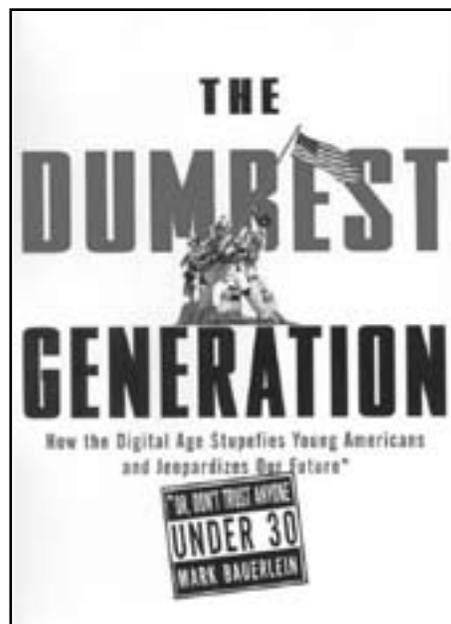
With his soft voice and unassuming manner, Mark Bauerlein seems an unlikely prospect for penning an ostentatious book like *The Dumbest Generation*. The title immediately brings to mind the Greatest Generation, the idol of 20th century American history that weathered the Great Depression, beat the Nazis at Normandy, and brought us swing music. But the generation that Bauerlein writes of is very different. Ignorant of politics and government, art and music, prose and poetry, the Dumbest Generation is content to turn up its iPods and tune out the realities of the adult world. They're brash, pampered, young, dumb — and content to stay that way.

Or so argues Bauerlein, an Emory University English professor and baby boomer. It would be an easy accusation for my generation (I'm 23) to ignore. After all, the fogies have always railed against the ignorance and excesses of youth. What's the point of reading a book or going to a museum in the age of Wikipedia? Why bother knowing who the speaker of the House is or voting for president when the only vote that matters is the hit count on my latest YouTube video? Being able to find Mexico on a world map or name the Axis powers during World War II won't help me score a date on Friday night or get tapped for the high school football team, so why bother?

But something is different this time. In past generations, youth had fewer opportunities to fritter away their lives. Two-parent households and a generally religious culture made sure of it. Today, half of teens grow up in single-parent households, and secularism dominates society. Undergirding that is the digital culture, the 24/7 rush of information and entertainment that young adults thrive on. Bauerlein says it's a rush that's killing their intellectual development.

In mid-November, I attended a lecture at the University of North Carolina at Chapel Hill where Bauerlein made that argument. Dressed in a dark gray suit, white shirt, and loosened necktie, he looked the picture image of the disheveled academic. He paced back and forth, gesturing mildly as he spoke against the evils of iPods and "texting."

Out of 30,000 students enrolled at UNC-Chapel Hill, about 30 bothered to show up for the talk. (I'm sure the rest were busy on Facebook). During the question-and-answer period, several



students took umbrage to the book's premise. "Your title is offensive," said one. A moment later, the student admitted that he hadn't even read the book. Far from delivering a *coup de grâce* to Bauerlein's argument, he showed that even when my generation sets out to slay the establishment giants, we often don't do our homework.

Speaking of homework, teens spend twice as much time in front of the boob tube as they do completing school assignments, according to a study Bauerlein references in the book. The citation is one of many that he uses to build the case for the encroaching evils of the digital world. Given the evidence, it's not a hard case to make. When a higher percentage of students can name the three stooges than the three branches of government, something is amiss.

Bauerlein points to reading apathy as a significant contributing factor. One study found that 18- to 24-year-olds are the least active, least avid reading group in the country except for those 75 and older (who probably suffer from age-related ailments that make reading difficult to begin with). High school and college students have time to read — another study found that they average 5 1/2 hours of leisure time per day — but they choose less intellectually stimulating avenues of entertainment. In fact, the average teen now dedicates the equivalent of a full-time job

to media. "It isn't enough to say that these young people are uninterested in world realities. They are actively cut off from them," Bauerlein writes.

But are the gadgets themselves the culprit? That brings up the Achilles' heel of Bauerlein's book. His diagnosis of the problem — a generation drowned in a media tsunami — could not be timelier. His reasons for youthful media obsession, however, are off base. He says technology "conspires against young people in their intellectual development," as if tools like iPods, laptops, and cell phones have moral cognition. Yet these entertainment mediums are just that — mediums that can be used for either good or evil. An individual's choice of how to use the tool is the moral question, not the tool itself.

Also missing from Bauerlein's judgment of youthful stupidity is the bedrock of civilization: the family. That's a staggering omission considering the body of social science research linking the demise of the American family with academic decline and social ills. The closest Bauerlein gets to fingering lack of parental oversight is his chapter devoted to disappearing mentors. Even here, though, his focus is on the "custodians of culture ... the

teachers, professors, writers, journalists, intellectuals, editors, librarians, and curators who will not insist upon the value of knowledge and tradition." Mom and dad are not mentioned.

For all its shortcomings, *The Dumbest Generation* still makes a vital point about young peoples' reliance on media to do their thinking for them. The 2008 election cycle is the most recent

example. Young voters went for Barack Obama by wide margins, yet many of them could not justify their vote beyond Obama's "cool" factor.

That's the most ominous implication of Bauerlein's premise. An uneducated citizenry is handy for ambitious politicians but disastrous for the welfare of a republic. At best, the Dumbest Generation could be remembered as useful idiots. At worst, as Bauerlein puts it, they could be remembered as the generation that lost the great American heritage, forever. CJ

An academic study shows that teenagers spend twice as much time watching TV as they do completing their school assignments

# New Joint Project Seeks to Encourage Constitutional Literacy

With increasing frequency, at every judicial level across America, law is becoming ambulatory and uprooted from its constitutional roots. Many know next to nothing concerning the U.S. Constitution. Even fewer know anything regarding the N.C. Constitution.

This is unsettling, for when constitutional principles are divorced from historical understanding, the balance among the three American principles of justice, order, and freedom is in jeopardy.

That is why the North Carolina History Project, with the cooperation of the North Carolina Institute for Constitutional Law, is starting The State of Our Constitution Project. It is an effort not only to ensure state constitutional literacy in North Carolina but also to ensure that North Carolinians acquire a concept of constitutional importance and an understanding



**TROY KICKLER**

of constitutional principle. Simply put, it's an effort to ensure that North Carolinians remember the framework that their forefathers set forth to limit government and protect personal freedom.

