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State's School Construction Costs Soaring

By HAL YOUNG
Contributing Editor

North Carolina is one of the fastest-growing states in the union, and especially in its school-aged population. The growth, coupled with demand for more and better facilities, smaller classes, and specialized programs as well, has pushed local governments into a school construction boom.

According to the U.S. Census Bureau, North Carolina is one of only 14 states where the number of elementary schoolchildren has grown despite a nationwide decline between 2000 and 2003. The state also ranks fourth in the number of students added in the high-school ages.

As this occurs, though, demand for critical materials and skilled labor is driving the cost of the construction sharply higher. Major projects as far away as China have pushed the price of structural steel and concrete to new levels. Recovery work after Hurricane



Construction currently under way at Panther Creek High School off U.S. 55 in northwestern Wake County (CJ photo by Don Carrington)

Katrina, where more than 200,000 homes were reported destroyed, is not only affecting material availability but competing for contractors' attention.

While limited relief may be found with modular classrooms, public school systems have found themselves locked in a spiral of demand and debt, which

only seems likely to increase.

Help might come in the form of some standardized construction, according to the School Planning section of the N.C. Department of Public Instruction. The section's website says that rigidly standardized plans did not work well in other states such as New York and Cali-

fornia, but that more flexible "prototype" designs did. Rather than specify a single blueprint for all new construction, DPI has a clearinghouse for architects and firms to share school designs that can be adapted for different sites and uses.

Several counties have taken advantage of the program, although the plans remain the property of their creators. Steve Taynton, DPI's chief of school planning and an architect in his own right, said the chief savings is not in the architect's fees, but in the time needed for review and comment, and the convenience of a standing facility that superintendents and commissioners can visit.

"You might be able to save 30 percent of the total design cost ... and that's not much," he said, compared to the cost of the total project.

At least one fast-growing county, though, is successfully managing both. Johnston County has taken the prototype

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Critics: Climate Commission Might Not Strike Balance

By PAUL CHESSER
Associate Editor

A commission to study the effects of global climate change, established by the General Assembly this year, could be constituted to arrive at a foregone conclusion because of its makeup, some critics say.

Environmental groups, which have constantly issued dire threats about the dangers of global warming, are amply represented on the panel. A

few others on the commission are also affiliated with, or have contributed funding to, the groups.

In contrast, the commission is devoid of any obvious skeptics of the dangers of global warming. And even though the stated purpose of the commission is to determine costs, benefits, and economic impact of any actions taken in response to potential climate change, no economists were named to the board. That may change since state Senate President Pro Tem Marc Basnight

will appoint nine of the members.

"It does...appear that we will appoint at least one economist to the commission," Basnight spokesman Tony Caravano said in an e-mail response to questions.

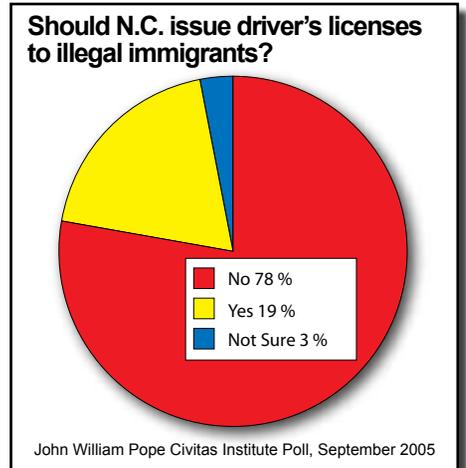
But State Sen. Andrew Brock, R-Mocksville, said that adding someone who might not automatically buy the global-warming assumption still leaves the commission far short of the ideological balance it needs.

"You're still looking at a stacked

deck," said Brock, who was critical earlier this year of the legislation that created the commission. "You're looking at one, versus 30."

The commission will actually consist of 34 members, including nine appointees each by Basnight and by Speaker of the House Jim Black. Black's office did not respond to questions about the commission or his potential

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State's School Construction Costs Soaring

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system to heart, and county officials are building their ninth copy of a school first designed in the mid-1990s.

Johnston County is the 11th-fastest growing county in the United States, according to the Census Bureau. The school system experiences four-digit increases in student population each year, and new construction is a way of life. Superintendent Anthony Parker, writing for the school system's website, says the last of the county's three-story, Eisenhower-era school buildings will be replaced this year. Yet the county is doing it for significantly less than the average cost statewide.

Larry Strickland, a member of the Johnston County Board of Education, said his county has realized large savings by finding a designer, a plan, and a contracting team that worked well, then sticking with them over several projects. The plan started in the mid-1990s and has continued with excellent results.

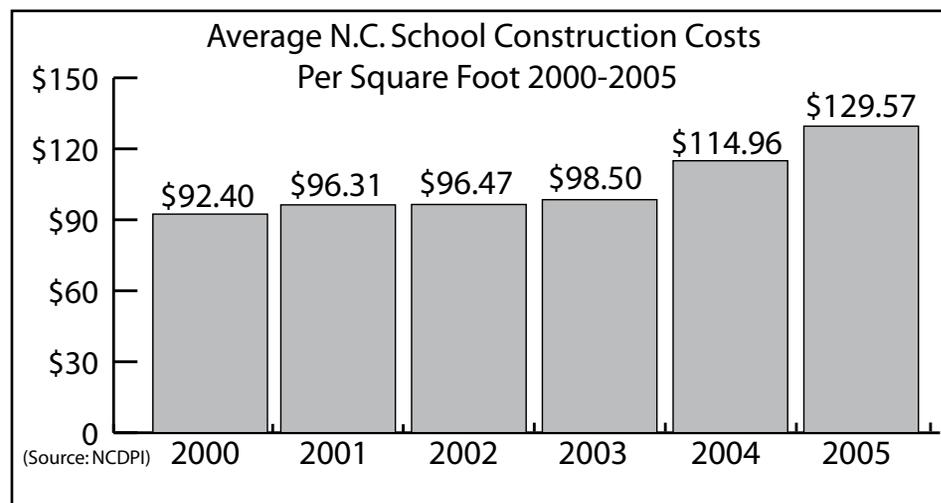
"Basically, we save time, it's cheaper, and it saves on the architects' fees," he said. Using that strategy, "we deal with the same people, the same general contractors. They can build it in a shorter time because they know what they're doing." Costs for the next new middle school include only 4 percent for design. "Before we came up with this model, it might have been 10 or 12 percent" — a figure, which, he said, other counties are paying still.

The prototypes Johnston County uses for elementary and middle schools were developed in the late 1990s for the projects needed then. West Johnston High School, which was built a few years ago to alleviate crowding at Clayton High, was the first use of the high school prototype plan. The elementary plan has been repeated seven times in Johnston County, and two new schools are going up in the western part of the county today — numbers eight and nine in the series, Assistant Superintendent Ann Williams said to the *Smithfield Herald*.

Statewide, as the demand for schools multiplies, the cost to construct them has climbed as well. State reports show the average school project cost, which hovered around \$96 per square foot for several years, jumped to \$114 in 2004 and topped \$130 per square foot in 2005.

Over two years, it has increased by 34 percent. Taynton attributes this in part to the economic recovery, as the demand for new construction went up and contractors gave their workers raises deferred through the recession.

Industry surveys focusing on school construction suggest that North Carolina's costs are not unusual. *School Planning and Management's* 2004 report found school construction across the region averaged about \$116 per square foot, compared to North Carolina's reported \$114 last year. *American School*



and University's annual survey placed the median cost at \$124.

The supply and demand show up in the bidding process. "If you've never been to a bid opening, it's an experience to remember," Taynton said. When business is tight, he said, "there may be 100 percent difference between the high and low bidders." In a busy market, though, "sometimes you won't see that low bidder. There's not as much encouragement for that firm to sharpen the pencil."

In Johnston County, Strickland said that the seventh edition of the original school cost less than the first. Polenta Elementary, one of the first, was built in 2000 for \$87.31 per square foot, which was 5.5 percent below the state average that year. River Dell Elementary, one of the last completed, was \$84.58 a square foot — 12 percent below that the state average of \$96 that year. Middle-school economies were even more impressive, saving 8.4 percent in 2000 to nearly 14.5 percent two years later.

Standardization is only one part of the program. There's been some savvy business in Johnston County, too.

Strickland said that property owners responding to needs of the school district were asking premium prices for land, "just as if McDonald's were going to build there."

To get around this presumptive pricing, the school board hired an out-of-state consultant to act as a purchasing agent not closely identified with the school system. Strickland said he has seen him in the crowd at a local auction, bidding on a tract that he secured for the school — at a very favorable price.

Joint-use projects promise to save money for the county as a whole. A controversial land purchase this year netted a school site plus 20 acres of additional land, which will be used for a recreational area by the small-but-growing community nearby.

New developments are springing up all around, but the community does not offer many facilities yet. Strickland said that by making double use of the athletic fields and outdoor equipment at the school, the community could save the cost of a separate facility.

Perhaps most profitably, the county has managed to combine projects

and benefit from the efficiency gained by the builder. Strickland credits good legislative support for this.

"When [former representative] Billy Creech and Leo Daughtry were in the General Assembly, they introduced a bill for Johnston County to bid two schools on a single contract," he said. "This allows a general contractor to have his men working at both jobs at the same time," assigning them to one job site or the other as needed. The two schools under construction now were bid this way.

The \$85 million bond approved by voters in May is a vote of confidence, Strickland said. By combining the state's design resources, public support for funding, and solid business tactics, Johnston County officials are finding their dollars stretch further than one might expect.

"The citizens have been happy with the way we're spending money," Strickland said. "That's the one thing we've been successful with in our school system — being frugal with the taxpayer's money."

While state spending on K-12 education will surpass \$6.6 billion, or nearly 40 percent of the state's total budget this year, the cost of building projects falls on local taxpayers.

According to the annual Statistical Profile published by the DPI, while two-thirds of the operating expense of public schools comes from the state, the balance is more than reversed when capital spending is involved.

In the most recent report, covering the 2002-03 academic year, 94 percent of the money spent on construction and capital projects, just under \$783 million, came from local sources.

The state still offers some oversight of school construction, through DPI's School Planning section. "We review all school construction projects, from a concession stand to a high school," Taynton said.

"Since the mid-90s, when there was a change for more local control, we don't give 'approvals' any longer, but by statute, we review and provide comment, and the districts are required to give consideration of our comments." CJ

Alarmist interpretation feared

N.C. Climate Commission Might Not Strike Balance

Continued from Page 1

appointees.

"We've got to see what the president pro tem and the speaker do in terms of their appointments," said Ed Erickson, an economics professor at North Carolina State University who specializes in research of global-oil and global-warming issues. "My concern is that they will have been gotten to by the environmental lobby."

Brock sponsored a press conference in July at the Legislative Building in which the John Locke Foundation hosted Dr. S. Fred Singer, a physicist who specializes in studying global-climate trends. Singer is president of the Science and Environmental Policy Project, a nonprofit research organization, who disputes the claims of environmentalists who think global warming is unique and a threat to the world.

Brock is concerned that organizations having established beliefs in the perceived dangers of global warming are well-represented on the commission, but that no critics of the global-warming theory have been appointed. That may be because environmentalists pushed the legislation that created the commission in the first place. Leaders or designees of Environmental Defense, the Southern Alliance for Clean Energy, the North Carolina Coastal Federation, and the Conservation Council of North Carolina are among global-warming theorists who will be on the panel.

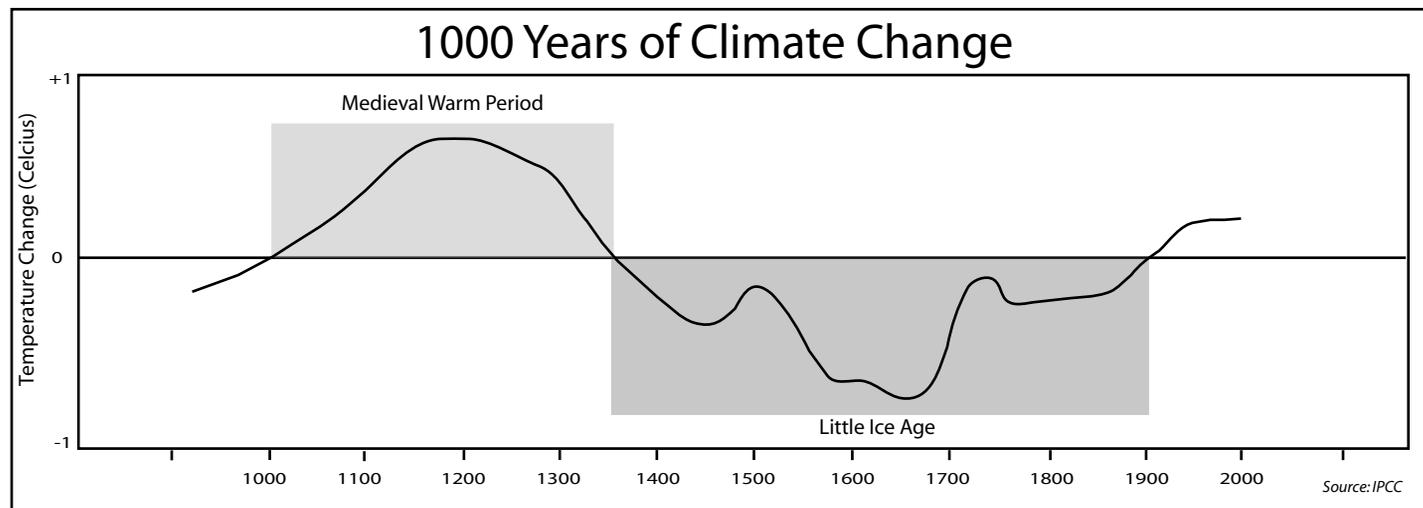
"Global warming is the most profound environmental challenge of our time," Environmental Defense's website says. "Strong government action is needed to combat this most urgent environmental problem, and we are leading this effort."

"Catastrophic storms like hurricanes and intense thunder storms are more likely as the climate changes and will contribute to excessive erosion, flooding, loss of human life, devastating losses to property and increases in insurance costs," says the Southern Alliance for Clean Energy. "North Carolina already experiences more hurricanes than any other state except Florida."

Groups that consider global warming a threat have called for dramatic reductions in carbon dioxide emissions, which are mostly caused by the burning of fossil fuels. That would impose steep regulatory costs on large industries and energy companies.

Opponents of the theory say the earth has always undergone prolonged periods of warming and cooling. The current trend is just part of the alternating cycle, they say. They warn that if irrational policies in response to a normal, natural phenomenon are enacted, it could do severe harm to the economy.

Other representatives on the



commission have ties to the environmental groups, or themselves represent liberal positions on the environment. Also participating will be an appointee of Dr. William Schlesinger, dean of the Nicholas School of the Environment and Earth Sciences at Duke University. He is a regional board member and advisor for Environmental Defense.

In August, Schlesinger wrote an opinion article for *The News & Observer* of Raleigh, in which he promoted the idea of a carbon tax as an incentive to lower the use of fossil fuels.

"The United States needs to get real with the interconnected issues of energy and climate," he wrote. "We can address both simultaneously by adopting policies that increase the cost (and thus discourage the use) of traditional carbon-based fossil fuels, and with provisions that promote the use of alternative energies."

Also on the commission will be someone chosen by Douglas Crawford-Brown, director of the Carolina Environmental Program at the University of North Carolina at Chapel Hill, and another advocate for limiting carbon emissions. He teaches a summer program in Europe on International Environmental Assessment and Energy Policy, some years in Salzburg, Austria. In June a British organization's website, the Community Carbon Reduction Program, quoted Crawford-Brown about his work.

"We are coming here (to Cambridge) to learn lessons from the UK on how a responsible nation responds to climate change," he said, "lessons to be brought back to the States as examples of best practice to which our own country and towns might aspire."

Crawford-Brown brought those lessons back home and helped get them implemented in Chapel Hill. The Town Council voted to join the project in September, voluntarily agreeing to cut carbon emissions with a goal of 60 percent in reduction by the year 2050.

Although Brock said opponents of the theory are not on the panel, Caravano said there are.

"This commission has balanced representation from entities across the state and will be further balanced by the appointments made by Senator Basnight and Speaker Black," Caravano said.

The business interests on the panel will consist of appointees made by Duke Power, Progress Energy, North Carolina Citizens for Business and Industry, and the Manufacturers and Chemical Industry Council of North Carolina. A. Preston Howard, president of MCIC, said his group got involved in the development of the legislation and helped swing the overall balance of the commission.

"There were some issues with the bill we wanted to have addressed," Howard said. "It's certainly more balanced than the original bill."

He said the commission needed to have representation to counter "those who view this as a near-term catastrophic issue," because dramatic policy changes would likely cost members of his organization, which represents large industries, a great deal more. Howard's own views appeared to somewhat temper the alarmist viewpoint.

"I believe in the near term, the globe is warming," Howard said. "I also believe it's not the first cycle in our history where we've seen the globe warmed or cooled."

Howard said he isn't sure whether global warming is a problem that needs to be addressed. But, he said, businesses in the state shouldn't be put at an economic disadvantage for a potential problem that can be addressed only nationally, if not internationally.

"There is absolutely nothing any individual state can do to address this problem," he said.

Howard wasn't concerned that global-warming skeptics weren't represented on the panel, because those experts "are accessible if we need them."

As for Duke Energy and Progress Energy, their positions on the issue are clearly not as doubters.

"It is clear that the United States needs cohesive environmental and energy policies that break the continuing logjam, and we intend to take a leader-

ship role in developing and advancing those policies," Duke CEO Paul M. Anderson wrote to shareholders in March. "For example, we will be proactive on the issue of global climate change... Ideally, U.S. public policy should encourage a transition to a lower-carbon-intensive economy through a broad-based approach, such as a carbon tax or other mechanism which addresses all sectors of the economy."

Duke also made a \$2.5 million donation to Duke University's Climate Change Policy Partnership, which will fund research fellowships at state universities. Graduate students in the program will study economic issues related to emissions regulations.

In May the *Charlotte Business Journal* reported some surprised reactions to Anderson's comments, including a U.S. senator's. "Duke Energy has fallen victim today to the scare tactics of the extreme environmental left on the issue of climate change," said Sen. James Inhofe, R-Okla.

Besides Duke, a foundation established by Progress Energy has also donated to environmental causes, including the N.C. Coastal Federation. However, Progress has not taken a clear position on the global-warming theory.

Among the last of the additions to the commission were a North Carolina State climatologist, Dr. Sethu Raman, and a research professor at East Carolina University who specializes in sea-level change, Dr. Stanley Riggs. They should have been among the first placed on the commission, Brock said. "If we have a commission to study the climate," Brock said, "we should have people on the commission who study the climate."

A spokesman for one of the participating environmental groups promised that credible scientists would represent them.

"It's very likely we will ask a member of our board to represent us on the commission, who is a scientist who has considerable background in this area," said Jim Stephenson, a program analyst for the N.C. Coastal Federation. *CJ*

North Carolina State Budget for 2005-2007

Teapot Museum Earmark Stirs Tempest in Media, Legislature

By PAUL CHESSER
Associate Editor

RALEIGH

A proposed Alleghany County museum that would display 6,000 teapots worth more than \$5 million has become the poster child for pork-barrel spending in the state budget that was passed in August.

A \$400,000 earmark for the Sparta Teapot Museum was frequently mocked in the media, and by Republicans in the legislative minority. The state GOP said the budget contained at least \$40 million in pork-barrel projects, and in a press release called the teapot allocation "egregious."

But Rep. Jim Harrell III, an Elkin Democrat who sought the funding in the state budget, said the museum's critics don't know enough about the project to evaluate its worth.

"It's only because of the title that it's receiving any grief," he said. "It's a great location for travel tourism."

Sparta, nestled near the Virginia line about a six-mile trek off the Blue Ridge Parkway, has lost one-third of its workforce in manufacturing plant closings since 2000. Patrick Woodie, a former Alleghany County commissioner and now executive director for the teapot museum, said the project represents the area's first concerted effort to emphasize tourism over manufacturing to develop economically.

"I wouldn't say we're backing off manufacturing," Woodie said, "but it's a safe bet that it will make up a smaller percentage of our workforce."

Like many other North Carolina communities, Sparta and Alleghany County in recent years experienced an economic decline with the closing of several plants, followed by many down-

town retail businesses. Perhaps the toughest punch came with the closing of Bristol Compressors in early 2002, seven years after state and local governments cobbled together more than \$15 million in incentives for the plant. Local officials sued to recover the more than \$5 million it gave Bristol, but because of weaknesses in the contract, received only \$1.3

million back in a settlement. Much of that money was redirected to help lure a Martin Marietta plant to the area.

Woodie said he knows manufacturing will never be the presence that it once was in Alleghany County, but he also knows that tourism isn't going to be the "silver bullet" to slay economic woes, either.

"We don't see the (Blue Ridge) Parkway as the panacea," he said. "We know there's a limit to how many we'll draw."

Instead, area leaders view the teapot museum as a unique attraction that will help foster overall downtown redevelopment.

"I don't think anybody can perceive the future and understand the implications of it totally," said Warren Taylor, a Republican Alleghany County commissioner. "What I'm saying is it will have a definite effect on the revitalization of our downtown."



State Rep. Jim Harrell III, D-Surry

"It's only because of the title that it's receiving any grief."

Rep. Jim Harrell III
(D-Surry)

According to Woodie, the teapot museum idea materialized when Jean McLaughlin, director of the Penland School of Crafts, met Sonny and Gloria Kamm during a trip to Los Angeles. The couple had been considering where they might permanently display their collection, and McLaughlin recommended

the North Carolina mountains. The Kamms, after a phone conversation with Winston-Salem philanthropist R. Philip Hanes, Jr., visited Sparta and quickly decided the area could benefit from their collection.

Woodie said a traveling exhibit of many of the Kamms' teapots at museums around the country has "spectacular attendance." An economic impact study determined that the project would attract 61,000 visitors annually and \$7.5 million in new tourism spending.

The museum is expected to cost about \$10 million to build. As many as a dozen employees would be hired, and the proposed annual operating budget would run between \$800,000 and \$900,000.

Besides the state grant, the teapot museum has been awarded \$380,000 of the state's tobacco settlement money

through Golden LEAF, and \$25,000 from the AdvantageWest regional economic development partnership. Woodie said the museum has also received about \$500,000 in individual private contributions and \$78,000 in grants from the Z. Smith Reynolds Foundation.

Woodie also said \$1 million in federal funds have been requested through U.S. Sens. Richard Burr and Elizabeth Dole, which could be allocated through a Housing and Urban Development bill under consideration in Congress. Burr's office did not confirm or deny that he was pursuing federal money for the teapot museum.

Asked why public money was needed, Woodie said, "We're really looking for partners at all levels. We're just really pursuing every avenue."

Harrell said he hoped the public "investment" would spur private donations. "Hopefully (the state's) commitment and the federal commitment will help people, as they are considering projects, to make a contribution," Harrell said.

Republican State Sen. Don East, who represents the area, said if lawmakers are going to be passing out "pork" that he wants "poor little Alleghany County to get some too." But he added, "If we could remove all pork from the budget, I'd be more satisfied."

Of the teapot museum, East said, "It's a crapshoot whether we will ever realize a lot out of tourism. Hopefully we will."

Taylor, the county commissioner, was more optimistic and regretted the stigma that has been attached to the project. Still, he said, the "any publicity is good publicity" principle could mean the current focus on the teapot museum ultimately is positive. CJ

Budget Funds State Internet Authority That Was to Expire

By PAUL CHESSER
Associate Editor

RALEIGH

Taxpayer groups groused over the extension of "temporary" sales and income taxes — which originally were to expire in 2003 — in the state budget, but little noise was made about new money for a state-funded nonprofit that was to disappear also.

The E-NC Authority, formerly the Rural Internet Access Authority, received another \$1 million in operating funds for the next two fiscal years. Current state law forces the organization to discontinue at the end of 2006.

The RIAA was created in 2000 with \$30 million from the Microelectronics Center of North Carolina, a technology research organization created in 1980 by Gov. Jim Hunt that was subsidized with up to \$250 million from taxpayers through the late 1990s. The purpose of RIAA was to serve as a temporary state authority to facilitate the extension of high-speed Internet service to the state's rural areas.

RIAA was originally planned to be dissolved Dec. 31, 2003, but the General Assembly instead changed its name to E-NC and extended its life until the end of 2006. Then-state Sen. Virginia Foxx, now a Republican congresswoman, said at the time that the RIAA had only "some loose ends" left to complete its original mission.

"What they're creating is a bureaucracy that doesn't need to be created," Foxx told CJ in June 2003. The original funding from MCNC has been exhausted, used for operations and grants.

A separate bill that would have extended E-NC's life until June 30, 2007, and also funded the new Telecenters, passed the House Science and Technology Committee unanimously in April. But the bill was never considered by the full House or the Senate.

Executive Director Jane Smith Patterson said E-NC "is a state authority, not a permanent state agency," but that the needs to help extend high-speed Internet service to all areas in North Carolina are ongoing.

In its January 2005 presentation to the Joint Leg-

islative Commission on Governmental Operations, E-NC reported "there is much more that must be accomplished for information technology infrastructure in North Carolina."

The authority, however, implied that its own existence might need to be permanent to keep technology up-to-date in rural areas.

"Technology turns over at a minimum every two years," the E-NC report said, "and the rural areas must keep up with these technology turns in order to create and maintain competitive rural economies."

Patterson said leaving the job to the private sector would leave holes in the state's broadband Internet service.

E-NC, together with the state's Rural Economic Development Center, received almost \$2 million last year from the Assembly, in part for the development of four more TeleCenters. It has also received funding from the U.S. Department of Commerce, Golden LEAF, and the Z. Smith Reynolds Foundation. CJ

North Carolina State Budget for 2005-2007

Three-Year-Old Building Will Get \$1.8 Million Renovation

By PAUL CHESSER

Associate Editor

RALEIGH

Included among the special appropriations in the recently passed state budget is a \$1.2 million allocation to renovate a building that is less than three years old.

That is because the \$3.2 million structure at the N.C. Center for Applied Textile Technology in Belmont has already been rendered obsolete—if it was ever needed in the first place. The new funding will enable Gaston College, which is taking control of the Textile Center, to add up to 18 classrooms.

"The building was built to be appropriate for housing large textile equipment, not classrooms," said Rep. Debbie Clary, R-Cherryville. "That new building outdated itself quickly."

The Textile Center has been around for more than 60 years to support the industry and train its workers, but it struggled in recent years to transition with diminished manufacturing in the United States. Clary, who led the effort to move control of the center to Gaston College, said it also was mismanaged under the leadership of Dr. James Lemons. She said the building was underused.

"That is totally reflective of poor planning by previous management," Clary said.

The building project originally received funding through special appropriations in the 1997-98 state budget cycle. Democratic State Sen. David Hoyle and Republican Rep. John Rayfield, both of Gaston County, were able to win \$2.44 million for the new construction. The Textile Center obtained \$750,000 out of the \$3.1 billion university and community college bond referendum



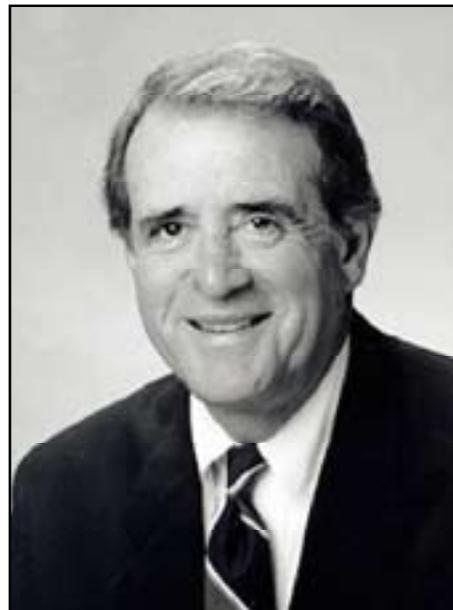
State Rep. Debbie Clary, R-Gaston

that voters approved in 2000, in order to finish the building.

Carolina Journal last year reported in error that the building was funded completely through the bonds.

Lemons and the Textile Center came under scrutiny in the last two years because it offered many classes with a minimal number of students. A *CJ* analysis of the 2002-03 school year found that of its 412 classes, 56 percent of them had five or fewer students in them. Seventy-three courses recorded only one student. Many of the classes were also redundant to what Gaston College, less than 15 miles away, offered as well.

Lemons also was the subject of a state audit, which found that he had accepted outside teaching jobs at the University of North Carolina at Charlotte and at Belmont Abbey College. Some



State Sen. David Hoyle, D-Gaston

of the classes met during daytime hours when the Textile Center was open.

Another earlier audit, conducted by the state's Community College System, made several recommendations to "maximize both usage and efficiency" of the Textile Center and its facility.

The General Assembly phased out funding for Lemons's position last year, and turned over a portion of its funding to the Hosiery Technology Center in Hickory, based at Catawba Valley Community College. The current proposed budget transfers \$475,000 of the Textile Center's annual appropriation to the Hosiery Center, which had lost that amount from a Worker Training Trust Fund that was financed through interest earned on the Unemployment Insurance Trust Fund.

Dan St. Louis, director of the Ho-

siery Center, said he has operated on a \$600,000 annual budget in recent years. The center has 13 full-time employees, and focuses on technological research and economic development for the textile industry. He said the Hosiery Center was established in 1990 at the request of many industry leaders, to help textiles maintain competitiveness and relevance.

"The Hosiery Center is doing such a wonderful job with the resources they have," Clary said.

As for the Textile Center, Gaston College President Dr. Patricia Skinner said its "old" building will continue to house classes for industry training. She expects the new building to be primarily used for science classes as part of a college-wide expansion, mostly as a support for its nursing program. She said the duplication of classes is a thing of the past, because "it will be planned from one central location."

She said the total cost for renovating the new building is estimated to be \$1.8 million, which will require additional funds from another source.

"What we're trying to do is make the building functional," Skinner said.

She also said that Gaston College will receive the annual appropriation from the state that had previously gone to the Textile Center, minus the \$475,000 that the Hosiery Center will now receive. Since 1996, the state gave an average of more than \$1.2 million annually to the Textile Center.

The state budget also earmarks \$500,000 for capital improvements, renovation, and equipment at Gaston College, which it may use at any of its campuses.

CJ

Two N.C. Congressmen Criticize Federal Response to Katrina

By PAUL CHESSER

Associate Editor

RALEIGH

As national Democratic Party leaders such as Howard Dean and New York Sen. Hillary Rodham Clinton heaped criticism on President Bush's administration over the federal response to Hurricane Katrina, only a couple of North Carolina's congressmen outwardly joined in.

The two who clearly did — Rep. David Price, D-4th, and Rep. Brad Miller, D-13th — had sharp words for the president.

"I share the anger of many Americans at how shamefully inadequate our government's response has been," said Miller, who is serving his second term in Congress.

"Tens of thousands of Americans are living outside the walls of civilization. They are without food, they are without water to drink, they are without

medicine or medical care, they are without effective shelter, they are without the protection against violence that law provides.

"The failures that led to that are not the failures of the last four days, but of the last four years."

Miller delivered his remarks on the House floor Sept. 2, when a \$10.5 billion emergency appropriations bill for the hurricane's victims was passed. On the same day Price, in a statement, issued similar criticism.

"While our focus remains on helping those who so desperately need it," he said, "we must also ask some very important questions about the inadequate overall planning for this disaster and the role the federal government has played in it."

Price said he had raised concerns two years ago when the Federal Emergency Management Agency, previously a separate agency, was moved under

the responsibility of the Department of Homeland Security. He said FEMA was "extremely effective and fast-acting" in response to Hurricane Floyd in North Carolina in 1999, and that he did not want "this nimble agency" to get bogged down in bureaucracy under Homeland Security.

During a Cabinet meeting Sept. 6, Bush told reporters his goal was to get help for the victims.

"I think one of the things that people want us to do here is to play a blame game," he said. "We've got to solve problems...There will be ample time for people to figure out what went right and what went wrong."

That wasn't good enough for Miller, however.

"The president's press secretary was asked earlier this week about our government's response to the hurricane and he said, 'Now is not the time for finger-pointing,'" Miller said in his speech

on the House floor.

"But...there has to come a time for accountability," he said. "If there is not accountability for the stunning failures that we have seen in our government's response to this hurricane, we will fail again and again.

"I know that this administration thinks that accountability is an ephemeral thing. If there is an attempt at accountability too soon, it's finger pointing. If there is an attempt at accountability too late, then it's something you should get over.

"Mr. Speaker, tell me when that moment will be. Tell me precisely when the moment will come for accountability for the failures of our response, for the failures of our planning that have led to the devastation and the hardships that we are seeing now. And Mr. Speaker, tell me where the line forms to ask hard questions."

CJ

NC Delegation Watch*Jones seeks FTC intervention*

In the days following Hurricane Katrina, when gas prices increased dramatically, U.S. Rep. Walter Jones, R-3rd, urged the Federal Trade Commission to protect consumers from gougers:

"I am writing to urge you to vigilantly enforce consumer protection statutes in order to ensure that oil and gasoline producers, refiners, wholesalers or retailers are not unfairly gouging consumers. Citizens are certainly aware that Hurricane Katrina has exacerbated an already bad market situation for oil and gas.

"...It is critical for federal authorities to closely monitor the marketplace to ensure that no one is exploiting consumers through unfair and illegal price gouging. The strength of our nation depends on the people's trust in the government to guard their interests, especially during times of crisis."

Burr introduces legislation

Senators Richard Burr (R-NC) and George Allen (R-VA) introduced legislation that would require the Secretary of Energy to report to Congress on the existing federal plans and procedures relating to significant interruptions in the transmission of gasoline and other petroleum products. The legislation would require the Secretary of Energy to report to Congress the procedures and protocols by which the Secretary notifies the Governor and any Federal elected official of a state affected by a significant interruption of energy.

Myrick chosen for panel

Rep. Sue Myrick (NC-9) was selected by the Speaker of the House to the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina. Rep. Myrick will be joined by 10 other senior members of the House on the Special Committee.

"I've appointed Sue Myrick to this special committee because of her extensive relief efforts and interactions with FEMA in the last 20 years. As Mayor of Charlotte she helped get her community back on its feet after it was devastated by Hurricane Hugo.

"That's the knowledge and leadership we need on this committee, and that's why I wanted her on this committee," said Speaker of the House Dennis Hastert.

CJ

Schools claim anti-gay discrimination**Can Law Schools Legally Ban JAG Recruiters?**

By MAXIMILIAN LONGLEY

Contributing Editor

DURHAM

A case before the U.S. Supreme Court involves the question of whether colleges and universities that accept money from the federal Treasury must, in exchange, allow the military to seek recruits among students.

The lawsuit, *Rumsfeld v. F. A. I. R.*, involves law schools whose policies exclude recruiters from the Judge Advocate General corps in the various armed-service branches. The law schools claim that discriminatory employers shouldn't have access to career-placement services on their campuses, and that the military's "don't ask, don't tell" policy (forbidding open homosexuality) discriminates against gays and lesbians. The Association of American Law Schools requires its members to exclude discriminatory employers.

In 1994, Rep. Gerald Solomon, R-N.Y., sponsored a measure to overturn these law-school policies. The so-called Solomon Amendment has been amended several times since then. Today, the Amendment requires that every subdivision of a college (such as its law school) must give the military the same campus access as other employers, on penalty of a cutoff of federal funds to the entire institution.

The Solomon Amendment was challenged in federal court by the Forum for Academic and Institutional Rights, the Society for American Law Teachers, and certain individual plaintiffs. The Third Circuit federal appeals court recently ruled the Solomon Amendment unconstitutional, on the ground that law schools have a First Amendment right to exclude military recruiters. The case is now before the U. S. Supreme Court.

Kent Greenfield, a professor at Boston College Law School, is the founder and president of FAIR. Greenfield cites U.S. Supreme Court First Amendment precedent as holding that the government "can't force people to speak." If a law school allowed military recruiters to use the school's career-placement facilities, the school would be implicitly approving the military's "don't ask, don't tell" policy, according to Greenfield.

Sylvia Law, a law professor at New York University, is a member of SALT. Law said that law schools' antidiscrimination policies are "neutral" and "general," applicable to all employers. The Solomon Amendment, Law declares, adopts a "most favored recruiter status" for military recruiters, allowing the military to evade gay-rights requirements imposed on other employers.

Marci Hamilton, who teaches at Yeshiva University's Cardozo School of Law, is a self-proclaimed member of "the small . . . minority of conservative law professors." The issue is not gay rights,



Maj. Gen. Michael D. Rochelle, commander of the U.S. Army Recruiting Command, conducted a Pentagon press briefing in May to discuss some of the challenges facing Army recruiters (Department of Defense photo by R. D. Ward)

Hamilton said, but whether the military can "hire the best and the brightest law students." The Solomon Amendment is "far from a suppression of free speech;" law schools are "not required to back the government."

Many organizations not directly involved in the litigation have appeared as amici curiae ("friends of the court"), urging the court to decide the case in particular ways. The American Legion is one of these organizations. Mike Duggan, the Legion's deputy director for national security, said "the country can use more folks in the army," especially now when "the nation is at war." The Solomon Amendment, and the recent modifications "putting teeth into" the measure, will probably be upheld by the Supreme Court, Duggan said, because of "judicial deference" to the military.

Another group appearing as a friend of the court is the conservative Mountain States Legal Foundation. The group's president and chief legal officer, William Perry Pendley, said military recruiters have "a true speech right," as opposed to the law schools, whose claimed prerogative of excluding recruiters is "not a real speech right."

The law schools mistakenly rely on the Supreme Court precedent of *Boy Scouts of America v. Dale*, which declares that the Boy Scouts have the First Amendment right to exclude openly gay Scoutmasters. The gay Scoutmaster "wanted to be part of the Boy Scouts," explains Pendley, and this conflicted with the Boy Scouts' self-defined mission. In contrast, military recruiters would not become part of a university if they were given access to students.

The Medill School of Journalism, which posts information about upcoming Supreme Court cases, has published an article by David Keating

that raises an interesting concern about the plaintiffs' argument in the Solomon Amendment case: If law schools have the First Amendment right to exclude people whose presence conflicts with the schools' self-defined academic mission, then, by similar reasoning, other organizations could have a First Amendment right to exclude "minorities, women, and the handicapped."

An organization could simply say that its mission would be compromised by admitting such individuals. This could legalize private discrimination and make federal civil rights laws unconstitutional, the article speculates.

FAIR's Kent Greenfield denies that his group's legal position would endanger civil rights laws. Greenfield said that every First Amendment case involves balancing the interests of the government against the interests of the speaker.

According to Greenfield, the government's interest in forbidding racial discrimination is powerful enough to overcome a racist school's interest in excluding blacks, even if such exclusion is part of the school's self-defined mission. In contrast, Greenfield asserts, the government does not have a compelling interest in promoting discrimination against gays and lesbians.

Some people claim that the case involves the First Amendment rights of recruiters, not the rights of law schools.

Commander Wayne Johnson, a former member of the Navy's Judge Advocate General corps, wrote in the April 2005 issue of the periodical *The Officer*: "When schools bar military recruiters, they are, in effect, censoring views with which they disagree. . . . Is this academic freedom? Why not let the marketplace of ideas decide?"

CJ

ACLU's Rudinger: Courts Should Allow Swearing In on Koran

By CAROLINA JOURNAL STAFF

RALEIGH

A procedural controversy that began in a Guilford County courthouse in June has now itself become an issue for a court to decide. At issue? Whether witnesses preparing to testify in North Carolina should be allowed to take the oath to tell the truth by placing their hand on a religious text other than the Bible.

The American Civil Liberties Union of North Carolina says, yes, and that two Guilford County judges were wrong when they denied the request to use the Koran. To make their point, the ACLU has filed a lawsuit against the State of North Carolina. Jennifer Rudinger, executive director of the ACLU North Carolina, joined *Carolina Journal's* Donna Martinez in mid-August for an interview to explain the case.

Martinez: *This began when a person of the Muslim faith requested that the Koran, not the Bible, be used for her swearing-in when she was a witness in a Guilford County courtroom. Why did the ACLU become involved?*

Rudinger: Well, initially what happened in that case is that she was not allowed to use the holy text in accordance with her faith, which is Islam, and we heard about this and it sparked a debate. There was an Islamic center in Guilford that offered to donate a bunch of Korans to the court system — to be on hand to be used for this purpose — and the court system said, "No, thank you."

So, interfaith groups, Muslim groups, the ACLU — a number of folks have weighed in on this — and it's been an ongoing debate for about a month and a half now. We wrote a letter to the Administrative Office of Courts at the end of June. The Administrative Office of Courts is the rulemaking body for the court system, and we asked them to issue a statewide rule that would interpret an existing statute, which says people may lay their hand on the Holy Scriptures. We asked the AOC to interpret Holy Scriptures broadly enough to be inclusive of multiple religious texts.

Several weeks later the AOC got back to us and basically punted the ball. They declined to take any action. So we do not believe that the legislature needs to do anything about this. The statute as it is drafted, we believe, is broad enough already to be inclusive of multiple faiths.

Martinez: *So you're looking for the North Carolina courts system to clarify the definition of Holy Scriptures. Right now, as it's been used, evidently that is interpreted as only the Bible. Although, people do have an option when they're sworn in to have no text used at all, correct?*

Rudinger: That is right. There are three different statutes in North Carolina

that govern the administration of oaths in the courtroom. The statute that we are challenging, at least in how it is being applied in our courts, says that people who wish to take a religious oath may do so by laying their hand on the Holy Scriptures.

The other two statutes give people the options of taking a religious oath by raising their hand in the air without the use of any text or book whatsoever. The third option is a secular oath where "affirm" replaces the word "swear" and the words "so help me God" are deleted. Those second and third options are fine in the way that they are being administered, but the first option — where people may use the holy scriptures — is being applied in our courts to mean only the Christian Bible.

Martinez: *So you view that as discriminatory?*

Rudinger: Absolutely. By allowing only the Christian Bible to be used in the administration of religious oaths in the courtroom, our state government is discriminating against people of faith who happen not to be Christian. The government cannot take sides in the religion debate and must remain neutral.

Martinez: *Now those who support the policy as is, and therefore would oppose your lawsuit, really make two arguments as I have read about this and listened to what is very animated conversation on talk radio. Let's talk about a couple of those. The first one was made in a Raleigh News & Observer story that ran on July 27, and it came from a lawyer with a group called Liberty Counsel, which is based in Florida. The gentlemen, Mr. Erik Stanley, is quoted in that story with this quote: "The ACLU is not attempting to bring accommodation. That already exists. They're trying to erase history. Courtroom oaths have always been done on the Bible." That's the end of his quote. He is correct that there is long standing tradition and history in this country of the Bible as Holy Scriptures, as holy text. How do you respond to his argument?*

Rudinger: Well, we certainly cannot continue discriminatory practices just because that's how we've always done things. It is a well-settled precedent that the government must remain neutral and it cannot discriminate against



Jennifer Rudinger, executive director of ACLU-NC

religion or endorse or promote religion. It just has to treat all religions equally.