Constitutions should shape the political process. Many politicians want to "play the game" of politics, but few know the rulebooks—the U.S. Constitution and their state constitution. In North Carolina, state legislators take an oath to play by the rules (Article VI, Section 8). Rules are many times ignored, however, and the game evolves (or devolves) into something unrecognizable by its creators.

To understand the importance of our current constitution, national and state historical context is needed. According to political theorists James McClellan and Russell Kirk, the American founders created the U.S. Constitution to "recognize human claims of justice, order, and freedom and to ensure that no excessive demands" were made on either one. JUSTICE is the foundation of any society. Justice protects life, liberty, and property and punishes evildoers. ORDER ensures societal harmony and peace. Without

order, justice isn't enforced, and freedom is unattainable. FREEDOM is the process by which a man controls his own life; it includes not only rights, but also responsibilities.

The constitutional framers were not abstract theorists creating a utopia. When the U.S. constitutional framers drafted the Constitution, argues Kirk, they were informed by such things as 1) their colonial experience; 2) English common law, 3) Christian theories of natural law and rights; 4) the classical ideal of a republic; and 5) Old Testament (i.e., Ten commandments) morality. They were interested in preserving their English rights and defined freedom in the negative. Just read the Bill of Rights. It guarantees specific liberties. It doesn't "guarantee freedom from want or freedom from fear. The founders asked for the possible."

It is within this context that the first state constitutions were drafted. North Carolina has had three constitutions (1776, 1868, and 1971). Each one has informed its successor. The fear of executive power is evidenced in the 1776 constitution; the governor served a one-year term, for instance. The

1776 constitution was revised heavily in 1835. The 1868 constitution reveals Reconstruction ideas regarding secession, universal male suffrage, and religious qualifications, and those ideas and more were incorporated into the 1971 constitution. For instance, "secret political societies" are banned in the Tar Heel State.

The state constitution should be consulted before legislation is even introduced. If legislators deem that the constitution does not promote a good blend of justice, order, and freedom, the document should be amended, not ignored. Many times legislators and jurists place their favorite political programs and policies ahead of constitutions and act as if the end justifies the means.

If this is done and constitutions are ignored, the act undermines the importance of constitutions, and our federal and state forms of government are in jeopardy. It's a form of government, true, but it's not what the founders intended. CJ

*Dr. Troy Kickler is director of the North Carolina History Project ([www.northcarolinahistory.org](http://www.northcarolinahistory.org)).*

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The Meek Deck is the JLF's blog in Charlotte. Jeff Taylor blogs on this site and has made it a must-read for anyone interested in issues in the Queen City: <http://charlotte.johnlocke.org/blog/>



Squall Lines is the JLF's blog in Wilmington. A group of JLF staffers and coastal friends keep folks on the coast updated on issues facing that region of the state: <http://wilmington.johnlocke.org/blog/>



Piedmont Publius is the JLF's blog in the Triad. Greensboro blogger and writer Sam A. Hieb mans the controls to keeps citizens updated on issues in the Triad: <http://triad.johnlocke.org/blog/>



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## Short Takes on Culture

**'Prisoner' Has Liberty Themes**

• "The Prisoner"  
amctv.com  
Free online streaming

The prospect of a lifetime of carefree luxury in a secluded Mediterranean-style village might sound pretty good.

No. 6 wants no part of it.

The nameless protagonist of "The Prisoner" spends the better part of this short-lived British television series trying to escape a fate that many would accept willingly.

Originally broadcast in 1967, "The Prisoner" returns soon as a new AMC miniseries with Jim Caviezel and Ian McKellen. In the meantime, the cable channel is offering free Web streaming of all 17 original episodes at amctv.com.

The storyline is odd: A secret agent (Patrick McGoochan) resigns from his job. Shortly afterward, he's abducted and plopped into The Village, a beautiful locale populated by bizarre neighbors with a contrived, often menacing, cheeriness.

The Village doesn't suit you? Tough. Human and technological monitors ensure no Villager can escape.

No names are permitted, only numbers. And the Village's boss, No. 2, will stop at nothing — trickery, drugs, physical and psychological torture — to learn why No. 6 resigned his job.

A spy caper on its surface, "The Prisoner" also emphasizes the libertarian notion that an overly powerful government creates immense danger. It's no coincidence that the Village's standard greeting — "Be seeing you!" — sounds like a threat concocted by the overseers of an all-seeing, all-knowing state.

— MITCH KOKAI

• "Mongol"  
Picturehouse  
Directed by Sergei Bodrov

Both *The New York Times* and the *Christian Science Monitor* lavished praise on this Russian-produced drama of the life and times of Genghis Khan as a "throwback" film, a movie that did not rely on CGI effects or massive Hollywood stars to tell a grand, sweeping historical story.

There is a point there, but it obscures the fact that writer-director Sergei Bodrov has obviously been influenced by the big, bold, world-class filmmaking coming out of Hong Kong and India for over a

decade.

The technique of plucking a huge figure from the mists of time, humanizing him with early struggles and a quest for justice and vengeance fired by true love and romance — with not a small amount of bloody sword play along the way — all while sending a message that these character traits also mark the present-day descendants of the hero for greatness — well, Bodrov must have worn out a couple DVD players taking in and perfecting this framework.

With two more movies planned in his trilogy of the Great Khan, Bodrov's vision will outgrow the backhanded throwback complement soon enough. Bodrov shows a real knack for compressing and combining complex historical events to keep the story moving and coherent. As this first installment goes up only through Temudgin — the future Khan — uniting his small band of tribesmen via superior training and tactics, there is much grand history for audiences to look forward to seeing on the screen.

— JEFF TAYLOR

• "Prince Caspian"  
Walt Disney Video  
Directed by Andrew Adamson

When I first heard that Walden Media was putting C.S. Lewis' classic Narnia series on the silver screen, I was worried it would be politically corrected to death. When "The Lion, the Witch and the Wardrobe" hit theaters in December 2005, I was proven wrong.

The sequel, "Prince Caspian," doesn't disappoint, either, and in many ways excels beyond its predecessor. The movie chronicles the Pevensie children's return to a Narnia that is much different from the one they left in the first movie.

The producers did a fine job transferring the book to film. Some plot elements had to be changed or shortened, but the film remained true to Lewis' vision and did not erase any of the Christian symbolism or allegory. The movie's pacing is better than "Lion" and presents some of the most well-scripted and compelling battle scenes of any recent fantasy film.