So I don't think that gentleman from Liberty Counsel had actually read our complaint, because what we filed in court is not seeking to take the Bible out of the courtroom. We have no objection to people choosing to be sworn in on the

Bible if that is the holy text in accordance with their faith.

Martinez: *The second argument that those who are opposing you on this discuss a lot, has to do with the slippery slope. That is, if this goes forward — someone can choose which religious text they would like to be sworn in with in a courtroom — where does it really end and who decides? For example, if someone were to be a Satanist, and walked into a courtroom and said that they wanted to be sworn in with a book that discussed Satanism, would that be appropriate? Would it be an option if your lawsuit prevails?*

Rudinger: That is their constitutional right. It really is. The government should not be in the business of deciding what religions are appropriate or acceptable and what religions are not.

But if our statutes allow the use of texts for people of faith, then it has to be

open to all religious texts. So we are asking for inclusion of the Old Testament, of the Bhagavad-Gita, of the Koran, of whatever text is in accordance with somebody's faith.

Martinez: *This is a very emotional issue and you have done a number of interviews, and typically you get a response from folks who are opposed to you — basically saying that you are trying to eliminate the Bible from the courtroom. And even though you have a response that's very logical and based on your position in the lawsuit, it still doesn't seem to get through to people who are very concerned. How do you respond to the emotion of your lawsuit?*

Rudinger: I understand people of faith who are wanting to continue to use the Christian Bible, and we say, "you absolutely should be able to continue to use the Christian Bible in the courtroom." We are simply asking folks to consider that we are a religiously diverse society and nobody is trying to replace Christianity. We just need the government to not take sides. We need the government to adopt policies that are inclusive of all people of faith, particularly when you are swearing people into the courtroom and you want them to tell the truth. It really, if for their faith, it would be a more important oath, something they would take more seriously.

Martinez: *What's next in the suit?*

Rudinger: Well, the state has about a month to file their answer to our complaint, and then at some point it would be scheduled for hearing in Wake County Superior Court, and it may ultimately end up in the North Carolina Supreme Court to interpret our existing statutes. CJ

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State School Briefs

Bible class passes muster

For more than a decade, Wake County Public Schools has offered high-school students an elective Bible class written by district teachers and praised for its emphasis on academics, not religion.

Two years ago, Wake added an optional curriculum offered by a Greensboro organization whose goal is to get the Bible back in public schools, according to *The News & Observer* of Raleigh.

That curriculum has sparked a lawsuit in Florida and, more recently, an intense school board debate in Texas. This year, the Greensboro group, called the National Council on Bible Curriculum in the Public Schools, removed sections of the course on the relationship between the Bible and science, and on the accuracy of archaeological findings as related to the Bible.

But some scholars say the curriculum still promotes a religious message -- that the United States is a Christian nation and the Bible its foundation document.

In Wake, the curriculum hasn't been a matter of contention.

"I evaluated the curriculum thoroughly and found it to be acceptable material," said Melinda Stephani, an administrator for curriculum and instruction at Wake County Public Schools. "I have yet to have one complaint from a parent."

Durham official promoted

The administrator who paved the way for Durham high schools to move to a block schedule format is receiving a promotion, *The Herald-Sun* of Durham reports.

Patrick Rhodes led the school system's yearlong high school reform effort as the district's executive director for high schools, a process that included the transition to a block schedule with 90-minute classes at Jordan, Hillside, Riverside, and Northern.

Rhodes, who served as principal at Riverside from 2000 to June 2004, now becomes the school system's assistant superintendent for secondary curriculum and instruction.

Rhodes replaces Terri Mazingo, the former assistant superintendent of secondary curriculum and instruction who also received a promotion this summer. Mazingo now serves as the district's associate superintendent for instruction, and monitors schools at the elementary, middle, and high school levels. *CJ*

Industry has surpassed tobacco in revenue

Is Child Care in N.C. a Crisis or a Conundrum?

By KAREN WELSH

Contributing Editor

Operators of a flourishing industry in North Carolina claim to be suffering a crisis, each year begging the General Assembly for additional financial backing. Yet, the industry's total net worth exceeds the accumulative revenue taken in by all the state's tobacco farmers combined and generates more money and jobs than most other organizations across North Carolina.

This wealthy enterprise is the state's licensed child-care industry. This includes Head Start, Smart Start, Even Start, Early Head Start, Montessori programs, early-intervention programs, full-day child care, and part-day preschool. Together, they employed 46,000 people and raked in \$1.5 billion in revenue last year. Each year their cumulative voices grow louder throughout the state, demanding more assistance.

One of the reports often cited by professionals in the quest for more funding in the child-care industry is "America's Child Care Crisis: A Crime Prevention Tragedy." Published in January 2000, it was researched and written by Dr. T. Berry Brazelton and other well-known authors, for the Fight Crime: Invest in Kids Foundation in Washington D.C. Robert Carroll, writer for the online *Skeptic's Dictionary* and *Mass Media Bunk*, said that although the report is authored by an impressive list of JDs, MDs, PhDs and some police chiefs, the conclusions offered were incorrect.

"Unfortunately, the entire report from the Fight Crime group is couched in terms of percentages and extrapolations from those percentages," he said.

"Not a single reference is made to the number of children in any of the studies they looked at. There is also no mention of methodologies used in the studies, indicating that perhaps this issue was not deemed to be important by those studying the studies. One must take too much on faith for this report to be the basis of any intelligent action on the part of lawmakers, the main group the report is aimed at."

Another disconcerting compilation often misused in North Carolina is a list of more than 25,000 children waiting for child care throughout the state.

This has concerned legislators, parents, and potential business owners throughout the state.

The statistic is backed up with further propaganda. In testimony given before the U.S. House, Karen Ponder, executive director for the North Carolina Partnership of Children, said that only one in seven eligible children is served with combined funding through federal and state sources. In return, she requested more money to continue mak-



Licensed child-care centers in North Carolina employed 46,000 last year and had \$1.5 billion in revenue

ing significant gains to meet the needs of every child.

"We are requesting that action be taken to ensure every child in the nation has the opportunity to begin school on a solid foundation that assures their future success," she testified. "I believe the investment in the lives of young children will demonstrate that making the needs of young children one of the nation's highest priorities yields significant benefits to society."

The numbers game, as Ponder described, and the waiting lists can be misleading when it comes to the alleged child-care crisis throughout North Carolina. Janet Fain, program manager in the Division of Child Development for the N.C. Department of Health and Human Resources, said there is a waiting list of 25,597 children. However, these families aren't waiting for child-care services, but rather for child-care subsidy and vouchers needed to help alleviate their day-care costs.

The waiting list is only for children who qualify for help in paying for day-care services. It doesn't mean they can't secure day care. This misunderstanding has created a backlash for businesses considering coming to North Carolina. Some of them have shied away from coming to the state because they fear their workers won't be able to find day care for their children.

Currituck County Manager Dan Scanlon said he couldn't recruit a major business to his area because company executives thought there weren't enough child-care facilities to meet the growing needs of the area. However, quite the opposite could be true. "I didn't hear that there is a crisis of not being able to provide enough child-care spots," Scanlon said. "I haven't heard there are none available."

In a report written for The Heritage Foundation, "The Myth of a Child Care Crisis," author Brian Riedl confirmed that key child-care industry leaders continue to use outdated or misleading information riddled with statistical er-

rors in their reports. One report saying that only 12 percent of needy children receive child-care assistance is false, Riedl said. Using the correct formula, Riedl said 80 to 90 percent of children in need of subsidy are currently served.

This holds true in Currituck County, where Social Service Director Kathlyn Romm said of the 459 children, from ages 6 weeks to 5 years old, enrolled in licensed day care in the county, only 46 children are waiting for a subsidy. Romm said she expects that number to drop to 31 in the coming weeks.

Riedl also found many families who qualify and sign up for child-care subsidies have chosen to make other child-rearing decisions for their family. "Enrollment of children in school or a Head Start program, or informal child care arrangements with immediate family, neighbors or other parents, often lead families to turn down public child care assistance," he said. "Government programs should not be considered failures simply because parents choose to use other child care arrangements."

Brian Robertson, author of "Day Care Deception: The Family Under Siege," says the notion that families prefer day care for young children is preposterous. Proponents of institutionalized child care are the ultimate manufacturers of the "child care crisis," he said. The proponents have vilified maternal and family-based care, bolstering the case for day care on the ground that it equals "school" and that parental care deprives children of an important head start, he said.

"The truth is that their determination to justify the day care regime trumps any evidence. And what they are determined to bring about is the surrender of parental responsibilities," Robertson said.

"The push for a system of publicly supported day care certainly reflects an underlying hostility to the notion of parents being primarily responsible for their children's spiritual, intellectual, and emotional formation." *CJ*

Will Teacher 'Double Dip' Rules Exacerbate Teacher Shortage?

By RICK SMITH
Contributing Editor

RALEIGH

Educators in North Carolina who want to retire and immediately go back to work face new requirements before they can "double dip." Whether the rules will exacerbate a teacher shortage in the state remains to be seen, but some educators are worried that indeed will be the case.

The General Assembly this year faced a dilemma: balancing the needs of public schools to hire more teachers while at the same time establishing tighter control over retiring educators and administrators who instead chose to return to work immediately.

Double dipping, getting retirement benefits while also being paid to teach had raised the interest of Internal Revenue Service officials and alarmed officials administering state retirement funds.

Legislators on one side of the

debate introduced legislation that would have enabled retired educators to return to work without any penalties. Other legislators, concerned that the IRS might crack down on the state's retirement plan, pushed legislation to end the practice. Statistical evidence also showed that double dipping was hurting the retirement plan by encouraging teachers to quit earlier than expected, thus drawing down contributions.

The IRS and retirement fund worries prevailed. "We were so far out of compliance that it's a wonder the IRS had not come in and disqualified our plan," said Stanley Moore, a legislative fiscal analyst who was closely involved in the retirement-work debate. About 1,500 educators a year were retiring earlier than expected and returning to work, costing the retirement plan \$5 million to \$6 million a year. "We had people retiring one day, coming back the next day, and calling themselves something else," he said.

Based on 30 years of service and a salary of \$50,000, an educator could retire, draw half pay in benefits, and go back to work for \$50,000, Moore said. The compensation package suddenly increased by 50 percent.

In reviewing the situation, the IRS told North Carolina that a total break in service was required and that no pre-existing agreement could be in place for someone to return to work, Moore said.

The new rules could mean an immediate shortage, especially in qualified

substitute teachers, said Judy Kidd, president of the Classroom Teachers Association in Charlotte.

"We wanted no restrictions," Kidd said. "We wanted uninterrupted service. We feel that teachers should be able to substitute and to work within other capacities within the school system immediately. Unfortunately, that's unavailable in the present form of requirements."

Kidd is concerned that a lengthy debate over the legislation has caused some teachers to defer decisions about retirement and returning to work. But the most immediate challenge, she said, will be a possible shortage of substitutes.

"Where I think we are going to be hurt is getting substitutes because they

can't come back immediately," she said. "They could come back one day a week immediately if they wanted to. Now, these changes are going to knock them out of that opportunity."

However, Kidd acknowledged that educa-

tors realized the IRS concerns had to be addressed. "We certainly didn't want to jeopardize the state employment plan," she said.

Rep. Douglas Yongue, D-Hoke, Robeson, Scotland Counties, disagreed. A retired teacher and former school superintendent, Yongue was among legislators backing a bill that would have enabled retired teachers to work without penalty. The bill failed.

"We were just trying to streamline the process that when educators reached the number of years to officially retire they could do so, draw retirement and come back," he said. "They use the word 'double dipping' to describe this, but there's nothing illegal about it."

"We were trying to reduce the time teachers had to stay out. If they stay out six or nine months, they may choose to do something else. We wanted to make sure we got competent teachers back in the classroom."

Also, the school districts must pay the equivalent of 11.7 percent of the formerly retired educators' new salary into the state retirement plan. The funds must come directly from the educator or be taken out of his or her compensation package, Moore said.

Educators do not accrue any further retirement benefits once they retire. Instead, the 11.7 percent goes into the fund to help compensate for the loss of contributions from educators who are retiring earlier than expected and thus helping deplete the retirement plan. CJ

"We wanted no restrictions. We wanted uninterrupted service."

Judy Kidd
Classroom Teachers
Association President

Commentary

A Labor Day Spent Unpredictably

With Labor Day fast approaching, my holiday plans were in place: a trip to Atlanta, then back to work Tuesday. But with rumors swirling of declining fuel supplies and soaring gasoline prices, car travel seemed ill-advised. I opted instead for a weekend of home-based leisure, my mind spinning with possibilities.

But it was not to be. After learning that hundreds of evacuees from Hurricane Katrina would be converging on our hometown of Charlotte, my husband and I headed over to the Charlotte Coliseum to find out how we could help. Red Cross officials directed us to a small area, indicating that we could offer child care to parents. After phoning the children's ministry leaders at our church and a number of friends, our new Labor Day plans were hatched.

We were given space on a hard tile floor, between a closed concession stand and a men's restroom. At 9 a.m. on Labor Day, our supplies consisted of a few stuffed animals, crayons, Red Cross coloring books (about floods, of all things!), and plastic, modular gates. No more than two hours later, our makeshift children's service center was transformed into a fully functional child-care facility.

Kind-hearted, ordinary citizens provided us with all we needed: a 12 x 25 foot carpet, abundant toys, a television, Disney videos, boxes brimming over with books, diapers, play pens, a changing table, rocking chairs, travel cribs, snacks, an art teacher outfitted with projects and supplies, story tellers, and numerous volunteers.

So went one of my most memorable holiday weekends. But our assistance, however well-timed, was only a temporary oasis. I was left wondering about the fates of the many children I met. I listened to one rising third-grader read fluently. When he told me where he had attended school, I immediately knew it was a religious school. What will become of him, I wonder, and will his displaced family have the means to place him in a similar school? As an educator, I can't help but be concerned about the educational needs of these children.

Some experts predict that Hurricane Katrina could be responsible for the largest student resettlement in our country's history. Under the

McKinney-Vento Homeless Act, local education agencies are required to serve all displaced and homeless students. In North Carolina, state law allows students affected by natural disasters to enroll in public schools without the usual school or

immunization records. Certainly, enrolling displaced children in new public schools will work well for many students. But New Orleans has some of the lowest-performing schools in the country. Simply moving these students to other struggling schools will only compound an already unbearable tragedy. What part, then, should charter schools and supplementary

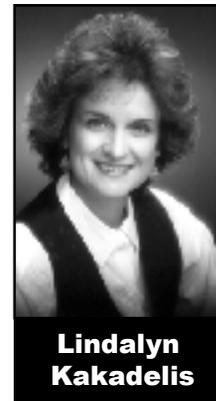
service providers play? How can we offer these families quality educational choices?

I recently participated in a conference call set up by the Center for Education Reform, updating education leaders from several states on the efforts of charter school operators working directly with relief efforts. While there is much yet to do, early results are encouraging. Numerous private schools have already opened their doors to children affected by Hurricane Katrina.

The U.S. Department of Education has established a web clearinghouse, "Hurricane Help for Schools" (www.ed.gov/Katrina) matching schools assisting Katrina's victims with donors. In addition, CER has successfully persuaded the U.S. Department of Education to set aside \$20 million to pay for new schools in hard-hit Louisiana.

Jim Geiser, founder of Children's Charter School in Baton Rouge and director of the Louisiana Association of Charter Schools, has begun to open satellite campuses with the Big Buddy Program solely for evacuees from New Orleans.

What does the future hold for these children who passed through my life on Labor Day? No one can say for sure. But the words of Martin Luther ring true: "Everything that is done in the world is done by hope." If the goodness and mercy I witnessed from ordinary Americans is at work across the country, then hope has its reason. CJ



Lindalyn
Kakadelis

Lindalyn Kakadelis is Director of the North Carolina Education Alliance.

School Reform Notes

Bonuses at troubled schools

Forty-four high schools in the state are performing badly enough that the governor thinks they need rescue teams to turn them around.

Yet educators in 37 of those schools this fall will get at least \$750 each in extra pay, a total of \$3.2 million, because their student test scores improved from last year, *The News & Observer* of Raleigh reported.

Beginning next month with 10 high schools in the Charlotte-Mecklenburg district, the special "turnaround teams" will diagnose the schools' weaknesses, then develop plans to correct them. In all the schools, including Durham's Hillside and Southern, passing rates on state exams last year were below 60 percent. Most were below that level the previous year as well.

Meanwhile, 3,262 teachers and other educators in the 37 qualifying schools are getting bonuses under the state's ABCs accountability system.

"Parents of children who are failing have nothing to celebrate," said Richard McElrath, a retired math teacher in Charlotte and founder of People United for Education, a group pushing to improve the district's schools.

Institute plans First School

They've got some land, more than \$2 million and a plan to revolutionize public schools, *The News & Observer* of Raleigh reports.

The Frank Porter Graham Child Development Institute at UNC-Chapel Hill also wants to partner with one of the state's top-ranked school systems, the Chapel Hill-Carrboro City Schools.

By 2009, the institute plans to open First School, an innovative program that would bring in 3-year-olds and teach them through second or third grade before sending them to traditional public schools.

The institute recently finished a study showing that although more U.S. school systems have pre-kindergarten programs, some are just "not very good," said Don Bailey, director of the institute.

The First School would provide a "seamless transition" between early childhood and elementary school, Bailey said. The second- or third-grade years, he said, are a much more developmentally appropriate time for that transition than the kindergarten years. CJ

Teacher turnover growing concern

Why Are Teachers Leaving the Classroom?

By JIM STEGALL
Guest Contributor

As the 2004 school year drew to a close, more than 11,000 North Carolina public schoolteachers packed up their books and cleaned out their classrooms for the last time. While some of them left to teach in other North Carolina schools, most were leaving the public school system for good. Caught between the growing number of veteran teachers who reach retirement age, and the exodus of disillusioned new teachers, schools struggle each fall to plug the holes left by departing staff.

"Teacher turnover," as the phenomenon is called, troubles education officials not only in North Carolina, but also throughout the United States. A recent survey conducted by the National Center for Education Information showed that 40 percent of the nation's public school teaching force expects not to be teaching five years from now.

On the surface, North Carolina's turnover problem may be even more severe. The Department of Public Instruction, which tracks teacher turnover, reports that the rate of turnover has hovered between 12 percent and 13 percent since 2001. That's significantly higher than the 8 percent rate for the nation reported by the NCEI (although a bit lower than the National Center for Education Statistics' figure of 15 percent).

DPI collects data from school systems to determine why teachers are leaving. DPI's report shows that the largest group of those who leave (19 percent) do so to teach somewhere else, and that most of those plan to teach somewhere in North Carolina. But it is the teachers who are lost entirely to the teaching profession that are of greatest concern to education officials, and these tend to fall into two categories: experienced teachers who elect to retire, and new teachers who decide (usually in the first two or three years) that teaching is not for them. In effect, the state's teacher work force is being drained from both ends.

North Carolina's teachers participate in the Teachers, and State Employees, Retirement System, which allows most to retire after 30 years of service, regardless of age, or after five years of service at age 65. Although the income provided is modest, it's often enough to allow veteran teachers to leave the classroom in their 50s and begin second careers, or work part-time in some other field.

At the other end of the spectrum, recent efforts by school systems and the state to keep new teachers in the profession have yet to bear much fruit. In 1997 the Public School Forum, a Raleigh-based education-policy think tank, released a report ("A Profession in Jeopardy: Why Teachers Leave & What



North Carolina teacher turnover has been 12-13 percent since 2001, much greater than the national average of 8 percent

We Can Do About It"), which pointed to five factors that led teachers to quit. The study claimed that new teachers were given the hardest assignments and little support, and that teacher-training programs left them generally under-prepared for the demands of the profession, particularly in classroom management.

It also cited the absence of a professional career ladder, lack of access to appropriate technologies, and too many demands upon teachers, time both inside and outside the classroom, as disincentives to remain in the profession.

In response, the General Assembly approved legislation to improve teacher training and to provide paid mentors for new teachers. School administrators were forbidden to give new teachers extra duties unrelated to their field without their consent. Administrators now say that supporting new teachers and guiding them through their first years in education is one of their highest priorities.

Technology has been upgraded in many schools around the state, with most teachers now having an Internet-capable computer in their classrooms. In addition, teacher pay was increased until it briefly flirted with (and exceeded, when benefits and local cost of living is factored in) the national average in 2000-2001.

But despite these efforts there is no sign that North Carolina is doing better at retaining new teachers now than it was eight years ago. DPI's Teacher Turnover Report does not track teachers who leave by age group or experience. However, it does reveal that of the 11,399 teachers who left in 2004, the latest year for which data are available, 7,805 did not have tenure, meaning that they had been employed in their school system for less than five years.

While some of these must have been veteran teachers, hired from another jurisdiction within the last five years, many would have been new to teaching, or at least new to teaching in

North Carolina.

However, there is some good news. DPI checks with school systems in October each year to find out how many teaching positions are still unfilled two months after school begins. In October 2003 schools were operating with 99.2 percent of their teaching positions filled. While vacancies were up slightly last October, the vacancy rate was still only 1 percent. Most vacancies were in the areas of exceptional children, elementary, middle- and high-school math, and middle-school language arts.

The North Carolina Teacher Working Conditions Survey, 2004 seemed to indicate that teachers in this state are relatively satisfied with most aspects of teaching. Large majorities cite the support they receive from administrators, and the input they have into school decisions, as benefits of teaching here.

About one-third of North Carolina's teachers participated in this survey last year, and the most common complaints were that classes were too large (48 percent), and that they were given too many extra duties and administrative tasks (52 percent). The percentage of teachers who said they were dissatisfied with teaching as a career (13 percent) was virtually the same as the 12.4 percent turnover rate for that year.

So while the rate of teacher turnover is troubling to some, it doesn't necessarily have negative implications for the oft-commented-upon teacher shortage. Teaching tends to be a revolving-door profession that people move into and out of as personal or professional circumstances dictate.

It is also a highly portable profession—a comprehensive benefits package and retirement plan, consolidated at the state level, makes it easy for teachers to change jobs frequently in search of personal or professional fulfillment.

The teacher turnover report for the 2004-2005 academic year is being prepared by DPI's Human Resources Division. It is due to be presented to the State School Board in October. CJ

North Carolina Charter Schools Facing Fiscal Gap

By KAREN WELSH

Contributing Editor

RALEIGH

In terms of educational funding, the monies have been weighed, measured, and found wanting in North Carolina.

A 153-page study released in August 2005 determined children attending charter schools in the state are receiving \$414, or 5.5 percent, less per student than public school pupils. The number jumps drastically for charter school students living in Wake County. They fall behind public school students by \$2,727, or 29.5 percent each year.

The disparity in funding was brought to light in a comprehensive report by the Thomas B. Fordham Institute, "Charter School Funding: Inequity's Next Frontier."

"U.S. charter schools are being starved of needed funds in almost every community and state," the study's foreword, by Chester E. Finn Jr. and Eric Osberg, says. "These data command the urgent attention of all policymakers—not just charter partisans—because charter schools are no less public than their traditional counterparts and typically serve needier students."

Finn and Osberg said the charter movement is at a crossroads, one that has grown from infancy to adolescence, establishing itself as a major source of educational opportunity for America's neediest children.

They said, however, that enemies of charter schools are under-funding charter schools, preventing state legislatures from enacting more effective charter laws and keeping the caps tight, and limiting the number of charter schools and how many children who enroll in them.

"In some places, (charter schools are) beginning to show promise as a competitive spur to existing schools," Finn and Osberg said. "Yet its success and staying power have only strengthened the resolve of its many opponents to cram what they view as an evil education genie back into its bottle. And keep it on short rations in the meantime."

In taking a closer look at their analyses, North Carolina appears guilty on all counts. Stephen Dan-



Students leave for the day at Raleigh Charter High School on Haynes Street (CJ photo by Don Carrington)

iels, director of research for the North Carolina Policy Center, a nonprofit organization dedicated to lobbying legislatures on behalf of charter schools throughout the state, said the Fordham Institute has done a good job of pulling together the statistics for the report.

"This study is a useful tool," he said. "It illustrates the discrepancies charter schools have to go through to get off the ground. They often struggle the first few years to get themselves off the ground. Charter schools tend to face an uphill climb."

This report isn't a shock to the charter school industry in the state, said Roger Gerber, communications director for the North Carolina League of Charter Schools. "This is something we've known for a while," he said. "It shows what we've always said—we do more with less."

The only upbeat note in the study was the finding that North Carolina is only a "moderate" offender in creating a fiscal gap between public and charter schools. However, Gerber said, \$414 per pupil is too low, and that it should be closer to \$1,000 less funding per charter school student.

In the state's defense, Jack Moyer, director of Charter Schools for the North Carolina Department of Public Instruction, said state and local officials treat charter school students equitably with their Average Daily Money, but not when it comes to a funding

charter school facilities.

"One of the major differences is charter schools don't receive money for the purchase or building of their facilities," he said. "I think the state legislature is wrong for not giving them money for their facilities. Charter schools should be able to build facilities that are equal to their public school counterparts."

Gerber agreed with that part of Moyer's assessment. "The building thing is always the hardest thing for charter schools," he said. "Buildings and schools go hand-in-hand. The location, appearance, and curb appeal are important to people."

Gerber said at least 10 to 15 charter schools couldn't open because they couldn't find a suitable building. There may be other legitimate reasons for the under-funding. Paul LeSieur, director of School Business Services for the North Carolina Department of Public Instruction, was responsible for providing the numbers to the Fordham Institute.

He said the discrepancy of funds on paper could be result of federal grants and individual school fundraising that distorts per-pupil amounts.

"There's a lot involved in this," LeSieur said. "Much more than we're seeing. There can be a lot of variances," he said. "For example, Wake County, with a larger population, gets a lot of direct grants into their school system."

LeSieur said charter schools are often eligible to apply for the funds, but often they don't have the manpower to complete the paperwork needed to secure the grants.

Whatever the reasons for the imbalance, Gerber said, measures should be taken to make sure charter schools are given the chance to succeed.

"It's the basic principle of what's fair," he said. "Everyone should start off with the same amount of money. Most people want us to be performing at a higher level than our public school counterparts, but we aren't on equal footing. It would be nice not to be treated like second-class citizens."

Moyer said changes in the system would depend heavily on parents seeing the need and the legislature understanding the ongoing needs. Finn and Osberg said the only way to resolve the problem may be through the court system. CJ

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See what one Raleigh paper called "Matt Drudge with Class"

Course of the Month

Teaching 'bout his generation

This month's winner is a new distance-ed course in the Dept. of Sociology at North Carolina State University: **SOC 495-M: Social Movements for Social Change**. The instructor is Prof. Tom Hoban, already known to CM for playing anti-war music videos in his sociology survey course.

Hoban announced this new class in a mass e-mail. "The class will give you three credits of 300 level social science or 500/600 if you are a grad student (I need to check this out)," he writes. The difference is, "Grad students will need to write a research paper based on their interests and discipline."

About his new course, Hoban writes: "You are going to learn how to make the world a better place. We will focus first on the Sixties counterculture as a model of the type of social movement some of us feel that young people need to recreate. You should preview my site: www.hiphappy.com. This will be part of your first assignment. We will have regular online meetups, plus some cool discussions. If you don't already you should watch the Daily Show with John Stewart every night so we can discuss right after. I also plan to hang out one night a week in Raleigh (likely Mon nights) where we can meet in person. Perhaps at the Farmhouse!!"

The course won't all be cool discussions, hanging out, and watching the Comedy Network, however. Hoban writes, "You will be working in teams to make real things happen here in Raleigh and around the world." But never fear: "At the end you will be hipper and happier!!"

An apologetics course on hippies? Groovy, baby. But why? Hoban's web site gives some clues: "Hippies, young and old, are the only hope for getting our country back on the right path. ... The time is right for young and old to join hands and vote out the right-wing republicans before they cause any more damage."

Plus, "it has become difficult to remain on sidelines as an objective observer (where academics are supposed to be, professionally)," he writes. So he didn't. He became a missionary. "I want to help protect the world from the destructive American consumer culture," Hoban writes. "We need to pick up the social revolution that the hippies started."

Lucky for Hoban, N.C. State gave him a forum to preach his message to the great unwashed — or should that be the great washed? CJ

UNC Board Nomination Process Under Fire

Leaders and nominees weigh in on this year's flawed and contentious selections

By SHANNON BLOSSER
Contributing Writer

CHAPEL HILL

Several months after the controversial nomination process for members to the UNC Board of Governors was completed, some experts say they are unsure if the process used actually followed the law. However, at least one legislator influential in the decision process contends that nothing illegal occurred in the nomination process.

In April, Senate members approved the nominations of eight members to the Board of Governors after Senate leaders said four nominees — Michael Brader Araje, Luther Hodges Jr., Robert Kennel, and John Spotswood Russell — had asked for their nominations no longer to be considered. The move sparked criticism from Senate Republicans, who said they had not heard of any nominee asking not to be considered — and especially not of Hodges, who was the only Republican under consideration.

In June, House members also completed their nomination process in a similar fashion. On June 30, Rep. Bill Culpepper introduced House Bill 1788 to nominate the House's slate of BOG nominees. The bill was brought to the House floor for immediate consideration and was approved — but not before a protest by some members, including Republican Rep. John Blust, who claimed that the action violated state law governing the BOG election process, especially General Statute 116-6.

When the dust settled on the two nomination processes, 17 members, including one to fill an unexpired term, were nominated to the Board of Governors. Those members were: chair Brad Wilson, Hannah Gage, Phillip Dixon, Ray Farris, Peaches Gunter Blank, Willie Gilchrest, William Smith, Jim Phillips, Bradley Adcock, Dudley Flood, Frank Grainger, Charles Mercer, Fred Mills, Craig Souza, Irvin Roseman, David Young, and Charles Hayes.

General Statute 116-6 outlines two requirements for the election procedure, one covering the nominations and balloting and the other specifying when the vote must occur. According to the statute, nomination ballots should include "at least twice the number of candidates for the total seats open" if there are enough qualifying candidates. It also says that "each house shall hold their elections within 30 legislative days after appointments to their education committees are complete."

Former North Carolina Supreme Court Chief Justice Bob Orr, who is the executive director of the North Carolina Institute for Constitutional Law, said the statute was "poorly written."

Orr also said that a legal case could be made to question the legality of the elections.



According to Orr, if 10 qualified nominees were nominated by a Senator for a vote, then those nominees would have to be advanced for a vote on the Senate floor. If there were more names on the ballot than the required 16, a committee could eliminate candidates to get the ballot down to 16, he said.

"The key is how many qualified people were submitted as nominees," Orr said.

Sen. Jeanne Lucass, D-Durham, who was one of the sponsors of the Senate legislation, said there was nothing wrong or illegal with the way the Senate nominated its BOG members. Lucass, who was abrasive in her answers, said the process used by the Senate has been in place for some time.

"It isn't just one piece," Lucass said. "It's an entire quilt."

Campaigning by nominees

At least one of the nominees Senate leaders pushed off the ballot had questions with the way the vote took place. Hodges said he never told Senate leaders he didn't want his nomination to be considered. Instead, the former BOG member said he wanted to serve because he saw some concerns with the system's current operations.

Hodges met with every Senator while attempting to get re-nominated to the board. He claims that one of his sponsors, freshmen Senator Bob Atwater, a Democrat who represents Chatham and Durham counties, was under pressure from the Senate leadership to rescind his nomination.

Hodges said serving on the BOG was the area of public service that he felt he had the best opportunity to give something back to the state.

"I wanted to serve," Hodges said. "I never had a chance."

But nothing that Hodges did was out of line or unusual compared to what other nominees did in their efforts to be elected to the BOG. Some of the nominated board members said they made appearances at the General Assembly throughout the session, before the votes

took place, to meet with members to discuss why they wanted to serve. However, those meetings all took place behind close doors; there is no record of what was said.

Mills, who was appointed in the House, said he met with members and gave them his qualifications. He also said he sat in on a caucus meeting where nominees were discussed before a vote was moved to the floor.

Grainger, who was re-appointed, also said he went to the legislature to talk to legislators.

"That is the only way to do it," Grainger said. "You go door-to-door."

Hayes said he met with key leadership on both sides of the aisle in the House and Speaker Jim Black and Speaker Pro Tem Richard Morgan individually.

"I was fortunate enough to get elected," Hayes said. "I'm very excited about being on the board."

Campaign contributions

The General Statute is unclear on what professional or higher education background qualifies one candidate over the next to serve on the Board of Governors.

However, several BOG members and those who were nominated to serve this year are contributors to political campaigns, according to state and federal campaign finance records. Of the 17 people who were nominated to serve on the BOG this session, 12 gave campaign contributions during the 2004 election cycle.

The largest contributor of the 12 was Mills, who gave more than \$14,000 to political candidates, mainly on the federal level. However, he also made contributions to Rep. John Sauls (\$250) and Rep. Beverly Earle (\$250).

When asked if legislators demanded a campaign contribution in turn for their vote, Mills said "No."

"That's a big no," he added.

Others who did not contribute to political campaigns said they told legislators they would not make a contribution.

"I didn't give them any chance," Hayes said.

Next election

The next time legislators will select Board of Governors members will be in 2007. Sixteen seats, or half of the BOG membership, will be up for nomination at that time.

Orr said it will be up to members to insure the integrity of those elections. "From now on the Republicans are going to have to make sure if there are eight openings that they have 16 people who are qualified nominees," Orr said. CJ

Edwards Outlines Center Plans

By SHANNON BLOSSER
Contributing Writer

CHAPEL HILL

In front of a crowded UNC-Chapel Hill Law School Rotunda, former U.S. Senator and Vice President candidate John Edwards outlined his plans Wednesday to address poverty through the Center on Poverty, Work and Opportunity.

Edwards, who is serving as the center's executive director, said the poverty issue was more important now given the affects of Hurricane Katrina, which has left homeless hundreds of thousands in the New Orleans and central Gulf Coast area. According to U.S. Census data, the U.S. poverty rate rose from 12.5 percent in 2003 to 12.7 percent in 2004.

Edwards called poverty the greatest moral issue facing the country today.

"Poverty is the problem," Edwards said to a crowd of 200 people. "Work is the solution. Opportunity is what's missing."

The Center on Poverty, Work and Opportunity was created shortly after Edwards lost his bid to be vice president during the 2004 election. It was created by former Law School Dean Gene Nichol, who set up a professorship for



John Edwards

Edwards to serve as the executive director. Nichol has since left UNC to serve as the president of the College of William and Mary in Virginia.

Since being named executive director, Edwards, a Democrat, has been on the tour with his One America Committee, a political action committee established to insure Democratic majorities in state legislatures across the country as well as promoting other issues and his potential 2008 presidential campaign. Edwards has also given speeches in key election states such as New Hampshire and Iowa.

Wednesday's event was to promote the center and to introduce its staff and a lecture series on poverty. On Oct. 31, the center will host former Republican Vice President candidate and founder and co-director of Empower America Jack Kemp in a debate with Edwards.

The lecture series will also include a summit on Nov. 3 on "The Shifting Landscape of Poverty: Bridging the Gaps in Poverty Research and Policy."

"Jack is a very thoughtful and good man," Edwards said. "We're excited to have him here."

Edwards said the majority of the center's work will focus on research that has been conducted by faculty members and students at UNC as well as ideas being presented by recognized leaders and experts on poverty related issues.

"We have a lot of opportunity to do good things," Edwards said. "We need to have everyone's perspective on what needs to be done." CJ

Private colleges help out, too

UNC Helps Katrina Victims

By SHANNON BLOSSER
Contributing Writer

CHAPEL HILL

The University of North Carolina system is joining other members of the Southern Association of Colleges and Schools to provide spaces for students affected by the catastrophic damage caused by Hurricane Katrina in New Orleans.

Universities such as Tulane and Loyola in New Orleans have cancelled classes for the fall semester, while others have slowly re-opened after Katrina — a strong Category 4 hurricane when it made landfall near New Orleans on Aug. 29 — caused massive flooding throughout the city leaving hundreds of thousands of residents homeless.

In a prepared statement, UNC President Molly Broad said preference will be given to North Carolina students who were attending school at one of the affected universities. However, Broad said, accommodation for the displaced students will only be to the extent that each campus can provide.

All 16 of UNC campuses plan to provide assistance to hurricane victims. Duke plans to open its doors to at least 75 students. Other schools in the state such as Salem College, St. Andrews, Peace College, and North Carolina Wesleyan College are also making plans for students from the Gulf Coast.

At UNC-Chapel Hill, the affected students had to be a resident of North Carolina to be considered. The school only expects students to enroll in two or three courses because the semester has already been in session for two weeks at the time they enroll.

Students will be required to pay for all tuition and fees.

North Carolina State is also providing distance education courses to affected students. According to NCSU information, students in good standing at their home institution will be eligible to enroll for courses.

"We join the nation in mourning the devastation and loss of life as a result of Hurricane Katrina," NCSU Chancellor James Oblinger said. CJ

Commentary

When Is a Student NOT From N.C.?

In one of the strangest state budget provisions in years, if a student from Ohio (or any other state or even a foreign country) is awarded a full scholarship to attend one of the campuses of the UNC system, then that student can be officially counted as being a North Carolina resident. What is going on? Why say that a kid with a New Jersey driver's license is a North Carolinian?

The answer is that this bit of definitional legerdemain is designed to evade the long-standing cap on out-of-state residents who may enroll in the state university system. Under state law, UNC campuses cannot enroll more than 18 percent of their students from non-residents. Since the taxpayers of the state put up most of the money to operate the UNC system, the argument goes, most of the places for students ought to be reserved for students whose parents pay taxes into the state treasury.

Whether the percentage is 18 or 24 or 15 or some other number is arbitrary. This isn't a math problem where there is a right answer. In recent years, there have been forthright attempts to increase the percentage, but they have failed. This year, a stealthy ambush appears to have worked where frontal attacks were previously defeated.

Who wanted this provision in the budget? The top brass at Chapel Hill did. In the past, they have argued that their school would benefit from greater "geographical diversity" if the enrollment cap were raised. Uttering the word "diversity" has become the all-purpose thought stopper in academia — no one who questions any aspect of the incessant chant for more diversity can remain a member in good standing of the education community. Often, it's used to hide other motives and that's the case here.

Each year, *U.S. News & World Report* publishes its college rankings. The enterprise is something like a beauty pageant in that there is no objective way of saying that Princeton is better than Harvard, any more than there is in saying that Miss Wisconsin is better than Miss Arizona. Nevertheless, many college administrators take the *U.S. News* rankings seriously and will go to considerable lengths to move up. (The Pope Center has published a critique of the U.S. News system, online at www.popecenter.org/inquiry_papers.)

One of the components of the *U.S. News* calculation is "student quality," which they measure by the SAT scores of the enrolled students.

The higher the average SAT score, the better a school looks to *U.S. News*. And that is why the out-of-state student cap is an annoyance to Chapel Hill and NC State. They have to turn away some students every year with SAT scores that are higher than average so as to stay within the enrollment cap.

Therefore, the budget provision is motivated in part by a desire to be able to admit more high SAT applicants from other states so Chapel Hill and State can — maybe — gain a spot or two in a meaningless college beauty pageant. The cost will be felt by some North Carolina students who won't get into the flagship institutions and will have to settle for their second-choice schools instead. Now that isn't a disaster. Lots of students don't get into their first pick schools. But stacking the deck against state residents over something as trivial as one magazine's college rankings seems hard to justify. A majority of the General Assembly thinks otherwise, though.

The "full scholarship = state resident" provision was also pushed by the athletic booster clubs at the flagship schools. Providing a full scholarship to get a prized athlete into State or UNC costs them less — about \$13,000 per year less — if the student only has to pay resident tuition. So this is also a way of stretching the funds of the athletic booster groups. They can help lure into the state the star linemen and point guards they want to see bring glory to the sports teams and have more money left over for other booster projects and activities.

There's nothing wrong with those groups stretching their budgets, but is that important enough to go through the gyrations of declaring students who are clearly residents of other states to be North Carolinians?

Apparently a majority of the General Assembly thinks so.

What do you think? CJ

Leef is the executive director of the Pope Center for Higher Education Policy. Visit PopeCenter.org for more information about its programs.



George C. Leef

Bats in the Belltower**NCAA Issues Further Challenges To Schools' 'Offensive' Mascots**

INDIANAPOLIS, IND.

An NCAA committee has issued new demands to several colleges and universities across the nation seeking justification for their continued use of offensive mascots, NCAA officials announced today. At issue is enforcement of the NCAA's new edict against "hostile and abusive racial/ethnic/national origin mascots, nicknames or imagery," with which schools must abide in order to have eligibility to participate in NCAA postseason events.



The Executive Committee on Making Foolish Pronouncements During the Off-Season, reputed to be the NCAA's busiest committee, initiated the latest spate of demands. Their purpose is to clarify and expand the NCAA's position on offensive mascots, said committee head Giselda Knicker-twist.

"People seemed to think we were just pretending to be against ethnic and racial mascots in general to justify our harassment only of schools with Indian mascots," Knicker-twist said. "These actions show we're serious about the mascot issue. It isn't just meddling overkill to compensate for liberal guilt. We swear."

The NCAA has demanded mascot justifications from several more schools that have identifiable ethnic or ideologically questionable mascots. The committee acted quickly to identify offending schools, Knicker-twist said. "We didn't burden ourselves with investigating the origins of each offensive mascot, and why should we? We never have before," she said. "What, like we should presume the schools didn't intend for their own symbols and images to be hostile and abusive?"

Schools the NCAA committee identified as likely having offensive ethnic mascots included: Alfred University (Saxons), Arkansas, Little Rock (Trojans), Cleveland State (Vikings), Edinboro University (Fighting Scots), Gordon College of Ga. (Highlanders), Gordon College of Mass. (Fighting Scots), Hofstra (Flying Dutchmen), Idaho (Vandals), Iona (Gaels), Iowa Central

(Dutch), Louisiana Lafayette (Ragin' Cajuns), Luther College (Norse), Maryville College (Fighting Scots), Michigan State (Spartans), Monmouth College (Fighting Scots), New Mexico Tech (Pygmies), Northern Kentucky (Norse), Notre Dame (Fightin' Irish), Ohio

Valley University (Fighting Scots), Portland State (Vikings), Southern Cal (Trojans), UNC-Greensboro (Spartans) and Wooster College (Fighting Scots).