The DVD has a lot to offer — three discs with plenty of extras. Loyal Lewis fans will not be disappointed.

— DAVID BASS CJ

## Movie review

**Hitler Plot Portrayal Riveting**

• "Valkyrie": directed by Bryan Singer; Starring Tom Cruise; United Artists; December 2008; PG-13.

BY JOHN CALVIN YOUNG  
Contributor

WAR films, conspiracy thrillers, and action blockbusters are not rare, but one that fulfills all of the categories like "Valkyrie" is a treat. Director Bryan Singer brings us the powerful story of the July 20 plot to assassinate Adolf Hitler in 1944 — an action that, if successful, could have ended Germany's part in the war nine months early and saved thousands of lives. Tom Cruise stars in this unusual epic, showcasing the real, not fictional, bravery of a small group of men who tried to bring down one of the worst dictators that ever lived and redeem their nation's reputation.

The film opens with a young German Army Col. Claus von Stauffenberg (Cruise), recently invalidated home from North Africa, coming to a realization that he could no longer in good conscience support the Fuehrer — Hitler had become "not only the archenemy of the world, but the archenemy of Germany." Other officers, such as General Tresckow (Kenneth Branagh), had reached the same conclusion and determined to act on it — a recent attempt to plant a bomb on Hitler's transport plane had failed. The brilliant young von Stauffenberg, transferred to the German High Command (OKW), was quickly recruited for the plan to stop Hitler.

The conspirators were torn between their oaths of loyalty to the Fuehrer as officers and the conviction that he had to be stopped. In his position in OKW, von Stauffenberg stumbled across an existing plan named "Operation Valkyrie" designed to secure the government in case of a coup. As a trusted officer who briefed Hitler frequently, von Stauffenberg was the perfect courier to deliver a bomb to kill the dictator. With Hitler's own plan for securing the government, he could manipulate the expected response in their favor.

On July 20, at a routine briefing at the Fuehrer's Eastern Front headquarters, von Stauffenberg armed the bomb while a confederate cut off communications with Berlin to gain time to implement their plan. Von Stauffenberg waited until he witnessed the blast, then bluffed his way out of the compound in the ensuing confusion. Unknown to him, the bomb had been moved aside by another officer who was not in on the secret, and Hitler was shielded from the full force of the blast when it went off.

Returning to Berlin, von Stauffenberg found the other conspirators had



not taken advantage of the three-hour communication blackout to start Operation Valkyrie, as the dictator's death had not yet been confirmed.

Word began leaking out that the Fuehrer was not dead, and when von Stauffenberg's communications were cut off by Hitler's order, the plot, and the lives of the conspirators, were doomed.

"Valkyrie" remains largely faithful to the historical account, deviating in a few places but carefully following the main narrative. Many small details are faithfully included, such as an unsuspecting officer's careless handling of one of the early bombs that scared one of the conspirators.

The initial announcement of the production met with mixed reactions in Germany. Concerns were raised over the casting of megastar Tom Cruise as von Stauffenberg, both as a highly public Scientology adherent (the religious group is considered a cult in Germany and the government has considered a ban) and as the star of "Top Gun," likely resulting in a watered-down story to emphasize the action. Not least, they needed permission to shoot at historic locations and display the Nazi flag and symbols — strictly verboten in Germany.

These well-considered reservations were resolved, however. The German government granted permission to film and backdate to Nazi times a variety of historic sites, including the Benderblock in Berlin where the chief conspirators were shot. The filmmakers may have dramatized a few scenes, but the project as a whole upholds the factual account. Valkyrie keeps up the tension through the final minutes, even with the ending never in doubt. The result is a very straightforward, clean, historically accurate depiction of the heroism of a small circle of men willing to risk and give their all. CJ

# Mr. Market Miscalculates Offers Gems of Contrarian Insight

• James Grant: *Mr. Market Miscalculates: The Bubble Years and Beyond*; Axios; 2008; 412 pp; \$26 hardcover

By GEORGE LEEF  
Contributor

**V**eteran financial writer James Grant describes himself as a "Grover Cleveland Democrat." That is, he believes strongly in sound money, free trade, and very limited government. *Mr. Market Miscalculates* is a collection of his essays published in "Grant's Interest Rate Observer" over the last decade.

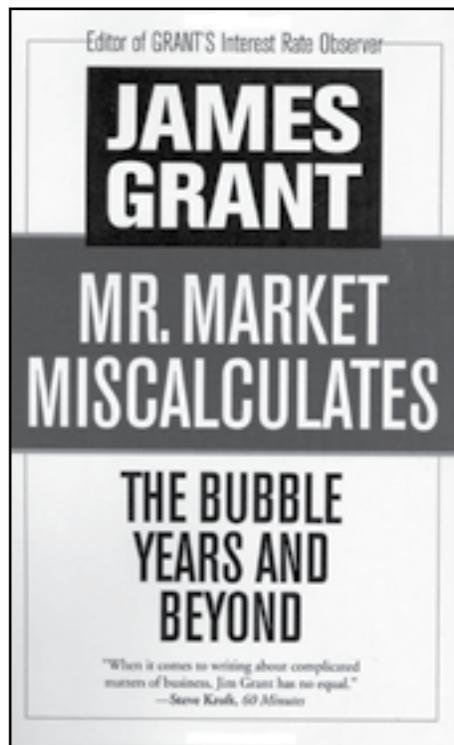
Whereas most financial writers credulously accept the notion that central banks must regulate economic activity and are mesmerized by the oracular mutterings of Federal Reserve chairmen, Grant treats it all with disdain. He sees the Fed not as a brilliant modern innovation, but as a dangerous political contraption that interferes with the free market's smooth order. And as for Fed chairmen, Grant regards them as deluded as the emperor who thought he was wearing the most exquisite of clothes when in fact he was wearing nothing.

Most readers primarily will be interested in knowing what Grant thinks about the current financial crisis. Prominent politicians have declared that it was caused by that nasty old villain, capitalism. That explanation isn't even close, Grant says. Instead, he points to the belief held by former Fed Chairman Alan Greenspan that the U.S. economy needs steady inflation. After the "dot.com" recession of 2000, Greenspan feared that the economy would suffer from deflation if the Fed didn't shovel in loads of money. That's just what he

did, driving interest rates down to almost nothing.