But it's not just race or ethnicity being mocked by schools, Knicker-twist said. "Sev-

eral other categories of individuals are affronted every day by universities being hostile and abusive to them by mascots," she said.

Among them: gun owners. Knicker-twist's committee has compiled a list of school mascots that are likely gun owners, which the committee thinks may be offensive to liberals, thieves and legislators. They include Appalachian State (Mountaineers), George Mason (Patriots), George Washington (Colonials), Massachusetts (Minutemen), Mississippi (Rebels), Nevada, Las Vegas (Runnin' Rebels), Oklahoma State (Cowboys), Tennessee (Volunteers) and Wyoming (Cowboys). Some of those mascots even brandish guns openly, Knicker-twist said.

"Do you think the NRA [National Rifle Association] members wish to be identified with mountain men, cowboys or American patriots?" she asked. "I bet if you asked them, they'd be offended. I know I would be."

Knicker-twist said that feminists are also probably offended by depictions of pirates and raiders because of "all that testosterone and saber-rattling." So the committee has also demanded mascot justifications from Charleston Southern (Buccaneers), Colgate (Red Raiders), East Carolina (Pirates), East Tennessee State (Buccaneers), Hampton (Pirates), Middle Tennessee State (Blue Raiders), New Orleans (Privateers) and Rutgers-Newark (Scarlet Raiders),

"The landlubber community would find them offensive, too," she added.

CJ

Legislature Offers Controversy, New Regulations for Higher EdBy SHANNON BLOSSER
Contributing Writer

CHAPEL HILL

The North Carolina General Assembly's long session of 2005 saw controversy surrounding its discussions of higher education issues. Controversy primarily centered around two pieces of legislation that Senate leaders attempted to push through the budget process, only one of which saw the light of day when the budget was passed nearly two months behind schedule.

The legislative session saw the University of North Carolina system receive an 11 percent increase in funding from the general revenue budget. UNC's budget appropriation is \$2.1 billion for the 2005-06 fiscal year.

Discussions on two legislative proposals led to a rift between UNC-Chapel Hill leaders and supporters and UNC system leaders. UNC-Chapel Hill sought through the budget process a provision that would allow the school and N.C. State University to set their own tuition rates without approval from the UNC Board of Governors. The second proposal would allow schools to charge in-state tuition rates to scholarship students from out-of-state.

The tuition provision was first included in the Senate budget and received lobbying support from the political action committee Citizens for Higher Education, a group of UNC-Chapel Hill alumni and supporters that had given several hundred thousands in campaign contributions to legislators during the 2004 campaign. UNC leaders were opposed to the tuition waiver, saying that it would rip the system apart.

Eventually, during the budget conference committee sessions, the tuition provision was omitted from the final budget proposal that was signed by Gov. Mike Easley. However, Board of Governors members decided to commission a task force, led by BOG member Hannah Gage, to study tuition issues across the system.

The scholarship provision remained in the budget. Critics claimed that the provision would allow UNC schools to sidestep a cap on the number of out-of-state students. The provision was also pushed by the Citizens for Higher Education as well as by athletics boosters who saw the provision as a way to save money on athletic scholarships.

The budget contained a large in-

crease in funding for UNC campuses. The UNC portion represents 12.1 percent of the \$17.2 billion state budget. Included in UNC's allocation was funding for the controversial North Carolina School of Science and Mathematics tuition waiver program, which allows graduates to attend a UNC system school of their choice without paying tuition.

The House's version of the budget had eliminated funding for the NCSSM tuition waiver program, but it was included in the Senate's version.

Also in the budget is a provision for \$72.8 million in enrollment growth

funding, which gives money based on the number of students at each campus. The budget also requires that UNC leaders, the Office of State Budget and Management and the General Assembly's Fiscal Research Division review implemen-

tation of the funding.

UNC leaders, including President Molly Broad, have lobbied for legislators to include funding for enrollment growth in UNC's continuation budget instead of the expansion budget similar to what is done with the Average Daily Membership funding with the Department of Public Instruction. Officials with the Office of State Budget and Management have said that the enrollment growth is in the expansion budget because there is no guarantee of a free higher education in the state Constitution.

Outside of the budget, higher education — both the UNC and the North Carolina Community College System — were seen to benefit by the legislature's passage in late August of a lottery in North Carolina. Ten percent of the Education Lottery Fund, which is funded through revenues from lottery games, will go to the State Educational Assistance Authority to fund college and university scholarships.

Legislators also approved changes to the Umstead Act, which protects small businesses from unfair competition from state government. The changes allow UNC system schools to participate in business that would further the mission of the university, primarily serve the students or employees, provide a related university service to alumni, or enable the local community to use the university's facilities, equipment or expertise.

UNC officials said the changes would allow UNC schools to participate in ways to help economic development in the state.

CJ

A divisive tuition proposal was removed, but the UNC Board of Governors commissioned a task force to study the issue.

Change is inevitable

Solutions to the Unsustainable Higher-Education Cost Explosion

By RICHARD VEDDER
Special to Carolina Journal

RALEIGH

As college students begin a new academic year, many parents are reeling from tuition fees. This fall's probable average 8-percent increase at public universities, added onto double-digit hikes in the two previous years, means tuition at a typical state university is up 36 percent over 2002 — at a time when consumer prices in general rose less than 9 percent. In inflation-adjusted terms, tuition today is roughly triple what it was when parents of today's college students attended school in the '70s.

Tuition charges are rising faster than family incomes, an unsustainable trend in the long run. This holds true even when scholarships and financial aid are considered. One consequence of rising costs is that college enrollments are no longer increasing as much as before. Price-sensitive groups like low-income students and minorities are missing out. A smaller proportion of Hispanics between 18 and 24 attend college today than in 1976. The U.S. is beginning to fall below some other industrial nations in population-adjusted college attendance.

There are six factors in the cost explosion:

- **Rising Demand:** The "natural" consequences of a rising demand — higher prices and a larger quantity consumed — are exacerbated by soaring third-party payments. Since 1994, financial-aid payments (mostly federal loans and grants) have risen by an extraordinary 11 percent per year. When someone else pays the bills, we become less sensitive to price.

- **Lack of Market Discipline:** Most universities are nonprofit. There is no bottom line. Did Yale have a good year in 2004? Who knows? Its stock is not traded. Administrators and faculty are not rewarded for increasing profits by reducing costs or improving product quality. When prices rise in the for-profit sector, entrepreneurs rush to supply the good, leading to higher supply and lower prices. How many universities advertise that they are cheaper than their peers, or offer better value?

- **De-emphasizing Undergraduate Instruction:** Data from the National Center for Education Statistics show that most colleges (but not community or liberal-arts colleges) have reduced the share of resources devoted to undergraduate teaching, spending more on other things — research, administration, student services (luxurious recreational and student centers), athletics, etc. Only about 21 cents of each new inflation-adjusted dollar per student since 1976 actually went for "instruction." Government subsidies and private gifts given to support affordable undergraduate instruction are often spent elsewhere.



How many universities advertise that they are cheaper than their peers, or offer better value?

- **Price Discrimination:** Universities have discovered what airlines realized a generation ago — and they increasingly charge the maximum the customer will bear. They have raised sticker

prices, giving discounts (scholarships) to those who are sensitive to price. Increasingly, these discounts go not mainly to low-income students but to talented students prized by universities seeking to improve ratings on the athletic field or in the *U.S. News & World Report* rankings.

- **Stagnant (Falling?) Productivity:** While measuring productivity in post-secondary education is difficult, the ratio of staff to students has risen over time. There are now six non-teaching professionals for every 100 students,

up from three a generation ago. Unless teaching and research have soared in quantity and quality, which seems unlikely, productivity has fallen.

- **"Rent Seeking" Behavior:** Better Lives for the Staff: Faculties have shared in the increased income of universities. Salaries of full professors at research universities are up well over 50 percent in real terms since 1980. Mid-six-digit

salaries are becoming commonplace for superstar faculty, coaches, and university presidents. Teaching loads have fallen (a typical full professor at a major public university is in class no more than five hours per week).

Potential solutions

What is the solution? New forms of competition (e.g., for-profit institutions, online schooling, more use of community colleges, new approaches to certifying skills) are emerging. State legislatures have sharply reduced their share of funding for public universities, forcing some schools to slash costs, reduce bureaucracies, increase teaching loads, get rid of costly underutilized graduate programs and more. Some schools are talking of using buildings more than eight or nine months a year, or are cutting down on the use of expensive tenured faculty. Colorado is shifting funds away from institutions and into student hands in the form of vouchers, reasoning that the student-customer, not the producer, should be sovereign as in nearly every other transaction.

The cost of higher education cannot rise faster than incomes indefinitely. Change is coming: it is just a question of when, and in what form. CJ

Richard Vedder, who teaches economics at Ohio University, is author of "Going Broke By Degree: Why College Costs Too Much." Vedder will be the keynote speaker at the John W. Pope Center for Higher Education Policy's Annual Conference on Oct. 8 at the Hilton Raleigh-Durham Airport at RTP. To register for the conference, contact George Leef at georgeleef@popecenter.org.



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Town and County

Greensboro sewer lines

Greensboro officials are examining extending sewer service to Forest Oaks at local residents' request. The move is aimed at ensuring the community continues to have a grocery store, *The News & Record* of Greensboro reports.

"The impact that this will have on our community will be great," Forest Oaks resident and local TV news anchor Cindy Farmer said to Greensboro City Council. "The only choice we are being offered is to come to you for help."

This summer, the community's only grocery store, a Winn-Dixie, closed when the chain left the state. Forest Oaks can't attract a replacement in the empty space because the shopping center's septic system recently failed.

Greensboro had previously agreed to extend sewer service to parts of Forest Oaks, though not the area where the shopping center is situated.

Farmer also expressed concern that the shopping center, should it be abandoned, would become an eyesore.

"What are they going to think when they drive past this decrepit shopping center?" she said.

City Council was supportive, and asked staff to look into the matter.

"I think we ought to find a way to do it," said Councilwoman Yvonne Johnson.

Fayetteville annexation

With a major Fayetteville annexation scheduled to go in effect at the end of September, Cumberland County commissioners are concerned about the impact the unusual timing will have on the ability of some homeowners to pay.

"I think this will be extremely difficult," Commissioner Diane Wheatley said to *The Fayetteville Observer*.

Annexations are normally effective July 1, with one year's worth of municipal property taxes due the following January. While Fayetteville would like to have made it annexation effective July 2004, lawsuits held up action.

State law forbids having taxes due in January for annexations that take place after Sept. 1. As a result, the owners of about 20,000 parcels of land being taken in will have 21 months of Fayetteville property taxes due in January 2007. CJ

Lack of 'Automobility' Key to N.O. Tragedy

By RANDAL O'TOOLE

Contributing Editor

BANDON, Ore.

Those who fervently wish for car-free cities should take a closer look at New Orleans. The tragedy of New Orleans isn't due primarily to racism or government incompetence, though both played a role. The real cause is automobility — or more precisely, the lack of it.

"The white people got out," declared *The New York Times*. But, as the article in the *Times* makes clear, the people who got out were those with automobiles. Those who stayed, regardless of color, were those who lacked autos.

What made New Orleans more vulnerable to catastrophe than most U.S. cities is its low rate of auto ownership. According to the 2000 Census, nearly one-third of New Orleans households do not own an automobile. This compares to less than 10 percent nationwide. There are significant differences by race: 35 percent of black households, but only 15 percent of white households do not own an auto. But in the end, it was auto ownership, not race, that made the difference between safety and disaster.

"The evacuation plan was really based on people driving out," an LSU professor told *The Times*. On Saturday and Sunday, Aug. 27 and 28, when it appeared likely that Hurricane Katrina would strike New Orleans, those people who could simply get in their cars and drove away. The people who didn't have cars were left behind.

Critics of autos love the term "auto-dependent." But Katrina proved that the automobile is a liberator. It is those who don't own autos who are dependent — dependent on the competence of government officials, dependent on charity, dependent on complex and sometimes uncaring institutions.

As revealed in the data, the number of people killed by hurricanes in the United States steadily declined during the 20th century. Economists commonly attribute such declines to increasing wealth. Wealth differences are also credited with the large number of disaster-related deaths in developing nations vs. developed nations. But what makes wealthier societies less vulnerable to natural disaster? There are several factors, but the most important is mobility.

People with access to autos can leave an area before it is flooded or hit with hurricanes, tornadoes, or other storms. When earthquakes or storms strike too suddenly to allow prior evacuation, people with autos can move away from areas that lack food, safe water, or other essentials.

Numerous commentators have legitimately criticized the Federal Emergency Management Agency and other government agencies for failing to foresee the need for evacuation, failing to secure enough buses or other means



Being auto-dependent, as these I-40 rush-hour motorists are, is not such a bad thing in a crisis (CJ photo by Don Carrington)

of evacuation, and failing to get those buses to people who needed evacuation. But people who owned autos didn't need to rely on the competence of government planners to be safe from Katrina and flooding. They were able to save themselves by driving away. Most apparently found refuge with friends or in hotels many miles from the devastation. Meanwhile, those who didn't have autos were forced into high-density, crime-ridden refugee camps such as the Superdome and New Orleans Convention Center.

Rather than help low-income people achieve greater mobility, New Orleans transportation planners decided years ago that their highest priority was to provide heavily subsidized streetcar rides for tourists.

* In the late 1980s and 1990s, New Orleans spent at least \$15 million converting an abandoned rail line into the 1.5-mile Riverfront Streetcar line.

* In 2004, New Orleans opened the 3.6-mile Canal Street streetcar line at a cost of nearly \$150 million.

* New Orleans was planning to spend an additional \$120 million on a Desire Street streetcar line.

These tourist lines do nothing to help any local residents except for those who happen to own property along the line. The city was not deterred by its own analysis of the Desire line showing that each new rider on this line would cost taxpayers more than \$20.

About 26,000 low-income families in New Orleans don't own a car. If all the money spent on New Orleans streetcars from 1985 to today had been spent instead on helping autoless low-income families achieve mobility, the city would have had more than \$6,000 for each such family, enough to buy good used cars for all of them. Add the money the city wanted to spend on the Desire Street streetcar, and you have enough to buy a brand-new car for

every single autoless low-income family—not a Lexus or BMW, certainly, but a functional source of transportation that would have allowed them to escape the current disaster.

While I don't think that buying low-income families new cars is the best use of our limited transportation resources, it would produce far greater benefits than building rail transit.

Studies have found that unskilled workers who have a car are much more likely to have a job and will earn far more than workers who must depend on transit (see, for example, <http://tinyurl.com/dlqq4>). That is why numerous social service agencies have begun programs aimed at helping low-income families acquire their first car or maintain an existing one.

Yet when I point out the comparative benefits of providing mobility to low-income people vs. building rail transit lines to suburban areas that already enjoy a high degree of mobility, rail advocates often respond, "We can't let poor people have cars. It would cause too much congestion." Yes, as the Soviet Union discovered, poverty is one way to prevent congestion.

New Orleans is in many ways a model for "smart growth": high densities, low rates of auto ownership, and investments in rail transit. This proved to be its downfall.

While the city was vulnerable from being built below sea level, many cities above sea level have proven equally vulnerable to storms and flooding. In the end, New Orleans' people suffered primarily because so many lived without autos, thus making them overly dependent on the competence of government planners. CJ

Randal O'Toole is an economist for The Thoreau Institute.

Work product papers at issue

New Law Overrides Verdict On Concealing Working Papers

By PAUL CHESSER
Associate Editor

A decision last year by a North Carolina appeals court judge preventing government lawyers from concealing much of their work prompted legislators to approve a new law this year that overrides that verdict.

But government lobbyists didn't stop there. They introduced bills that would have allowed state and local agencies to withhold many forms of documentation that have historically been considered public information.

Panic set in during the middle of last year among lawyers in the North Carolina Bar Association's administrative law, and government and public law, sections. The state Court of Appeals, in an opinion written by Judge Wanda Bryant, had decided unanimously that lawyers representing governments may not withhold so-called "work product" papers from public scrutiny.

The case focused on a private company in Raleigh, Hanson Aggregates Southeast, Inc., that had sought the release of all records that the city held relating to its property. A Raleigh zoning inspector had asked Hanson to stop using part of its land for excavation. The city's lawyer, Thomas McCormick, pre-emptively sued the company after its records request, seeking a declaration from the court that said Hanson had no right to his materials.

After the appeals court decision, government lawyers immediately coalesced to criticize the ruling.

"With this decision, the court dealt a rough blow to the work product privilege," wrote Mary Penny Thompson, a lawyer for the state Department of Environment and Natural Resources, in a June 2004 N.C. Bar Association newsletter.

Attorneys, in times before a trial, are allowed to protect their preparation materials as a rule. But lawyers for open government said allowing such a shield in public records cases would enable officials to operate secretly by using lawyer "work" privileges for cover, and by forestalling records requests through lawsuits.

"It's kind of a license for a lawyer to hide from the public whatever he wants to hide," said John Bussian, a lawyer for the North Carolina Press Association and

for several media organizations. Bussian and Mark Prak, a lawyer for North Carolina broadcasters, represented *Carolina Journal* and the NCPA in a lawsuit against the state Department of Commerce over the agency's failure to timely produce public records of the state's incentives package for Dell Corp. Lawyers for each side are discussing a possible settlement in the case.

"With this decision, the court dealt a rough blow to the work product privilege."

Mary Penny Thompson
Lawyer for DENR

Hindered by the Court of Appeals, government lawyers last year put together a proposed legislative remedy to restore what they considered their work pri-

vacuity rights. A committee of the Bar Association's Government and Public Sector section said responding to the McCormick decision was its "primary issue," and set a quick deadline to come up with draft legislation. Lawyers for local-government associations, including Greg Schwitzgebel of the N.C. League of Municipalities, also worked on the project. According to October 2004 meeting minutes of the Sector, "Council members discussed the need to 'strike a balance' in the legislation between the need for confidential attorney-client communication and the needs of the public."

The finished product was a bill, sponsored by Sen. Daniel Clodfelter, D-Charlotte, that allowed government custodians of records to "deny access to a public record that is also a trial preparation record."

But the legislation provided great latitude for local officials, because it allowed them also to withhold public documents that might fall under an anticipated "legal proceeding that has not commenced." Parties seeking records that are claimed to be under the litigation provision would be required to request their availability through the judge overseeing the case.

Lawyers for the NCPA, as a counterweight to the new proposed restrictions on records access, sought an amendment to the bill that would have automatically awarded attorneys' fees to be paid by government agencies to citizens winning public records lawsuits. That change passed the full Senate, but a House Judiciary committee removed the automatic-fees provision before the bill passed the full chamber.

Current law leaves decisions about the awarding of fees to the discretion of a judge, but Bussian said that in almost all cases judges don't allow the public or media to recover legal expenses. CJ

Commentary

Annexation is About Money

With the recent deluge of hurricane coverage, it is easy to overlook or simply ignore issues of significant local consequence. But in Fayetteville, the forced-annexation fight is rarely fodder for Page 3 and beyond. With the inclusion of nearly 42,000 newly annexed residents as of Sept. 30, it is doubtful that this issue will go away, much to the chagrin of those who implemented it.

Even Cumberland County commissioners are concerned, as evidenced by Commissioner Tal Baggett's recent comment about "feeling the brunt of this thing, even though all of us have gone on record opposing this annexation." So, why is it that the folks being annexed oppose it, elected commissioners oppose it, but City Council members, at the behest of staff, still stuck to their guns to annex people against their will?

Simply put, they want the tax money! It isn't about wanting to provide needed services. It isn't about making Fayetteville more attractive to prospective businesses. It isn't even about improving the quality of life. In North Carolina, it's about adding revenue instead of raising taxes to pay for stagnant property values, declining interest in downtowns, and the need to continue to increase local spending. And, wouldn't you know, North Carolina is one of only seven states that allows forced annexation.

To put things in perspective, between the April 2000 census and July 2003, of the 314,000 folks that have been added to our city populations, 164,000 (52 percent) have been added from annexation. Has there been severe demand by residents to be annexed? People actually chose to live in an area that wasn't in the city, so the answer is somewhat intuitive here. And the Fayetteville annexation is nothing short of astounding, conscripting more than 40,000 residents into their jurisdictional limits.

In recent news coverage, the residents in question will owe 21 months worth of city taxes when they are billed next year because city-service coverage starts in September of this year. In short, someone with a home valued at \$100,000 will pay \$918 in county taxes this year. Next year they will

pay about \$1,800 because of the back taxes due to Fayetteville that will be overdue on Jan. 6, 2007!

This nation was founded by individuals who believed that liberty allowed one the freedom to be removed from the subjective whims of tyrannical rulers. At the very least, it should be expected that city leaders would seriously

consider the desires of the residents in question before subjecting them to annexation. But again, this annexation is about the desire for new city tax revenue. It is not about what the citizens want. The city wants it for fire departments, police protection, planning, economic development, public works and more.

The taxes being generated aren't sufficient to fund this without a significant tax increase. Without a tax increase, the revenue must be found or cuts must be made. It's easiest to find that revenue where there is a neighborhood with an established tax base. And they found 20,000 parcels to do it. If city officials truly need additional revenue they should raise taxes, otherwise, they should use innovative approaches such as "performance management" or "competitive sourcing" to become more efficient.