Grant, who obviously learned his economics and history well, looks askance at Greenspan's beliefs. For one thing, there is nothing to fear from deflation. The American economy had long periods of deflation in the 19th century while at the same time enjoying rapid economic growth. That was in the primitive days prior to wizards in Washington expertly running macroeconomic policy, but, amazingly, things worked out quite well.

Furthermore, Grant understands that the government can't magically create capital out of nothing. Through central bank inflation it can temporarily drive down interest rates, but that bit of economic fakery can't succeed for long. Capital comes only from saving, not government money creation. All that artificially low interest rates can do is to trick people into changing their behavior, putting money and resources where they otherwise wouldn't have. In this instance, the government managed to create "a gigantic bubble of mortgage debt." It's almost humorous to listen to Greenspan babble away, denying that the Fed had anything to do with the mortgage debacle, but Grant



won't let him off the hook.

What about the popular notion that we benefit from "mild" inflation? The new Fed chairman, Ben Bernanke, says his approach is one of "inflation targeting" with the objective of maintaining a nice, predictable rate of about 2 percent annually. Grant dislikes the idea, saying, "Over a decade, a 2.5 percent rate of currency depreciation results in a 20.3 percent

destruction of purchasing power." With a "mild" inflation target, the government deliberately erodes the value of the dollar, and for what? So it can pretend to "stimulate" the economy, thus misallocating resources.

That makes the primitive days of the gold standard look good. Grant never sets forth a formal argument for dumping our failed experiment in irredeemable fiat money in favor of a monetary system based on tangible wealth, but he frequently alludes to the merits of the gold standard. He also writes sympathetically about the Austrian school. After introducing his readers to F.A. Hayek, Grant writes, "Money printing distorts prices and wages, the traffic signals of a market economy."

But don't we need government controllers to make certain that the economy remains "stable"? Grant thinks we would be stable enough without them, thanks, but notes that we pay a high price for the stability mania. The trouble is that investors lower their guards when the Fed ladles out the elixir of cheap money. We wind up with portfolios bursting with junk paper and panic when the inevitable truth asserts itself.

Readers will savor the cartoons that show up frequently, but even more Grant's witty writing, which shows up on every page. Consider this jab at Greenspan: "Although the Federal Reserve System employs 485 Ph.D. economists, only one of them is a living symbol of the dynamic U.S. economy. And now this one man says that he didn't know about the stock-market bubble, couldn't have known and, even if he had known, wouldn't have been able to make a move against it. It isn't a great advertisement for a monetary dictatorship."

These essays are gems of contrarian insight. Sometimes they are a little heavy on the jargon of finance professionals, a language in which I'm not particularly fluent. Still, the big message comes through clearly: We have made a terrible blunder in putting control of our monetary system in the hands of individuals. We need to return to control by the forces of the free market. *CJ*

George Leef ([georgeleef@aol.com](mailto:georgeleef@aol.com)) is book review editor of *The Freeman* and vice president for research of 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



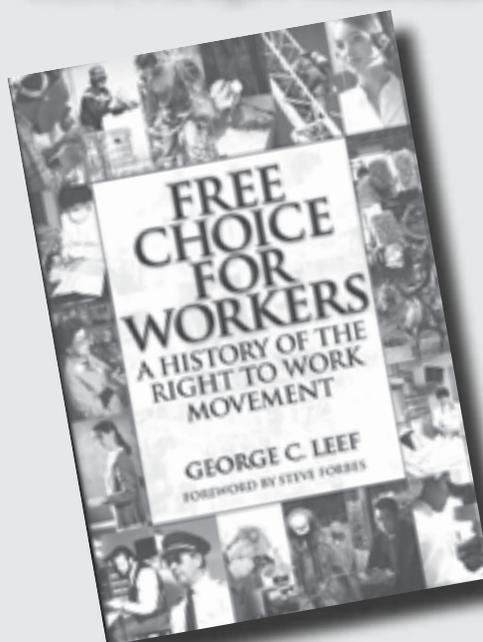
"[Selling the Dream] provides a fascinating look into the world of advertising and beyond ... Highly recommended."

Choice  
April 2006

[www.praeger.com](http://www.praeger.com)

## Free Choice for Workers:

A History of the Right to Work Movement



By George C. Leef  
Vice President for Research at the  
John William Pope Center for Higher  
Education Policy

"He writes like a buccaneer... recording episodes of bravery, treachery, commitment and vacillation."

Robert Huberty  
Capital Research Center

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## COMMENTARY

## A Controlled Press Without the Controls

After the first couple of weeks of the newly installed Obama administration a question occurred to me: What is the difference between a media controlled by the government and one that willingly does the government's bidding without controls?

In totalitarian countries the public gets the news the powers that be (usually in the form of a single person) want them to know about. Inconvenient facts, events, and embarrassments never see the light of day.

This is accomplished by press controls, censorship in the strict meaning of governmental editing and spiking of stories.

Reporters and editors with some backbone and principles in these societies attempt to get needed information out to the public. Unfortunately, the more compliant journalists are the ones who rise to the tops of the mastheads in these societies. Do you think the editors of *Pravda* and *Izvestia* were anything but party hacks during the Soviet era?

Consequently, the world, as explained and defined by Pre-sidium-approved journalists, bore little resemblance to the world as it really was.

No government bureaucrat is telling editors in the Obama era what stories to print or spike, or what photos to run or kill. Instead, a media that is demonstrably and even admittedly on the Obama bandwagon is doing a pretty good imitation of a media under the government's thumb.

The mainstream media have made no secret of their elation over the Obama win. Their fawning coverage of the post-election Obama activities and over-the-top inauguration coverage are rationalized as appropriate given the historic nature of the first black president taking office.

It's one thing for the media to document a historic event, but it's quite another for them to become cheerleaders and lose any objectivity in favor of doe-eyed — even teary-eyed — hero worship.

If you think that's an exaggeration, here's what George Stephanopoulos' wife, Ali Wentworth, said on a recent "Oprah" show, describing Inauguration Day: "We

watched everything, and George was still doing all the anchoring for ABC and as soon as Beyonce said 'At Last...' George called me at home, and he went, 'Honey?' and I said 'I know!' and we both started crying."

When top network news folks cry like little girls when their guy is inaugurated, it is fair for a viewer to wonder if that network's coverage of the Obama administration will be fair and balanced, as they say.

Helen Thomas, the longtime UPI reporter who covered the White House for decades, revealed what many conservatives have known for years, but what journalists have tried to deny just as long.