The League of Municipalities will argue that "forced annexation" is necessary because people living in unincorporated areas adjacent to towns use city services when they shop and socialize but don't pay their fair share. But cities also benefit from sales taxes left by those paying citizens. This premise misses the point that city services should be provided to those who want them, not forced upon them through egregious government growth.

The real answer in North Carolina is to allow citizens to have a voice in their annexation. North Carolina isn't a referendum state, but adding the words "with the consent of the governed" would go a long way to restoring faith in local government when considering annexation. CJ



Chad Adams

Adams is vice chairman of the Lee County Board of Commissioners and director of the Center for Local Innovation. Visit www.LocalInnovation.com.

Local Innovation Bulletin Board

Beware of 'Green' Mandates

Environmentally friendly building standards (green building standards) might work well for some types of structures but should not be made mandatory for all new government facilities, says Todd Myers, director of the Center for Environmental Policy at the Washington Policy Center.

Mandating any green building standard limits the flexibility of builders to make choices appropriate to each particular structure. Still, governments chose to adopt the Leadership in Energy and Environmental Design standard, which will likely raise the cost of housing for consumers and increase tax burdens.

Advocates of mandating green building standards said it will cost only an addition zero to 2 percent in up-front costs while cutting energy and other costs dramatically over time. However, the studies that advocates cite for these statistics are flawed:

- An estimated 16 percent of new government buildings use LEED compared to only 1 percent of new commercial buildings, indicating that if LEED's promise of dramatic energy savings were true, many more businesses would incorporate them into their construction.

- In one study, LEED projects were found to be cost-effective as advocated; however, the study looked only at projects where the owners chose to follow LEED and does not include cost estimates from projects where LEED was rejected because of cost or other considerations.

- LEED standards, geared toward office buildings, are not suitable for other types of buildings such as warehouses, schools, and prison facilities, and LEED cost estimates do not take into account the long-term maintenance costs derived from adhering to LEED standards.

Rather than mandating such standards, governments should allow the ongoing development of a competitive system for voluntary green building standards. A dynamic market process will enable standards to continually improve by responding to the needs of consumers and builders, adjusting to new technology and experience, using competition to promote a variety of approaches, Myers said.

Condo bubble?

As condominium prices reach new heights, many observers wonder whether the trend is driven by demo-

graphics or whether this is the latest speculative bubble in the real estate market, the *Wall Street Journal* says.

In 2004, for the first time, the national median price of a condominium was higher than that of a single-family home. Between 2001-2004, condominium values appreciated by 57 percent, while those of single-family homes rose by 25 percent. Condo popularity is widespread, and includes traditional urban areas, resorts, and second-tier cities such as Minneapolis, Charlotte, and Omaha, Neb.

Demographic changes in the middle class can explain some of this, the Journal says. The ideal of the two-parent home with 2.2 children in the suburbs is being surpassed by an array of arrangements and many homeowners now consider the urban condominium more luxurious and convenient than a house with a yard.

Economists and housing experts think that many people are buying speculatively, causing prices to rise faster than economic fundamentals can support, and that the ratio of real buyers to investors will ultimately determine the strength of the market. In the past five years, developers have started construction on about 802,000 units.

Trash bad garbage levies

Recently, the city of Kingston in Ontario, Canada voted to "equalize" fees for garbage collection, but according to the city, "equalize" means charging for garbage collection based in part on the assessed value of one's house, writes Filip Palda of the Fraser Institute.

Kingston aldermen presented their tax increase as an exercise in balanced redistribution, but neglected to explain how this would change the city's revenues. This manipulation of garbage levies is an example of how politicians twist the good idea of paying to use city services, Palda said.

With the garbage levy, Kingston has a two-part pricing system for collection — citizens pay both a per-bag fee and the fixed levy, which is supposed to cover the fixed costs of the system.

However, the garbage levy goes into general revenues and may exceed what the city spends on garbage collection.

To discourage garbage generation, the city council will have to increase per-bag fees and lower fixed costs than what Kingston actually charges. CJ

From Cherokee to Currituck**Charlotte's Myers Park Scene of Battle Over New Mansions**

By MICHAEL LOWREY

Associate editor

RALEIGH

Construction of a number of large, high-priced homes in a traditional Charlotte neighborhood has been stopped because the houses have run afoul of a controversial interpretation of an obscure and previously rarely enforced zoning clause.

The dispute is focused in Charlotte's highly prestigious Myers Park neighborhood though it has implications for other neighborhoods. As houses have gotten bigger in recent years, smaller houses (with small being something of a relative term) in Myers Park have been torn down and replaced by bigger homes.

"We get calls all the time from people saying 'Oh my God, all of a sudden I'm in the shadow of this huge house. What can I do?'" Ken Davies, a lawyer for the Myers Park Homeowners Association, said to *The Charlotte Observer*. "We had to tell them 'Nothing.' Then we stumbled on this rule, and we're able to do something about it."

The rule in question is a requirement that at least 65 percent of a lot in Charlotte be kept as "open space." City inspectors investigate only possible violations of the rule if someone complains about a possible violation. And the neighborhood association in Myers Park recently has discovered the rule and has started to complain.

While seemingly a straightforward requirement, Charlotte's definition of "open space" is less than clear. City ordinance defines it as "an area of land or water, which is open and unobstructed including areas maintained in a natural or undisturbed character, or areas improved for active or passive recreation." The city has interpreted the recreational area portion of "open space" to include swimming pools and basketball and tennis courts.

Patios, however, have been deemed to be nonrecreational by city officials and don't count toward open space. Driveways don't count as open space, either, though city inspectors have historically given a 400-square-foot exemption. The combination of a long driveway and large patio on a small lot has the potential to create a zoning violation.

Developers strenuously object to the city's interpretation that most any paved surface doesn't count as open space. Developers also note that they became aware of the interpretation only after building permits had already been issued. "I think they've overstepped their bounds," Charlotte lawyer Collin Brown said to the newspaper. Brown's clients include several homebuilders. "If they continue, people across the board



are going to have problems."

Charlotte's zoning administrator is studying the issue and changes in city policy are possible.

Durham incentives

The Chinese computer maker Lenovo is asking for \$14 million in incentives, including \$4.7 million from Durham County, to keep its operation in the Research Triangle Park area. At least some Durham County officials don't seem inclined to grant their portion of the requested funds.

"I think that would set a horrible precedent," County Commissioner Lewis Cheek said to *The News & Observer* of Raleigh. "I just don't think it's a good idea."

Durham County adopted its current incentives policy, which focuses on creating new jobs, in 1996. The county has never used incentives to attempt to keep an existing employer in the county.

"Our policy has proven very successful for us," Commissioner Becky Heron told the newspaper. "I see no reason to change it, and I wouldn't vote to do it, I can tell you that."

A third commissioner, Michael Page, however, was in favor of the incentives.

Earlier this year, Lenovo bought the PC division of IBM for \$1.75 billion. As a condition of the sale imposed by the U.S. government, the now Chinese-owned unit must move out of IBM's RTP campus. The company has about 1,900 employees in Durham County. In addition to Durham County, the company is looking at sites in Atlanta, New York state, and overseas.

The company is also seeking more than \$5.5 million from Durham plus a grant of \$2,500 for each new job created. It also wants \$1.5 million in state money and to be reimbursed for employee training at Durham Technical Community College. CJ

Development and Defense Training at Loggerheads

By MICHAEL LOWREY

Associate Editor

RALEIGH

Among the most demanding tasks in aviation is landing a fighter jet on a moonless night on the moving, pitching deck of an aircraft carrier at sea. Touching down just a few yards short or to the left or right can have fatal consequences. It's a task that Navy pilots spend countless hours training for by making repeated practice landings at land bases.

It's the quality and safety of these training opportunities that lie at the heart of the ongoing debate about the location of the Navy's main East Coast fighter base and a proposed, controversial auxiliary landing field in Washington County, N.C. Recent action by the Defense Base Closure and Realignment Commission only makes the situation going forward less certain.

Naval Air Station Oceana, in Virginia Beach, Va. is the Navy's East Coast master jet base, the airfield upon which most of the planes that fly from the aircraft carriers operating out of the East Coast are based. Nearly 200 fighter jets are based there, and they make more than 300,000 takeoffs and landings a year at Oceana and Fentress Field, a practice field in the nearby city of Chesapeake. Virginia Beach is also a rapidly growing community with a population of more than 400,000 and Virginia's largest city.

The combination of those factors is the crux of the problem. Development has encroached upon Oceana and Fentress. It is degrading the quality of training available while creating serious safety concerns.

The old military adage is that you should train like you fight, which doesn't happen out of Oceana. Pilots

begin landing approaches at a higher altitude and descend more steeply into Oceana and Fentress than they would at sea. It's also not particularly dark at night. Noise concerns limit when and where Navy planes can fly.

Nearly one-third of Virginia Beach is exposed to average noise levels that exceed federal recommendations. Thousands of people live, work, and shop in potential crash zones near the ends of Oceana's four runways. Virginia Beach has been generally unwilling to reign in development near Oceana.

Despite all this, the Navy did not recommend that its fighter jets move out of Oceana in this year's base closing round. Rather, the Navy's preferred solution is to build a new outlying landing facility—a landing strip for its jets to practice landings—in rural Washington County, N.C. to take some of the pressure off Oceana. In a similar vein, two Navy F/A-18E/F Super Hornet squadrons would be based at Cherry Point, not Oceana.

The Navy also noted in its BRAC recommendations that it did not recommend closing additional air stations this year as insurance against additional future encroachment at Oceana. It has also started to consider building a replacement for Oceana, though such a move would not happen until far into the future.

In July, the commission, on its motion, decided to review the situation at Oceana. It came away convinced that

something had to be done.

"The reality of life for Oceana is as you fly the landing pattern at whatever height you are, you are flying over buildings, schools, churches, and shopping centers" said Commissioner James Hill, a retired Army four-star general, during the commission's final deliberations in August.

"In good conscience, many of us up here have said we've got to do something about that because when the

plane augurs into Lynnwood Mall I want to have at least had my say on this subject," he said.

"Oceana is not the long-term future master jet base for the Navy," said former Transportation Secretary Samuel Skinner. "The Navy has said that. It's

obvious as you look at the future of the Navy that it will not be."

Skinner said many commissioners also thought "that we owe one last chance to the people of Virginia to get their act together" before moving the fighters off the base.

The commission voted to keep the F/A-18 squadrons at Oceana only if certain stringent conditions were met by Virginia Beach, Chesapeake, and the Commonwealth of Virginia by March 31, 2006. These include agreeing to spend \$15 million a year to buy out property in the highest accident potential area and enacting restrictions on future development near the airfields.

Should Virginia Beach and the rest not meet the conditions, the planes

would move to Cecil Field outside Jacksonville, Fla. Cecil Field is a former Navy F/A-18 base that closed in 1999. Florida offered to give the field back to the Navy; the BRAC staff determined the facility was a viable option.

The simplest, though not necessarily the most likely, path forward would be for Virginia Beach to be unwilling or unable to meet BRAC's demands. In that case, the Navy's F/A-18s will move back to Cecil Field, and Cherry Point likely won't get the anticipated two F/A-18 Super Hornet squadrons.

With the need to mitigate Oceana's encroachment gone, the Navy's requirement for the Washington County OLF would be greatly reduced. It would be likely, though not certain, that the Navy then would not proceed with the OLF.

A move to Cecil Field and future force cuts could also let the Navy and Marines consolidate their East Coast fighter squadrons at two bases instead of three through a future BRAC round. The likely odd-man out would be Marine Corp Air Station Beaufort in South Carolina, the smallest of the three facilities. It also had a lower military value in 2005 than Cherry Point.

Should Virginia Beach decide to comply with the commission's demands, the situation going forward is unclear. While Oceana would be the answer for the moment, the BRAC also required the secretary of defense to undertake an immediate review of Cecil Field and other possible sites and recommend a long-term solution.

Until the study is complete, including a projected time frame and cost, it's impossible to determine what the next step is and whether the Washington County OLF will still be needed by the Navy. CJ

"Oceana is not the long-term future master jet base for the Navy."

Samuel Skinner
Former Transportation Sec'y

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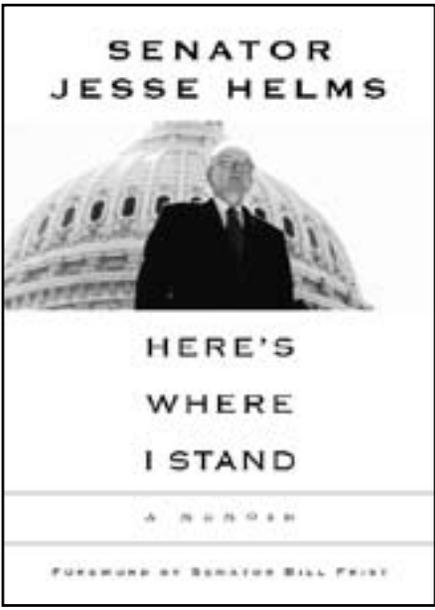
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• In *The Neoconservative Revolution: Jewish Intellectuals and the Shaping of Public Policy*, Murray Friedman explains the role that Jewish intellectuals have played in the development of modern American conservatism. The focus is on the rise of a group that began to have an impact on American public policy during the Cold War and up to the invasion of Iraq. It presents a portrait of the life and work of the original small group of neoconservatives including Irving Kristol, Norman Podhoretz, and Sidney Hook. Friedman suggests the neocons have been so significant in reshaping modern American conservatism and public policy that they constitute a neoconservative revolution. Learn more at www.cambridge.org.

• Publisher Steve Forbes wants to start his own uprising in *Flat Tax Revolution: Using a Postcard to Abolish the IRS*. The former presidential candidate says countries around the world have freed their taxpayers to do just that—and so can the United States with a simple flat tax that will slash tax rates, spur economic growth, and “put the IRS out of business.” Forbes contends that a 17 percent flat tax would: save citizens time, money, and worry; create jobs, and bring back ones lost overseas; stop special interests from getting tax breaks at your expense; and eliminate shady accounting in business. See www.regnery.com for more details.

• A current competing tax reform proposal is the one from radio talk show host Neal Boortz and U.S. Rep. John Linder of Georgia, who have co-written *The Fair Tax Book: Saying Goodbye to the Income Tax and the IRS*. They propose replacing the federal income tax and withholding system with a simple 23 percent retail sales tax on new goods and services. This dramatic revision of the current system, which they say would also eliminate the “reviled” IRS, has already “caught fire in the American heartland,” with more than 600,000 taxpayers signing on in support of the plan. Boortz and Linder say their plan would end the annual national nightmare of filing income tax returns, while at the same time enlarging the federal tax base by collecting sales tax from every retail consumer in the country. The Fair Tax, they say, would transform the fearsome bureaucracy of the IRS into a more transparent, accountable, and equitable tax collection system. More at www.harpercollins.com. CJ

Quick read but not watered down

Hitchens' Jefferson Volume Rekindles Interest

• Christopher Hitchens: *Thomas Jefferson — Author of America*; Harper Collins; 2005; 188 pages; \$19.95

By RICK MARTINEZ
Guest Contributor

HILLSBOROUGH

Just about everybody knows about Thomas Jefferson, but few people have read much about him. And for good reason. Nearly every book written about one of this nation's great men is as voluminous as his intellect and just as intimidating.

That mold is broken with Christopher Hitchens' *Thomas Jefferson — Author of America*. It's a quick read but hardly a watered-down “Jefferson for Dummies.” The book is just as much commentary as it is biography, and part of the Harper Collins Eminent Lives series, which pairs distinguished authors with central world figures.

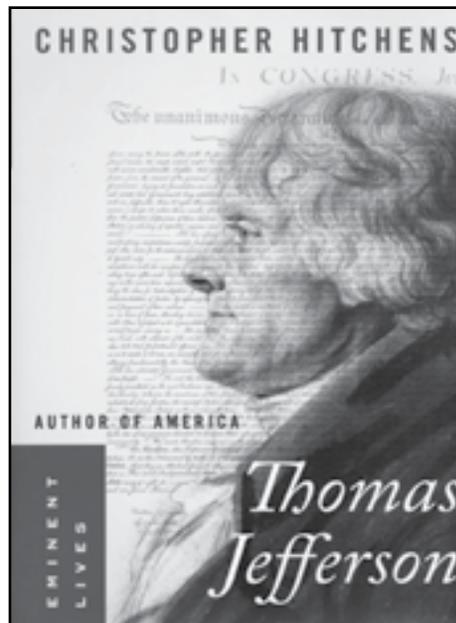
A self-described contrarian, Hitchens is one of the few commentators who can be read in *The Weekly Standard* and *The Nation* during the same week. Hitchens' primary contribution, other than refreshingly precise use of language, is insight, not revelation.

He rightfully pays homage to the brilliance of the designer of democracy, yet uses Jefferson's nearly life-long interest in other men's wives to ground him in mortal vulnerabilities and imperfections. Hitchens is clearly comfortable with Jefferson's considerable paradoxes and determines they ultimately define his remarkable life.

The first contradiction Hitchens explores is the one known to nearly every middle-school student: The man who authored the Declaration of Independence owned slaves his entire life. He freed six slaves — the children of Sally Hemings, of whom Jefferson is presumed to be the father. Presumed is noted because although Hitchens presents it as fact, the DNA testing often cited as conclusive of Thomas Jefferson's fatherhood also revealed there were 25 other male adult Jeffersons living in Virginia who carried the Y chromosome that fathered Eston Hemings.

But since few of the 25 ever visited Monticello, the study, headed by Dr. Eugene Foster and a team of geneticists determined “the simplest and most probable” conclusion is Thomas Jefferson fathered the Hemings children.

Any allusions the reader may have that Jefferson's romantic interest in Hemings is a human reflection of the principles of equality he eloquently penned in the Declaration of Independence, are cleverly shattered. Hitchens reveals that the words carved in stone at the Jefferson Memorial — “Nothing is more certainly written in the book of fate, than that these people are to be



free” — are only half the story. In the full passage Jefferson wrote, a semicolon, not a period, follows the word free. The rest reads: “nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them.”

Freeing the slaves was only part of Jefferson's plan to abolish slavery. He also favored deportation. From this and numerous other citations, Hitchens argues that Jefferson's opposition to slavery was based on high moral considerations that had little to do with the equality of blacks. In fact, Jefferson had a higher opinion of Indians, whom he considered the equal of Europeans.

For Hitchens, this is evidence of sloppy science, not racism. Jefferson based his conclusions on the lack of notable achievements by American blacks. That shouldn't be surprising, given slaves weren't formally educated. Forced servitude also has a way of sapping ambition and fostering discontent. Jefferson's fear of a black uprising fueled by retribution and reprisal was another reason he favored coupling emancipation with deportation.

Jefferson's shortcomings as a cultural anthropologist are ridiculed by Hitchens, and in doing so, the book's primary shortcoming is revealed. Hitchens looks back on Jefferson and some of his biographers with 20-20 hindsight, only rarely recognizing the limitations of the knowledge base and social norms of the day. Criticism and judgment are always easier when the outcome is known.

While Hitchens' observations from

a 21st century perch can be annoying, he is not unfair. His respect for Jefferson is why he's able to add enlightening context, instead of apologetic explanations for some of Jefferson's well-known paradoxes.

For example, instead of being pained, Hitchens is amused that Jefferson is not above citing divine providence to justify man's right to lead a secular life. He finds similar irony in Jefferson's invoking of states rights in drafting legislation that would negate the Alien and Sedition Acts in Kentucky — the same argument his opponents used to perpetuate slavery.

Jefferson's devotion to limiting the power of government and its submission to the will of the people is well-documented and often quoted.

Yet, Hitchens notes those principles took a back seat when Jefferson negotiated the Louisiana Purchase. Jefferson's initial reading of the Constitution did not find presidential authority to acquire territory without congressional consent.

Jefferson even went so far as to prepare an amendment that would grant constitutional authority, just in case someone got nosy. But the amendment was kept in the drawer because, at four cents an acre for a land mass

that propelled the United States to major-power status, few felt the need to quibble over constitutional technicalities.

Jefferson emerges from Hitchens' examination far from the legend usually presented and probably closer to what he actually was: a highly principled pragmatist. Hitchens' refusal

to idolize Jefferson serves only magnifies his mortal accomplishments.

Hitchens notes Jefferson is one of the few men to have his name associated with a type of democracy. While there have been many democratic revolutions, it is the American Revolution — the one Jefferson gave form to through the Declaration of Independence — that continues to inspire.

Hitchens' portrayal ultimately ignites or rekindles an intellectual curiosity for Jefferson. It's hard to come away from this volume not wanting to know more about Jefferson's public and private life. Ideally, it should not be the first book one reads, but one that is referenced often during a continual exploration of the man who authored America. CJ

Jefferson emerges from Hitchens' examination far from the legend usually presented and probably closer to what he actually was: a highly principled pragmatist.

Locke Foundation Launches North Carolina History Project

Ideas about the past affect current decisions and have future consequences.

For this reason, the John Locke Foundation launched the North Carolina History Project on Aug. 15, 2005 to offer North Carolinians an alternative historical perspective. Without forgetting past problems, the project will question whether government intervention had unintended costs or, at best, substituted one problem for another.

In many histories, the solution to social and economic problems is always government intervention; and such intervention is criticized only when deemed timid. Also rejecting historical materialism — the Marxist belief that the roots of all historical change and development are found in material things — the project will show that ideas matter. As the early-18th century English statesman and philosopher Lord Bolingbroke said, "History is philosophy leading by



Dr. Troy Kickler

example."