Speaking to the Canadian Broadcasting Company, and possibly thinking that we here below the 49th parallel would never hear it, she said: "I'm a liberal. I was born a liberal, and I'll be one until I die. What else should a reporter be?"

The media have made it plain that they don't want Obama to fail. In fact, they are actively invested in helping him succeed.

Witness the way the Obama transition has been portrayed. Despite the numerous mini-scandals that surround some of his appointees, the media insist on calling it, in the words of MSNBC's Chris Matthews, "arguably the best transition that anyone in our lifetime has ever seen."

Matthews also expressed what is undoubtedly the sentiment of many of his MSM colleagues when he said, "I want to do everything I can to make this thing work, this new presidency work. ... Yeah, it is my job. My job is to help this country."

Unless the media snap out of their lapdog posture (an unlikely prospect, from the looks of it), what is the chance that the public will be given accurate, skeptical and objective reporting for the next four to eight years?

Sadly, unlike those *Pravda* and *Izvestia* editors, they can't even claim the government is making them do it. CJ

Jon Ham is vice president of the John Locke Foundation and the publisher of Carolina Journal.



**JON  
HAM**



## EDITORIAL

## A Teachable Moment Lost

North Carolina State University's infamous Free Expression Tunnel lies beneath the railroad tracks bisecting the campus between many residential halls and the halls of learning. A heavily traveled student thoroughfare, it apparently attracted graffiti through the normal course of things, and in the 1960s it was designated as a graffiti wall specifically for the purpose of free expression. It quickly became a campus tradition.

The Free Expression Tunnel is ugly, noisy, transient, offensive, and revered. The Winter 2009 issue of *N.C. State Alumni Magazine* named it one of the "Things We Love About N.C. State." Why is it loved? Because it is apt picture of free speech in action — a babble of irreverent, sophomoric, ribald, obnoxious, stupid, gratuitously offensive, informative, and occasionally even thoughtful messages that change daily.

N.C. State students learn to ignore what offends them, challenge it, or paint over it. The Free Expression Tunnel teaches them not to fear offensive speech, but to engage it. That's why N.C. State students and alumni love the Free Expression Tunnel. And right now the UNC system is using it as an excuse to stifle speech system-wide.

Shortly after the election of Barack Obama, some students went to the Free Expression Tunnel and wrote some highly offensive racial comments aimed at the president-elect.

Decades of highly offensive comments appearing and disappearing in the tunnel somehow didn't prevent these particular comments from being treated differently from all the others.

The university leadership denounced them; news services broadcast them; the state office of the NAACP seized upon them and called for, among other things, that the students responsible be expelled; student government drew up a resolution for their punishment and expulsion before amending it to only punishment and diversity training for them, and new speech and conduct codes for everyone else on campus.

Meanwhile, the Secret Service and the Wake County District Attorney's office investigated and said no crime had occurred. Law enforcement seemed to notice a minor detail lost by the administration, students, media, and grievance industry: the offensive comments were written in an area of campus specifically set aside for free expression.

UNC President Erskine Bowles joined in and appointed a group that he seriously called the "UNC Study Commission to Review Student Codes of Conduct as They Relate to Hate Crimes." This alphabet soup is tasked with setting a policy for UNC student codes of conduct and with recommending whether all students should be forced to take diversity training.

Apparently nowhere within the UNC system can be found an educator who could use the incident as a teachable moment about the importance of free speech.

They all seem eager to use the incident to justify stifling speech on all UNC campuses. Their effort is doomed to fail. Someone will eventually sue, and UNC will lose. But the cost of defending that unconstitutional policy will be borne by taxpayers across the state. CJ

EDITORIALS

# Bush's Mistakes

*Will Obama's make them look insignificant?*

Critics are right to question the economic legacy of the now-ended Bush administration — but in reality, Bush's three big errors in economic policy are either misunderstood or shared by his left-wing critics.

The first lay in monetary policy. Unfortunately, Alan Greenspan capped off a largely successful tenure at the Federal Reserve with two massive overreactions. Partly in response to concerns about the Y2K turnover, he used open-market operations to hold interest rates artificially low in the late 1990s, inflating the dot-com bubble. Then, in response to 9/11 and ensuing fears of a worldwide economic downturn, the Fed opened up the money spigots again from 2002 to 2004. Other central banks did, too, inflating another financial bubble. This time, it manifested itself in equities, commodities (such as oil and minerals), and especially real estate. Nominal prices grew massively out of alignment with reality, and all that money sloshing around the system led to reckless lending standards, overexposure, and unsustainable debt.

We've only begun to pick up the pieces from this monetary mistake. Was it really Bush's? Well, yes, given that after the first Greenspan overreaction the incoming Bush administra-

tion did not signal clearly a return to sound money with its policy pronouncements and Fed appointments.

The second of Bush's true economic sins was his failure to control federal spending during the boom years. He did try to address the nation's long-term fiscal imbalance when it came to Social Security, but he actually worsened the imbalance by expanding Medicare and didn't do nearly enough to rein in Medicaid expenses or domestic discretionary programs. His increase in defense spending is a bit more debatable — if you think the Iraq and Afghanistan campaigns were largely wastes of time, rather than costly investments that will pay off in lower security risks from and trade to the Middle East in the long run, then you should include their cost as part of Bush's profligacy.

Another is Bush's third and arguably his most devastating error of all: his embrace of bailout mania and stimulus folly.

So what do leftist critics and the incoming Obama administration think about these three critical mistakes?

They don't seem to have a coherent position on monetary policy. And they now lobby enthusiastically for federal budgets, bailouts, and "stimulus packages" that will make the Bush years look restrained. *CJ*

# Economic Realities

*Workers move to where the jobs are*

A new study by UNC-Chapel Hill researchers has demonstrated that one of North Carolina's original incentives programs, the Lee Act tax credits, steered most of the \$2 billion in credits to companies in the state's 10 wealthiest counties over the past decade.

Because state policymakers typically justify state incentives to keep North Carolina competitive with national and international competitors for corporate relocations and expansions, they can't afford to block Charlotte, the Triangle, the Triad, and other urban centers from offering state tax credits, given that these locations are often the only ones that meet an international firm's needs and expectations. In other words, the goal of making North Carolina competitive with other states and countries always will end up prevailing over the goal of redistributing economic activity within North Carolina.

That's not to say that targeted

tax credits are the best way to improve North Carolina's competitiveness. Across the board reductions in tax rates are better, because they don't favor some forms or sizes of businesses over others. The UNC study also found that nearly 40 percent of all the Lee Act credits went to just 2 percent of the participating firms.

Still, the fact that so many Lee Act credits went to large firms in major metros is not evidence of bad faith or even of poor program design by lawmakers in Raleigh. It is, instead, a reflection of basic economic realities.

There are steps state government can take to improve the economic prospects of rural areas, but they don't involve more redistribution or tax-credit shenanigans. Above all, remember that every day, rural North Carolinians decide to move closer to urban centers to look for work. It's a process that's been underway for decades. It is likely to continue, regardless of what public policymakers think or do. *CJ*

COMMENTARY

# Where Are the Protesters?

Now that the various transition ceremonies are over and the cheering, shivering crowds have dispersed, I'd like to ask a potentially impolite question at this point: where are the protesters?

Here in North Carolina, Gov. Beverly Perdue has announced significant reductions in planned state spending for 2008-09 — more than \$200 million out of Health and Human Services, \$156 million out of state funding for public schools, \$150 million (6 percent) out of state appropriations to the University of North Carolina system, and as much as a 7 percent reduction in a number of other agencies across state government.

Because the projected state budget gap in 2009-10 is at least as large, many of these budget-savings recommendations are going to remain in place for at least two fiscal years. My guess is that some will persist longer than that.

In the private sector, of course, recessions typically bring far larger adjustments. Some businesses are freezing pay and hiring, laying off workers, even going kaput in some cases. Many North Carolina families find themselves needing to cut back far more than 7 percent of their household budgets in order to pay the rent and meet other high-priority needs.

But during past budget debates in Raleigh, we've been told that cuts of 4 percent to 7 percent in the state budget would be draconian, that they would be ruinous to the state and result in a massive public outcry and political backlash. Now that the governor has ordered them, however, most people appear to recognize their necessity and expect critical state functions to continue to be performed despite the tighter rein on spending.

I'm not minimizing the costs associated with aligning North Carolina's state budget to fiscal realities. Some people are losing incomes. Others, including vendors and probably some state employees, are losing their jobs altogether. Adjustments will come, but they'll be painful and in some cases lengthy.

Still, reality can't be escaped. Government at all levels — federal, state, city, and county — has grown larger and more cumbersome than taxpayers can afford, particularly

given that taxpayers aren't getting enough of a bang for each additional buck invested, in areas ranging from education to road paving. In Washington, a misbegotten experiment with business bailouts and heavy-handed stimulus is driving the federal deficit far north of \$1 trillion. The Feds will borrow the money in the short run and likely raise taxes in the long run. The economy will stagger back to growth eventually, but excessive marginal tax rates and other burdens will slow its pace.

In many North Carolina cities and counties, the boom years of the past

couple of decades led short-sighted politicians to push localities into services and businesses far from their core missions: entertainment complexes, sports arenas, convention centers, land development, telecom, and heavily subsidized transit routes. Now, faced with the prospect of unloading some of those poorly performing assets into a weak economy, some will press forward with higher property and sales taxes to cover their losses, all the while blaming national and international actors for their plight and hoping for a federal bailout to kick the can down the road a bit more.

And in Raleigh, the past two decades have brought a 41 percent real increase in the size and cost of state government — mostly during the 1990s, as Jim Hunt and the General Assembly created massive new programs and fiscal obligations, but maintained and expanded a bit more under Mike Easley.

Some of us warned that there would have to be a fiscal reckoning, that politicians' desire to spend and taxpayers' willingness to pay were out of alignment. Now, at least at the state and local levels where deficit spending for government operations is disallowed, the reckoning has arrived.

I'm not complaining about the lack of protesters, mind you. I'm just surprised, having been assured for years that the kind of budget savings now being proposed — the kind proposed by the John Locke Foundation for years — were unthinkable.

Guess not.

*CJ*

*John Hood is president of the John Locke Foundation and publisher of CarolinaJournal.com.*



**JOHN HOOD**

## EDITORIAL BRIEFS

*Bush's Regulatory Policies*

Barack Obama has an ambitious agenda of new financial regulations, labor regulations, and energy regulations. But while some people still seem to think Republicans take a hands-off approach to regulation, the Republican rhetoric doesn't always match Republican policy, says Veronique de Rugby, a senior research fellow at the Mercatus Center at George Mason University.

In 2007, about 50 regulatory agencies issued 3,595 final rules, ranging from boosting fuel economy standards for light trucks to continuing a ban on bringing torch lighters into airplane cabins. Since President Bush took office in 2001, there has been a 13 percent decrease in the annual number of new rules.

Of the new rules, 159 are "economically significant," meaning they will cost at least \$100 million a year. That is a 10 percent increase in the number of high-cost rules since 2006, and a 70 percent increase since 2001.

At the end of 2007, another 3,882 rules were already at different stages of implementation, 757 of them targeting small businesses. Moreover, the Bush administration has spent more taxpayer money on issuing and enforcing regulations than any previous administration in U.S. history. Between 2001 and 2009, outlays on regulatory activities, adjusted for inflation, increased from \$26.4 billion to an estimated \$42.7 billion, or 62 percent.

Today it costs more to produce each rule than it cost eight years ago. If the regulator's budget is going up while the number of final rules is decreasing, then the regulatory process is becoming increasingly inefficient. Since the regulations are becoming more expensive, taxpayers are losing on all fronts. CJ

*AIDS and Patents*

Western activists continue to blame the high price of drugs for AIDS' continued prevalence in Africa. However, the real causes of restricted access to AIDS drugs are Africa's derelict transportation systems, widespread corruption, and poor utility infrastructure, said Thompson Yodeled, an executive director of Initiative for Public Policy Analysis.

Most of the high-quality AIDS drugs that Africa imports have to be transported over vast distances and stored for extended periods of time before they can be distributed. But the roads and warehouses in most African countries are poorly maintained. Corrupt officials often exploit weaknesses in the supply chain and extort hefty bribes from aid.

In 2001, African leaders pledged to invest 15 percent of their budgets in health-care infrastructure. Seven years later, few have come close to meeting that commitment. Nigeria, for example, devotes less than 6 percent of its budget to health.