In many U.S. history courses, instructors assign texts based on paradigms that comprise what some call the postmodern Triumvirate: race, class, and gender. To be sure, the use of these methodologies can reveal the complexity of human thought, emotion, and action and shed light on overlooked contributions to America. (I, for one, study African-American history.)

But frequently their use simplifies the past. Forgetting that people are individuals, many scholars interpret every human action through a race, class, or gendered determinism. Many others assert that all three methodologies are distinct yet inseparable — a secular Trinity of sorts.

Consequently, the current American narrative of the rich, the whites, and the males oppressing the nonwhites, the poor, and the females, even if it distorts the past and divides a people, is sacrosanct; and as the story goes, only government intervention can stop this perpetual oppression.

Using traditional political

"History is philosophy leading by example."

Lord Bolingbroke

and economic approaches, recent North Carolina surveys fail to question seriously government intervention and only one — soon to be

released — devotes much attention to the past 70 years. Some even present advocates of laissez-faire principles as unsophisticated yokels or mindless reactionaries.

In Hugh Talmadge Lefler's and Albert Ray Newsome's *North Carolina: The History of a Southern State* (1963), for example, readers learn that during the early 1800s the "individualistic philosophy of laissez-faire," defined by the authors as a belief that "government should be a policeman for the protection of life and property and nothing more," led to the state's "backward condition" (310-312). Thankfully, the narrative goes, luminaries finally trumpeted interventionism.

To be sure, surveys published in last two decades avoid inflammatory language, yet what they include and omit reveal a longstanding bias.

In many ways, the N.C. History Project will present formerly understud-

ied and overlooked topics. Educators and students, in particular, will benefit from using an online encyclopedia of the Old North State named northcarolinahistory.org.

The project will also be a research and information resource for local historical associations. *Carolina Journal* readers can expect short essays relating the past to current events and examining understudied topics. Subscribers to other publications and journals will read longer essays investigating, for instance, the origins of free political and economic institutions and the contribution of North Carolina to national history. Interested North Carolinians will also have opportunities to attend historical tours and lectures.

The N.C. History Project is not a debunking effort. Its mission is powerful yet simple: to offer North Carolinians a better understanding of their history by asking different questions of the past and to present that history even when conformity of historical opinion is expected. It's an effort to tell an unheard story, and tell it well, while it can still be remembered. CJ

Troy Kickler is director of the North Carolina History Project.

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• *Medieval Times*

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Never forget that kitschy, cheesy fun is still fun, and Medieval Times fairly pegs the cheese-o-meter. A national chain, you get a combination of dinner theater, rodeo, and gladiatorial combat all delivered with surprisingly high production values. The premise is that you are a lord, or lady, transported back to the age of knights and castles to witness brave warriors have at it for the hand of a fair princess. Plus you get food—a big leg o'turkey, vegetable soup, potatoes—all eaten sans utensils, medieval style. It was surprisingly good.

But the main attraction is the knights walloping each other with swords, maces, axes, sparks flying, horses galloping. All pretty much irresistible to the young boys in audience, and done with enough flash and drama for everyone to enjoy. Medieval Times is expensive at \$42 per adult and \$26 for kids 12 and under (and more still for the "royal package," gift shop trinkets, or a tankard of ale) but as memorable family fun presented with some skill and flare, you could do much worse. Huzzah!

— JEFF TAYLOR

You decide in 'Exorcism'

• *"The Exorcism of Emily Rose"*
Screen Gems Inc.

Directed by Scott Derrickson

New horror films often are compared to "The Exorcist." These comparisons only disappoint movie audiences as they expect more than can be delivered—a problem worse for a film that has "Exorcism" in its title.

To put to rest any comparisons to the famous 1970s demon-possession film, or to other genuinely scary horror films, "Emily Rose" does have creepy moments, but generally is not very scary. However, it is thought-provoking and entertaining.

It tells ("based on a true story") of a 19-year-old girl who may be possessed by demons. Instead of going completely supernatural with spinning heads, the filmmakers examine the issues surrounding the death and exorcism of Emily through the trial of the exorcist, Father Moore (Tom Wilkinson) who is charged with negligent homicide in her death.

Throughout the film, two different explanations are provided for the strange events that lead to Emily's

death. The first explanation is based on "reality" and the argument that Emily was a very sick girl who suffered from epilepsy and some form of psychosis. The alternative explanation is demonic possession.

The film makes each explanation seem plausible, even though both have flaws. At its core, the film is about challenging the audience to decide for itself which version it believes, or to explain away what really did happen to Emily Rose.

— DAREN BAKST

'Elephant:' weighty questions

• *"Elephant"* (2003)

HBO Films

Directed by Gus Van Sant

Gus Van Sant's "Elephant" follows 10 high school students on the morning that two of them — loners Eric and Alex — stage a Columbine-style school shooting. It asks many questions, but answers few of them.

Van Sant hints at possible reasons for the boys' decision: They play violent videogames, it's too easy to purchase guns, their parents don't care. He suggests many possible reasons, but doesn't commit to any of them; at one point "Elephant" alludes to the boys' possible homosexuality as another reason they might feel isolated from their peers.

More troubling is Van Sant's portrayal of the other students he follows throughout the movie, most of them victims of the slaughter. They are just as isolated as the murderers, all dealing with their own problems. One student lies about his alcoholic father.

Another revels in his artwork, rarely interested in human interaction. A third refuses to dress out in the locker room, afraid the other girls will laugh at her. Any one of these students, through Van Sant's lens, could have chosen the same path as Eric and Alex.

Van Sant's picture of high school is unconvincing: Students are consumed by their own problems. Teachers and administrators are noticeably absent. No one attends classes; it's unclear whether classes are even conducted. It's impossible to reconcile Van Sant's gloomy vision of high school with the reality we see in our own communities.

Despite its flaws, "Elephant" asks the important question: why? Audiences would be better off attempting to find the answers on their own.

— JENNA ASHLEY ROBINSON CJ

Ten Commandments

Roy Moore's Battle for Morality

* Roy Moore, with John Perry: *So Help Me God: The Ten Commandments, Judicial Tyranny, and the Battle for Religious Freedom*; Broadman and Holman; 2005; 261 pp.; \$24.99

By MAXIMILIAN LONGLEY

Contributing Editor

RALEIGH

The author of this book, Roy Moore, presumably needs no introduction. He's the former chief justice of Alabama who made headlines by installing a Ten Commandments monument in the state's judicial building and refusing to remove it when ordered to do so by a federal court. For this act of defiance, Alabama's Court of the Judiciary removed Moore from office, and the former justice continues his campaign for God in government at the Foundation for Moral Law.

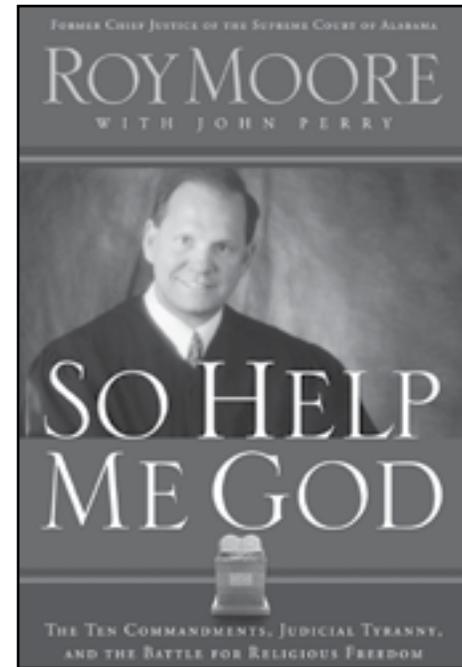
So Help Me God is a combination memoir and political treatise, alternating between describing the events of Moore's life — especially his fight for the right to display the Commandments — and defending the position that America's legal heritage is based on acknowledgement of God. Moore even favors the reader with some samples of his poetry — of which it could be said that their best quality is their brevity.

Moore's narrative rings true, because it is consistent with what the public saw of his stubborn character during the confrontation over the Ten Commandments monument.

Moore declares that he is not in favor of the government compelling citizens to adopt evangelical Protestant beliefs. He declares that all citizens are equal before the law regardless of religious belief or lack thereof. The First Table of the Ten Commandments — those commandments specifying man's duties toward God — are not enforceable by the government, Moore says.

Moore's faith in a personal God, to whom he gave the credit for any positive developments in his life, developed early on and never left him. His family grew up in rural Etowah County, Ala., in circumstances of what most American readers would regard as poverty. Admitted to the U.S. Military Academy at West Point, Moore obtained military training that reinforced his already considerable self-discipline.

Moore boasts of the steps he took later as a trial judge in Etowah County to promote more efficient trial procedures. As it turned out, though, a battle over the public acknowledgement of God took up an increasing portion of the judge's time. Moore opened his court sessions with prayer. Also, wishing to give God the credit for his success, Moore decided to display small wooden plaques of the Ten Commandments in his courtroom. These plaques were not very big. A photograph in the book shows the plaques as



they appear to someone near the front of the courtroom. The text of the Ten Commandments cannot be made out.

Regardless of size, the ACLU sued Moore over his display of the plaques and his practice of opening court sessions with prayer. While he could have had his legal expenses paid by the Alabama taxpayers, Moore chose to raise the money privately, from his enthusiastic supporters.

Moore's supporters managed to take the case out of federal court and into the Alabama state courts, where the state Supreme Court ultimately dismissed it on a technicality. His victory against the ACLU earned Moore a great deal of popularity in Alabama. In 2000, he was elected as the state's chief justice, largely on his fame as the "Ten Commandments Judge."

Fully riled up by the ACLU's opposition, Moore decided to issue a clear challenge to their worldview. He commissioned the building and installation in the state's judicial building of a big stone monument with the text of the Ten Commandments. The ACLU, the Southern Poverty Law Center, and others sponsored another federal lawsuit.

The federal appeals court for the 11th Circuit said that Moore's display violated the First Amendment, and the federal district court ordered Moore to remove it. Moore refused. At this point, many of Moore's former allies parted company with him, claiming that the rule of law demanded compliance with the federal court order. Moore, on the other hand, contended that the rule of law demanded defiance of unconstitutional orders by the federal courts.

A state panel removed Moore from office for disobeying the federal court. Though Moore had been removed from office, he hasn't been silenced, and he hopes to fight in the political arena for the public acknowledgement of God in the public sphere.

CJ

Lott's Memoir Takes Advantage of Thurmond Remarks

• Trent Lott: *Herding Cats: A Life in Politics*; Regan Books; 312pp.; \$27.50

By SAM A HIEB
Contributing Editor

GREENSBORO
Along with North Carolina's Jesse Helms, Trent Lott is the second Southern Republican to publish his memoirs. Like Helms' *Here's Where I Stand*, Lott's *Herding Cats: A Life in Politics* is drawing notice for addressing sensitive racial issues.

But while race was a subject that hung over Helms' entire 50-year career in politics, Lott's 30-year political career was damaged by a single "innocent and thoughtless remark" that set off a firestorm leading to his resignation as Senate majority leader in December 2002.

Lott uttered these infamous 40 words at a party honoring South Carolina Sen. Strom Thurmond:

"I want to say this about my state: When Strom Thurmond ran for president, we voted for him. We're proud of it. And if the rest of the country had followed our lead, we wouldn't have had all these problems over all these years, either."

That statement angered civil rights activists and many Democrats, who viewed it as an endorsement of Thurmond's segregationist platform when he ran for president in 1948. Lott maintains he was trying to boost the spirits of the 100-year-old Thurmond, who, we know now, had just turned the calendar on the last year of his life.

The remark was made in front of a large audience and broadcast live on C-SPAN. But as word spread second-hand — mainly though the Internet on liberal blogs, the story began to gain steam.

But the story really took off when former Vice President Al Gore — an old

political enemy of Lott's—criticized him on CNN, saying Lott's words were "the very definition of a racist comment."

While Lott characterizes his remark as "innocent and thoughtless," he also blames the media for treating the incident as a "hanging offense." Resigning his post would be the only way to return to a normal life.

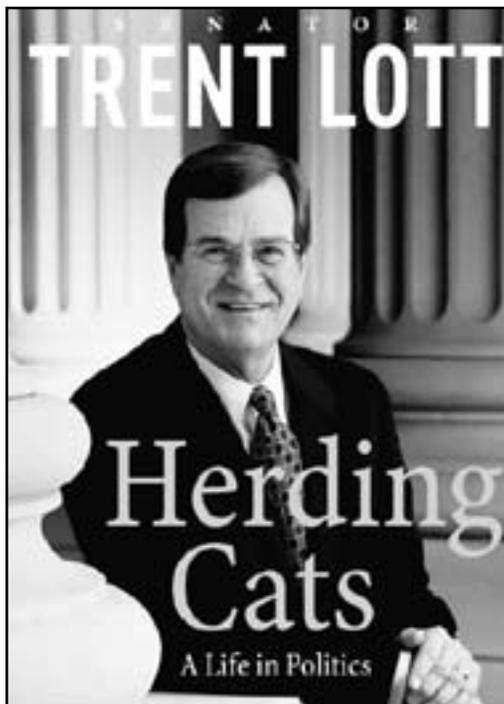
Lott does have kind words for many of his Republican colleagues who didn't exactly rush to his defense.

President Bush, who continues to take heat for not reacting quickly enough to difficult situations, finally called Lott several days after he resigned from the leadership post:

"He said he felt bad about rumors that the administration was undermining me, and was proud of how I handled my decision to surrender my office," Lott writes. "I will always remember my response clearly: 'Thank you, Mr. President, but the rumors did hurt me and you didn't help when you could have.'"

Nor does he have kind words for Sen. Bill Frist, who became Senate majority leader after Lott's resignation.

"I consider Frist's power grab a personal betrayal," Lott writes. "When



he entered the Senate in 1995, I had taken him under my wing. He was protégé and I helped him get plum assignments and committee positions."

While the light Lott shines on this political spectacle is interesting, the rest of the memoir is relatively unexciting.

Lott grew up in a working-class family in his native Mississippi.

His father, Chester Lott, scraped out a living as a pipe fitter, crane operator, sharecropper, and store manager while his mother worked as a schoolteacher. His father battled alcoholism for years, a problem that would eventually result in divorce after the younger Lott left for the University of Mississippi, where he quickly became a big man on campus.

Lott went on to study law at Ole Miss, where he encountered liberal, Yale-educated professors whose mission, in Lott's view, was to "lead these poor, barefoot Southern boys out of the wilderness."

"What those young professors did was create a backlash," Lott writes. "Instead of making us more liberal, they helped create a generation of thoughtful, issue-oriented conservatives who grew up to run Mississippi politics."

It was while he was working for

a Democrat, Rep. William Colmer, that Lott embraced the Republican Party. He ran as a Republican—and won—after Colmer's retirement in 1972, claiming victory in a district that was 90 percent Democratic.

Lott could sense a movement brewing after the 1978 congressional elections when a new breed of conservatives, including Dick Cheney, Dan Quayle, and Newt Gingrich, won election to the House.

The movement was really ready to take off after Ronald Reagan's election to the presidency in 1980. Things went swimmingly for a while, with Lott serving as House minority whip. But creeping deficits and the Iran-Contra scandal caused the Reagan administration to stray from its policy of fiscal responsibility.

By the late 1980s, Lott sensed something wasn't quite right with the president.

"During one visit to the Oval Office, I remembered speaking to President Reagan, and he looked like I didn't know who he was," Lott writes. "I had no details, of course, but I knew he was having memory problems. His troubles had obviously begun."

Lott's election to the Senate in 1988 was engineered by none other than Dick Morris, who went on to become the mastermind behind Bill Clinton's successful presidential campaign. Clinton was difficult to work with, Lott says, because he was constantly making conservative overtures while obviously being pulled back to the left by Gore and first lady Hillary Clinton.

Semi-interesting stuff. Yet, one gets the feeling that, without the Thurmond incident, Lott isn't as interesting — or polarizing — enough figure to warrant a pot-stirring, bestselling memoir. CJ



To register or purchase tickets for an event visit www.jessehelmscenter.org or contact us at 704-233-1776

Upcoming Events and Programs

Oct 11 Helms Forum with FCC Chairman Kevin J. Martin
City Center Marriott, Charlotte, NC *tickets available for purchase*

Oct 17 Being An American: Exploring the Ideals That Unite Us
Teacher Workshop* - The Jesse Helms Center, Wingate, NC

Oct 31 The Cold War: Understanding the Clash with Communism
Teacher Workshop* - Friday Center, Chapel Hill, NC

Nov 14 US Ambassador to the United Nations John Bolton
Lecture - Wingate University, Wingate, NC *limited tickets available*
***Teacher workshops are free to educators**

The Jesse Helms Center seeks to continue the work of Senator Jesse Helms by promoting principles upon which he built his life and career: free enterprise, representative democracy, traditional American values, and a strong national defense. Founded in 1988, the work of the Helms Center involves education, historical preservation and public policy promotion through a variety of programs for students, scholars, and the general public. The Jesse Helms Center is a 501 (c) (3) non-profit, non-partisan organization supported by tax-deductible donations.



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Newport/New Bern	WTKF	FM 107.3	Sundays	7:00 PM
Salisbury	WSTP	AM 1490	Saturdays	11:00 AM
Siler City	WNCA	AM 1570	Sundays	6:00 AM
Southern Pines	WEEB	AM 990	Wednesdays	8:00 AM
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Wilmington	WAAV	AM 980	Saturdays	1:00 PM
Winston-Salem/Triad	WSJS	AM 600	Saturdays	12:00 PM

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Just Say No to New Taxes

It is irresponsible for public officials not to take a pledge

Self-styled “progressives,” regardless of party or ilk, pride themselves on being courageous enough to advocate tax increases to fund the government services needed for a civil, civilized society. They are focusing on the wrong issue, however.

Advocates of limited government are not against taxes. They are simply asserting that current federal, state, and local budgets fund programs that are far outside the core, far down the fiscal priority list, and far beyond the ability of government actors to deliver effectively.

It isn't really about the taxes, in other words. It is about the spending.

Very few on the Right say they would refuse to pay the taxes necessary to police the streets, enforce contracts, and perform other rights-protection duties.

Most on the Right would add, at the state level, that taxes are appropriate to fund certain public goods that would be costly if not impossible to perform voluntarily, such as the provision of city streets, or that are required in a self-governing republic, such as the guarantee of a minimum level of education (which may be funded through taxes but not necessarily provided through government-monopoly schools).

Why should politicians running for Congress or president pledge not to raise federal taxes? Because hundreds of billions of dollars are spent annually by Washington on pork-barrel projects, corporate welfare, entitlements for the middle class, and wasteful projects that do not carry out federal constitutional functions in an effective manner.

Why should politicians running for North Carolina General Assembly or governor pledge not to raise state taxes? Because hundreds of millions of dollars are spent annually by Raleigh on pork-barrel projects, corporate welfare, entitlements for the middle class, and wasteful projects that do not carry out state constitutional functions in an effective manner.

And why should local politicians running in municipal races this fall across North Carolina pledge not to raise local taxes? Pretty much for the same reason, albeit to a lesser extent (much of what local governments misspend they are ordered to misspend by higher-ups, for example).

Is it irresponsible for local politicians to pledge “no” to new taxes? Of course not. Until government is pared to its core responsibilities, and better priorities set, it is irresponsible not to make such a pledge. *CJ*

Intrusive Regulation in Action

Effects of mandated health-insurance costs not just theoretical

Free-market types are often found arguing that government regulation imposes significant but often invisible costs. Using the state to compel individuals or firms to do something, or not do something, is essentially a form of taxation that is paid either through cash or through foregone opportunities — but the tax isn't collected as on-the-books revenue, so its costs are underappreciated.

The National Center for Policy Analysis in Dallas posted a good example of this phenomenon on its Idea House site recently. Summarizing a study from the National Bureau of Economic Research, the piece stated that every 10 percent increase in health insurance costs reduces by 1.6 percent the chances of being employed. In part, what seems to be going on here is that employers reduce their full-time employees in favor of part-timers to whom they do not have to pay non-wage benefits.

Two points need to be made about this. First, regulation plays a significant role in increasing the cost of health insurance. Mandated benefits — forcing insurers to cover specific treatments or illnesses — leads to higher utilization, since enrollees will tend to use free or

largely subsidized services even if their marginal medical benefit is rather low. Expecting these higher claims payments, insurers must increase premiums to keep the plans solvent. The result is more expensive insurance for some employees and, well, more expensive insurance for other employees — the ones who lose health coverage bought collectively at the workplace and must venture out on the individual health-care market.

North Carolina has an egregious record when it comes to benefit mandates. Among the Southern states, North Carolina ranks 4th in the number of insurance mandates (with 45), while nearby states such as Tennessee (38) and South Carolina (28) impose fewer. If the NBER paper is correct, then, some of the joblessness in our state is attributable to these regulations, most imposed by acts of the General Assembly. Thanks a lot, ladies and gentlemen.

The second point is that these regulatory effects are impossible to show without using some kind of statistical modeling. You may not be able to see physically the effects of an intrusive regulation, but that doesn't make such effects theoretical. They are practical realities, unfortunately. *CJ*

Commentary

Building Schools a New Way

North Carolinians are about to get a rude awakening about building public schools — with the rudeness in direct proportion to the amount of misleading rhetoric coming from state and local politicians about the role that a state lottery will play in defraying the cost.