Giving African governments the power to manufacture patent-protected pharmaceuticals locally means patients likely would receive low-quality drugs, Yodeled said. In Thailand and India, for example, locally produced AIDS drugs are often of such low quality that they are causing drug resistance. CJ



## Should You Hope for Deflation?

For the first time in 70 years, the most widely followed measure of inflation, the Consumer Price Index, showed average prices falling for four consecutive months. Even the inflation index that excludes gasoline prices, which have been plunging, fell in November. Are these signs of deflation, and, if so, should you be happy about it?

Before answering, let me define some terminology. Inflation means average prices are rising. Importantly, the average is a "weighted" one in which products and services that are more important to consumers' spending receive greater importance than those that aren't. The inflation rate is then reported as a percentage, such as 2 percent or 3 percent. A 3 percent inflation rate means average prices rose by 3 percent for the time period covered, usually a year, or if it's a month, annualized to a year.



MICHAEL WALDEN

Deflation is the opposite of inflation. Deflation means average prices are falling. A deflation rate is also indicated by a percentage, except now the percentage is negative. So a deflation rate of minus 2 percent means average prices fell by 2 percent for the year. It is unusual for deflation to occur. Since World War II, deflation has happened less than one-tenth of the time.

When deflation does occur, it's usually during bad economic times, such as a recession or depression. Indeed, the "granddaddy" of all deflationary periods happened during the economic depression of the 1930s, when prices fell by more than 20 percent.

This makes sense. During economic downturns, consumers buy less, or at least their spending rises at slower rates. This means to move their merchandise, retailers and merchants will discount prices and put things on sale. In other words, they will lower prices. From the perspective of sellers, it's better to make some money than none at all.

So shouldn't we all be jumping for joy when deflation is reported? After all, it means what we buy at the malls, shopping centers, and supermarkets is cheaper, so our paycheck will go further.

What could be wrong with this?

What could be wrong focuses on one key word in the above paragraph — your paycheck. If companies are earning less money from what they sell, then they will have less money to pay workers. Historically, there has been a close relationship between how fast prices rise and how fast wages rise. When prices go up more, so do wages, and when prices go up less, or drop, wages follow.

Therefore, if the economy gets into a prolonged deflationary cycle, our paychecks will probably also slide. Yet such a situation wouldn't necessarily trigger a lower standard of living. If what we earn is less, but the prices of what we buy are also less, then the result can be a wash.

Except in one aspect of our financial lives — debt. Payments on debt are different in that they are usually specified as dollar amounts, for example, \$300 a month for a car loan or \$800 a month for a home mortgage. Unless the loan is tied to a floating interest rate, the payment won't drop when there's deflation.

So this means a consumer, whose income might be falling because of deflation, would still owe the same monthly payment on loans. Obviously this increases the chances the consumer couldn't meet the payments, making default on the loans and loss of the car or home a greater possibility.

The economy doesn't need more loan defaults and home foreclosures. This is why many economists think a long period of deflation isn't likely for one big reason: The government will prevent it. The government, in the form of the Federal Reserve, does have the ability to hold off deflation by simply printing more money. Federal Reserve officials have hinted they intend to do just this.

You will have to decide whether you're better off with deflation. If you are, enjoy it now, because likely it won't last. In fact, with the money printing presses working overtime today, our worries will likely turn back to inflation in a couple of years. CJ

Michael L. Walden is a William Neal Reynolds distinguished professor at North Carolina State University. His new book, *North Carolina in the Connected Age*, was published recently by The University of North Carolina Press.

# Time to Finish the Border Fence

Open-border advocates and some members of Congress are urging President Obama to stop construction of the 670-mile fence along the Mexican border — which, by the way, was to have been completed in January.

Others in opposition are even pushing for the fence to be dismantled — ignoring the will of the American people — who overwhelming in 2006 rejected the McCain-Kennedy amnesty plan.

American citizens, during the congressional debate on immigration, emphatically informed their congressmen and senators, in no uncertain terms, that they wanted a fence built along the U.S. southern border and that they wanted that fence built without delay.

During the recent presidential elections, the illegal-immigration crisis was “downplayed” by both major party presidential candidates and virtually ignored by the elite media and pundits in New York and Washington.



**MARC  
ROTTERMAN**

Many “Washington political experts” stated that illegal immigration was no longer an issue.

But consider this: According to a recent Rasmussen Reports’ national survey, most Americans support the continued construction of a fence along the U.S.-Mexico border and the use of the military, if necessary, in border areas.

Sixty percent say the government should continue to build the fence, while 26 percent disagree, and 13 percent are undecided.

The open-border anti-fence activists are emboldened because Arizona Gov.

Janet Napolitano, Obama’s choice for secretary of Homeland Security, is perceived to be one of them and might try to halt or further delay construction of the \$2 billion barrier.

And this is at a time when 5,700 deaths last year in Mexico were blamed on drug violence.

That is a war, and some in Mexico are beginning to understand that the nation can no longer tolerate

such lawlessness.

These chaotic and lawless conditions have prompted some Mexican lawmakers to revisit the country’s ban on capital punishment.

Last June the Bush administration’s reaction to this crisis along our southern border was to push through a \$1.6 billion border security spending plan ... for Mexico and Central America.

Instead of finishing the fence, the American taxpayer coughed up hardearned cash for helicopters, surveillance equipment, computer infrastructure, expansion of

intelligence databases, anticorruption initiatives, human rights education and training, and anti-money-laundering programs for our southern neighbors.

Meanwhile, after years of officially launching complaints against the United States for its efforts to follow the rule of law and enforce its borders, Mexico is cracking down hard on illegal Cuban immigrants caught

trying to enter Mexico from the south.

They have worked out an agreement with Cuba to send back illegal aliens immediately and to punish human smugglers.

Ironically, the Bush administration chose to reward illegal immigrants with government benefits, despite numerous studies, including one by the Heritage Foundation, that clearly demonstrated that the net cost to taxpayers of illegal immigrants exceeds their contributions to our nation’s economy.

With our economy faltering, illegal immigration has begun to decline, some say, to the lowest level in 30 years.

The new Obama administration should use this opportunity to complete the fence and to secure our borders.

In what appears to be a deep and protracted recession and with unemployment on the rise in the United States, we can no longer afford the economic costs associated with illegal immigration — let alone the cost to our sovereignty and security. *CJ*

*Marc Rotterman is a senior fellow of the John Locke Foundation and a former member of the board of the American Conservative Union.*

**Drug-related  
chaos in Mexico  
has caused  
that country  
to reconsider  
capital punishment**

## Pass the Unborn Victims of Violence Act

To the editor,

North Carolina lawmakers have introduced the Unborn Victims of Violence Bill for the past five sessions only to see it languish in committee.

Modeled after the federal bill known as the Laci and Conner Peterson Act, House Bill 263 says that a person who commits the crime of murder or manslaughter of

a pregnant woman is guilty of a separate offense for the resulting death of the unborn child. The bill’s three other primary sponsors and its 46 co-signers, as well as many other legislators, have indicated their support. The bill simply makes sense. A national poll shows that when asked the question, “If a criminal assaults a woman who carries an unborn child, does that crime have two victims or only one?” 80 percent of respondents say “two.”

The federal government and 36 states have laws to prosecute the unlawful killing of an unborn child,

laws that have been upheld by numerous federal and state courts. And yet, in North Carolina, the issue hasn’t even been debated on the House floor, thanks in part to two powerful groups, the pro-abortion lobby and domestic violence advocates, and a committee chair who has not allowed the issue to be heard.

The fetal homicide bill does not conflict with the *Roe v. Wade* ruling. Let’s quit looking for any excuse not to pass this law. This is not about abortion. They want women to have a choice. Well, these women who were murdered had a choice and chose to have their babies. Then that choice was taken away.

Rep. Deborah Ross, who chairs the Committee on Judiciary I, where the bill remains, says she refused to hear the study bill that would have opened the door for those types of discussion. As for the senate side, Sen. Andrew Brock, R-Davie, introduced S.B. 295, a very similar measure, which also wound up in the senate Judiciary I committee, chaired by Sen. Martin Nesbitt, D-Buncombe.

The only thing that will get the bills out of the committee and to the floor will be a word from Senate and

House leadership to the respective committee chairs.

Calls and letters to Senate President Pro Tempore Marc Basnight and House Speaker Joe Hackney, especially from bill supporters in every district, might bring needed pressure to move the bill along.

Although the bill’s primary sponsors are Republicans, the Unborn Victims of Violence Act is not a partisan issue. People say they are lifelong Democrats, pro-choice, and liberal Democrats who support the bill.

People get reduced sentences too often, and a fetal homicide bill would help prevent that. The current laws North Carolina has in place do not even come close to being strong enough.

The current law states that any person, who in the commission of a felony, causes injury to a woman, knowing the woman to be pregnant, in which injury results in the miscarriage or stillbirth by the woman, is guilty of a felony that is one class higher than the felony committed.

We were very successful when we organized the “Coalition for Jessica’s Law.” After two years of delay, Jessica’s Law was finally signed by the governor. We have now organized

the “Justice for All Coalition” with the hopes of getting this bill signed into law after so many years of delay.

It’s past time that we pay tribute to the young women where the judicial system has failed them, such as Michelle Young, 29, who was four months pregnant with her second child. Young’s sister found her beaten to death on the bedroom floor. She was lying in a pool of blood with her 2-year-old daughter, who was unharmed, by her side.

Janet Abaroa was found stabbed to death in her Durham home in April 2005. Jennifer Nielsen was pregnant with her third child when she was murdered in Raleigh at eight months pregnant.

Maria Lauterbach’s unborn child had been buried with her, in the fire pit where the killer tried to destroy the evidence by setting both bodies ablaze. Megan Lynn Touma, a Fort Bragg soldier seven months pregnant, was found dead in June.

Contributions can be sent to: “The Justice For All Coalition” c/o Jeff Gerber 5816 Concord Hwy. Monroe, N.C. 28110

**Jeff Gerber  
Monroe, N.C.**

**Letters  
to the  
Editor**

# GTP Proposed as New Home for Gitmo Detainees (a *CJ* parody)

BY BAYTEN SWITCH  
Development Correspondent

RALEIGH

The little-used Global TransPark in Kinston might become the new home for the Global Terrorist Prison. GTP Vice Chairman Gene Conti submitted a top-secret proposal to Barack Obama in October shortly before Obama was elected President.

"The prison operation would overshadow the meager economic activity that currently exists at the GTP, and the cool thing is that we can continue to use the GTP brand even though it will stand for something totally different," Conti told reporters assembled Jan. 30 at his new office at the N.C. Department of Transportation.

Conti said he called the press conference after he learned Obama staffers had leaked the proposal to a few news organizations.

Since 2002 the U. S. Navy Base at Guantanamo Bay, Cuba, has contained a military prison that houses alleged enemy combatants captured in Afghanistan and Iraq. The facility is frequently referred to as "Gitmo."

Obama made a campaign pledge to close the Gurantamo prison and



Global TransPark officials cite the fact that they still could use the initials GTP even if the park were turned into a terrorist prison. (CJ spoof illustration)

bring the detainees to the United States to stand trial. On Jan. 22 he signed an executive order that mandated the closing of the Gitmo prison within a year.

In early January, Gov. Bev Perdue appointed Conti to be Secretary of the N.C. Department of Transportation. He had previously served as the department's deputy secretary from 2001 to 2003.

Perdue told *Carolina Journal* that she did not favor the plan and now questions Conti's judgment. "If I had known about his goofy idea for

this Global Terrorist Prison, I doubt I would have appointed him to lead our Transportation Department," she said. Perdue also said she told him to resign his position on the GTP board. "He has an important job to do at DOT, so I cannot allow him to have a second job at the GTP or anywhere else."

Conti defended the plan and said he had cleared it with state Senate boss Marc Basnight. "I didn't bother to share it with Bev because I didn't think she was actually going to become governor," Conti said.

He said the GTP is perfect for the new prison. Aero Contractors, a Johnston County-based company, already leases space at the airfield for the company's fleet of clandestine airplanes. Human rights activists have alleged that the company assists the CIA in flying terrorist suspects to foreign locations, where they are imprisoned and possibly tortured.

The GTP was launched during the early 1990s when the state took over Kinston-Lenoir County Airport and began an effort to turn the airfield into a just-in-time manufacturing center. More than \$200 million in public funds have gone into the facility. GTP boosters said that the facility would be responsible for 50,000 jobs by the year 2000. That didn't happen.

Conti said the prison idea is a winner and while the economic impact might not match the original expectations for the GTP, it will be substantial.

"The Global Terrorist Prison will be able to attract human rights activists' tour bus groups. When not protesting they will be spending money in restaurants, sign shops, coffee houses, and hotels. The new GTP may generate more visitors than the N.C. Zoo," he said. *CJ*

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