In 2001, the N.C. Department of Public Instruction released a report listing \$6.2 billion in unmet construction needs in the state's public schools. Since then, localities have issued some \$2 billion in debt for schools' capital needs. But during an April appearance on State Government Radio, Lianne Winner of the North Carolina School Boards Association reported that the next round of assessment would likely peg the statewide construction needs at as much as \$9 billion.

How can such a staggering price tag be afforded? By passing a state-run lottery, Winner said.

This is fatuous nonsense, as I am sure the school-board lobbyist well understands. The expected annual take for school construction from a North Carolina lottery will be in the neighborhood of \$170 million. Even if leveraged to issue general-obligation bonds — as officials in Mecklenburg, Cumberland, Iredell, Lenoir, and many other counties are already contemplating — this revenue stream will inevitably play a small role in financing the schools that administrators, politicians, and assorted activists wish to build in the next decade.

During the legislative maneuvering that led to the lottery's passage, House Speaker Jim Black cleverly suggested that the only alternative to state-run gambling to pay for schools was a bill authorizing another big sales-tax increase — which, if adopted by all 100 counties, would cost about half-a-billion dollars annually. Black's argument was clever but dishonest. The lottery was never an alternative to tax hikes. It was just a supplement. Every county seeking the new sales-tax authority in 2005 will seek it in 2006, given that politicians know it is less unpopular to raise sales taxes than property taxes (which is why fiscal conservatives should think twice before embracing sales taxes, as some do).

Consider the case of Charlotte-Mecklenburg, North Carolina's most populous school district. CMS officials want to spend a jaw-drop-

ping \$2 billion over the next 10 years building and renovating schools. They want to start with voter approval of a \$427 million bond this November, followed by three more half-billion-dollar bonds in 2007, 2009, and 2011.

If all this came to pass, how much of the resulting \$200 million in annual financing costs will the state lottery pay for? Just \$18 million, or less than 10 percent. Implementing the school system's capital plan will mean another big tax increase in Mecklenburg, the state's highest-taxed urban county — roughly a 22 percent increase in the property-tax rate, according to John Locke Foundation calculations.

Something similar is under way in next-door Iredell County, which also has a school bond on the ballot this fall. The \$45 million item would, if passed, raise property taxes by about 7 percent. Local citizens have formed Quality Education without More Taxes, a group to campaign against the Iredell-Statesville bond as excessive. “We want to get a better education for our children ... but we don't have to raise property taxes to do that,” one organizer said. “The quality of education is not how fancy the building is.”

Exactly. Lottery or not, North Carolina taxpayers simply cannot afford to shoulder the cost of what school officials want to spend in the coming decade. Nor should they have to. As education analyst Terry Stoops argues in a new Locke Foundation study, there are better ways for our communities to accommodate increasing enrollments. They include changes in how school-capital plans are formulated and carried out, redesigned schools that focus more on education than on other amenities, the use of public-private partnerships to build and operate schools, and giving parents more school choices to alleviate the enrollment pressure many districts are projecting.

Obviously, successful schools need facilities. But larger, more ornate, more costly buildings do not make schools more successful. It's time for innovative thinking and better priorities in North Carolina education. *CJ*

Hood is president of the John Locke Foundation and publisher of *Carolina Journal.com*. Comments may be sent to jhood@johnlocke.org.



John Hood

Editorial Briefs

Don't lift retirement tax cap

Raising or removing the current cap on income subject to the Social Security payroll tax is a bad idea, the Cato Institute's Michael Tanner says. Public opinion polls show widespread support and President Bush appears open to the idea — but only in the context of larger reforms that would also include the creation of personal accounts.

The removal of the cap would, however, have serious repercussions. It would be the single largest tax increase in U.S. history: \$1.3 trillion over the first 10 years while giving the United States one of the highest marginal tax rates in the industrialized world, and potentially could severely disrupt economic growth.

Increasing the cap to 90 percent of covered wages (about \$150,000 per year) would extend the date by which Social Security begins to run a deficit by three years.

In exchange for this massive tax increase, Social Security would gain only an additional seven years of cash-flow solvency — that is, until the trust fund is exhausted and additional general revenues are needed to pay benefits.

Removing the income cap would not address Social Security's other shortcomings. It would not give workers ownership and control over their money, nor would it allow low- and middle-income workers to accumulate a nest egg of real, inheritable wealth. Lifting the cap wouldn't increase Social Security's rate-of-return for younger workers.

Good times down under

Now in its 14th year of uninterrupted growth, Australia is experiencing its lowest rate of unemployment in 28 years (5.1 percent), a low inflation rate (2 to 3 percent) and a stock market that is hitting record-breaking levels, writes American Enterprise contributor Tom Switzer.

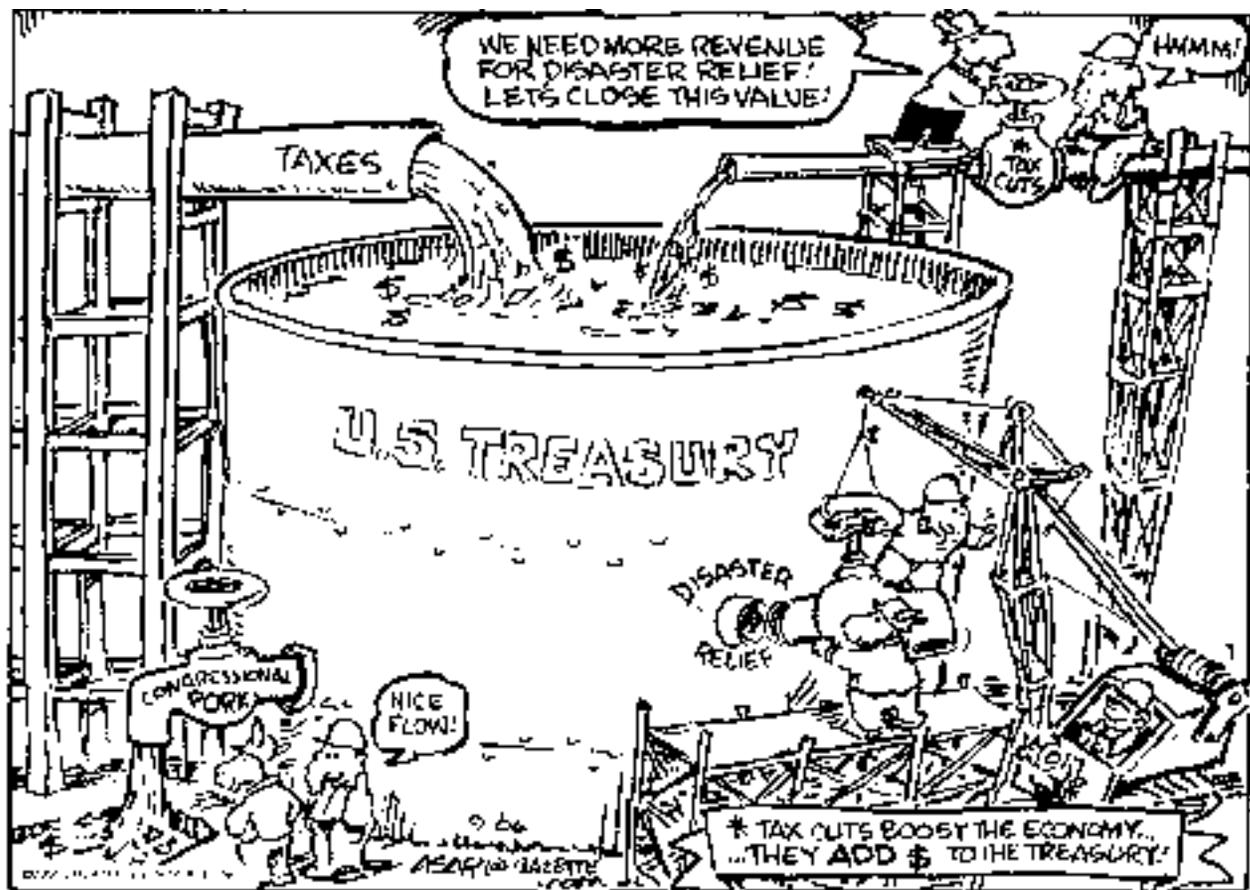
Why then has Australia been so exceptional? Thank a smart mix of free-market reforms and prudent monetary and fiscal policies, Switzer said.

In the late 1970s, the free-market position was adopted by conservatives such as future Prime Minister John Howard; then the traditionally socialist Labor government ditched its old shibboleths in the mid 1980s and implemented a reform agenda.

Prime Ministers Bob Hawke (1983-91) and Paul Keating (1991-96) converted the nation's protectionist mentality to the idea that living standards depend on Australians' ability to compete in the global marketplace. From this idea flowed the agenda of tariff cuts, lower taxes, reduced union power, budget discipline, low inflation, financial and exchange-rate deregulation, privatization of government-owned businesses, and more independent monetary policy.

Howard has sustained and extended these reforms since his election in 1996; the benefits have included a surge in productivity, lower interest rates, and a wider choice of goods and services at lower prices.

Australian society now offers unparalleled opportunities. Far from producing Dickensian sweatshops, as predicted by the unions, the workplace changes have produced steady and low-inflation wage growth. CJ



Bush in the Eye of a Political Firestorm

As Congress returns from Labor Day recess, President Bush finds himself in the eye of a political firestorm. With about three years left in his presidency, Bush is faced with problems of monumental proportions.

On the front burner is the war in Iraq, two Supreme Court nominations, illegal immigration and border security, rising gasoline prices, and the perceived lack of initial response by some critics to Hurricane Katrina's devastation of New Orleans and the Gulf Coast. How the president handles these issues could largely define his presidency.

Americans are looking for the straightforward leadership that the president exhibited after Sept. 11. The reaction to Hurricane Katrina and the initial federal response has been divided along partisan lines. Unlike Sept. 11, Americans have not rallied around the commander in chief.

In regard to Katrina, make no mistake about it; the long knives of the left are out in force and have the president in their sights. The Rev. Jesse Jackson and others on the extreme left are attempting to make the evacuation of New Orleans into a race issue. This is race-baiting at its worst and has no place in American politics.

In New Orleans it was the poor blacks and poor whites who had limited options when it came time to flee the city. By and large, it was those with means — and a car or the ability to get an airline ticket — that got people to safety. Clearly, in some ways all levels of government failed the people of New Orleans.

It's obvious that the leadership of FEMA and Homeland Security are too constrained by a massive bureaucracy to respond swiftly to a national emergency. In light of the terrorist threat that still confronts this country — alarm bells should be going off in the White House and Congress. What is needed is someone with the authority to cut through the bureaucracy and get direct access to the president.

That is what the secretary of the Department of Homeland Security was set up to do. Rearranging the flow charts won't get it. What is needed is a strong and decisive leader of the caliber of Rudy Giuliani. Decisive presidential action is required, and time is of the essence.

As I mentioned earlier, illegal immigration and border security are two critical legislative issues before Congress this session. We are getting absolutely no cooperation from the Mexican government in stemming the tide of illegal immigrants flooding across our border. In August, New Mexico Gov. Bill Richardson declared a state of emergency, "Due to a chaotic situation involving illegal aliens smuggling and illegal drug shipments" on his Southern border. Shortly thereafter, Gov. Janet Napolitano of Arizona followed suit.

Many policymakers realize that border security is homeland security. Article IV, Section 4 of that Constitution reads, "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against invasion." It is estimated that more than 500,000 aliens enter this country illegally every year. By some estimates, more than 10 million illegal immigrants have broken the law with impunity.

If we are truly at war — then our borders must be secure. Currently we have 37,000 American troops in South Korea at the DMZ. The president should consider sending those troops to our Northern and Southern borders to stop the flow of people who are entering our country illegally.

Politically, the president has had a bad summer. Good policy is good politics. If Bush takes dramatic action on securing our homeland and defining our mission in Iraq his poll numbers will take care of themselves. CJ

Marc Rotterman is a senior fellow at the John Locke Foundation and treasurer of the American Conservative Union.



Marc Rotterman

What Is Keeping the NCLB Goals From Being Met?

To the editor,

There has been much written and spoken about the No Child Left Behind set of goals—by reporters, educators, and citizens. Everyone has an opinion on whom is to blame for why past progress in meeting the NCLB goals is now in decline. So who, if anyone, is to blame?

In the lingo of the election campaign of 1992, "It's the goal set, stupid." The goal set itself is programmed for failure.

It can be predicted that, in 2008, the number of schools that fail to meet the new NCLB standard will be greater than in 2005. It will certainly not be proper to "blame" the teachers and principals. It may be proper to blame the superintendents, the State Board of Education, the Department of Public Instruction, and the Washington bureaucracy for their failure to recognize the serious flaws in the goal set. Even today, these agencies deserve some blame because the problem has been explained to them and they have chosen to ignore the analysis.

The NCLB program, based on the End of Grade tests, is intended to demonstrate test score improvements from year to year, and is managed so that the probability of "success" is

maximized. It is well known that the EOG tests concentrate on "basics" and are almost exactly the same from year to year.

The teachers, who are forbidden from seeing the actual test questions, know, nevertheless, which areas to emphasize. The principals and the teachers are exhorted to focus, focus, focus on the most relevant test topics. Practice tests are given before the final test. Weaker students, who might fail the success standard, receive as much special attention as the teachers can possibly provide. Approximately 5 percent of the enrolled students are excluded from the tests; the rules for these exclusions are constantly being discussed and amended.

The metric of success for the individual student is "passing" the test, i.e., meeting the minimum conditions for acceptable performance. The minimum acceptable score, or cut line, for the test itself does not change from year to year. There is a range of questions from less difficult to more difficult, but individual "passing" is very approximately equivalent to actually knowing the answers to no more than 50 percent of the questions and guessing the answers to the remaining questions. The percentage of students within any group—e.g., white, Hispanic, economically disadvantaged, or any other of 10 categories—that meet this minimum "success" metric is the "passing percentage" for that group. NCLB demands a linearly rising

improvement in that passing percentage, for each and every group. The ultimate goal is a 100 passing percentage for every group by the year 2014. Therefore, every evaluated student must meet minimum performance standards by 2014.

In addition to codifying and evaluating the groups, the NCLB provides another layer of evaluation upon the schools themselves. A school does not meet NCLB standards unless all codified groups (of more than 40 students) within that school meet the standards. If there are 29 such codified groups in the school, then each must meet the passing percentage standard. If one group does not meet the passing percent standard, then the school faces sanctions. The public humiliation is meant to goad principals and teachers toward better metric performance.

So, why is there an apparent regression now, in 2005?

The NCLB requirements for the passing percentages for grades three through eight in reading rise from 68.9 percent in 2002 to 76.7 percent in 2005, to 84.5 percent in 2008, to 92.2 percent in 2011, and to 100 percent in 2014. Similar numbers apply to math. If annualized, the step increase per year is 2.6 percent. However, a linear increment in annual passing percentage performance does not represent a uniform annual improvement in achievement. For a group that barely met the 2002 standard, the annual rate of

achievement growth would have to be 14 percent to meet the 2005 standard for passing percentage; to meet the 2008 standard the annual achievement growth would have to be 18 percent; to meet the 2011 standard the annual achievement growth would have to be 29.5 percent. Meeting a standard of 100 percent in 2014 is, in fact, impossible. If the 2014 goal were reduced to 99 percent, the achievement growth for each of the previous three years would have to be 103 percent. These are totally unrealistic goals.

The overall average for annual improvement in achievement (achievement as defined by the fixed EOG tests) for all students has been about 15 percent a year until recently. Even if management could maintain that rate for the next nine years the 76.7 passing percentage for 2005 would rise only to 92.05 percent. Ninety-two percent falls far short of 100 percent.

If the present goal set is maintained, there will be much unnecessary gnashing of teeth over the next nine years. Schools will spend so much effort on unrealistic goal achievement that genuine classroom learning will suffer.

William T. Lynch, Ph.D.
Apex, NC

Dr. Lynch is a research analyst, with special expertise in testing evaluation.

Letter to the Editor

There Is Good News on Prices; All We Have To Do is Look

I'm a "silver lining" person. I try to look for good news, especially during times when there appears to be only bad. We've certainly had our share of bad news about prices recently. It seems like almost every day this summer gasoline prices have gone up. It started with the typical increases we see when vacation travel picks up. Then, of course, we've all been shocked at the gas pump after Hurricanes Katrina and Rita hit the Gulf Coast.

As we've been bombarded with this bad price news, it's easy to wonder whether there's any good news on prices. Indeed, as gasoline prices have climbed fairly steadily during the last five years, haven't they pushed up the prices of virtually everything we buy and consume?

I'm happy to report the answer is a resounding "no." At the same time that gasoline prices have been rising, the prices of many other consumer

products have been falling.

Here's a partial list of consumer products whose prices have fallen since 2000. The numbers refer to the cumulative price reductions from 2000 to 2005: computers down 47 percent, TVs off 46 percent, toys and VCRs have fallen 27 percent, appliances and cameras are 10 percent cheaper, clothing lower by 9 percent, furniture 6 percent cheaper, new vehicles 4 percent less, and tools and sporting goods off 3 percent.

Almost everything we buy for our homes, drive, or wear, has fallen in price. The price declines are saving the average household more than \$700 annually compared to what they spent in 2000.

And the good news on prices doesn't stop here. It's also much cheaper to borrow money today than it was at the start of the decade. Thirty-year, fixed-rate mortgages are down 2 percentage points, saving

homebuyers \$130 monthly for every \$100,000 borrowed. Interest rates on automobile loans are lower by 3 percentage points, making \$20,000, 36-month car loans cost \$30 less per month.

These savings have largely compensated households for the higher gasoline prices they've had to pay. This is one reason why consumer spending has continued to roll on, despite the added costs at the pump.

Why haven't these price declines, and the savings they've created for consumers, received more notice? A big reason is that gasoline prices are more obvious. They're displayed on every major block and intersection, and we constantly see them as we drive to work, school, and shopping centers. Plus, most of us buy gasoline at least once a week, so they're constantly on our mind.

In contrast, other prices are hidden in stores, catalogs, and magazines, and we know about them only if we're actively looking for the product. In addition, products such as furniture, electronics, and even clothes are

purchased much less frequently than gasoline.

Yet won't higher gasoline prices eventually work their way through these other products and eventually cause their prices to rise as well? Not necessarily. Although gasoline is a component of most other prices through their impact on transportation costs, their importance is often overstated. The latest data show gasoline costs account for only 5 percent of all spending in the economy.

None of this should be interpreted as minimizing the added burden that both households and businesses face when gasoline prices rise. Clearly, budgets would be in better shape if gasoline prices were lower. But some relief has been afforded by the lower prices and costs for many other products we buy. The "big" price picture indeed looks good. CJ

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



Michael Walden

Why Is the NCAA Silent About All Those 'Fighting Scots'?

By JON SANDERS
Contributing Editor

On Aug. 5, the NCAA announced a new policy to "prohibit NCAA colleges and universities from displaying hostile and abusive racial/ethnic/national origin mascots, nicknames or imagery at any of the 88 NCAA championships."

Then in the same press release, all the NCAA did was chide schools that had Indian mascots, nicknames, and imagery. And this despite NCAA President Myles Brand being quoted to affirm that "The NCAA objects to institutions using racial/ethnic/national origin references in their intercollegiate athletics programs."

President Brand, presumably "racial/ethnic/national origin" doesn't mean just "Native American." What I want to know is, as an American of Scots heritage, where's my people's protection? My people come from a proud tribal tradition, too — in fact, Highland Scots, who either migrated to or were brought to the Americas by English masters (yes, some Highlanders were slaves — one of the results of "the Clearances"), often were befriended by the Indians because of their mutual regard for tribal

heritage.

Driven off their land, forced into speaking a foreign tongue and giving up traditional dress and clan identity, should these people now be forced to witness what the NCAA calls the "hostile and abusive" use of their ancestors by colleges and universities' athletics departments? What say ye, President Brand?

But your NCAA only cares about Indians. Your list of 18 schools subject to your new policy had nary a mention of the many schools who "continue to use [Scots] imagery or references." Why is that?

Why could you not permit your list to include Gordon College of Barnesville,



Ga., whose students call themselves the "Highlanders?" And what about the many schools of "Fighting Scots" — Edinboro University, Gordon College (Wenham, Mass.), Maryville College, Monmouth College, Ohio Valley University, and Wooster College?

Now maybe, President Brand, you would want to say that your NCAA checked into those mascots already? Perhaps you saw, as I have, that no

offense was intended at all with those mascot decisions. Maybe you saw that the mascots were colorful and a tribute to the Scots' irrepressible spirit — more honor than "hostility." Maybe the notion

struck you as daft that athletes would rally to fight to win under a symbol they regarded as cheap, cartoonish mockery. Perhaps you also saw that there did not seem to be that much offense taken by Americans of "fighting" Scots heritage.

I don't think so, however. If so, your NCAA would have been showing American Scots more respect than you showed Native Americans. Because by now it's self-evident that you made no such consideration of the origins, history, and honor of the Native American mascots, nor of the preponderance of Indians who weren't offended by them.

So what if I, an American of Scots heritage and "therefore" a representative of all, no matter what the rest say, were to complain about the "Fighting Scots?" It seems the NCAA would have to do something about them, right, to show equal consideration to Indians and Scots? In fact, for the NCAA to show truly equal consideration, I suppose I wouldn't even have to be of Scots heritage — I'd just have to say I was (think of a "Ward MacChurchill").

But fortunately for you, President Brand, you're off the hook for now. I'm not about to do such a daft thing. Go Fighting Scots! CJ



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