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Job Procedure for Decker Skirted State Law

Speaker did not have authority to create executive branch job

By DON CARRINGTON
Executive Editor

RALEIGH
Gov. Mike Easley, Cultural Resources Secretary Libba Evans, or their designees apparently violated state law in 2005 when they honored former House Speaker Jim Black's request to provide a job for former Rep. Michael Decker.

Black had no authority as a legislator to create a job in the executive branch. He needed Easley to do it.

Black started a five-year federal prison term in August after he pleaded guilty to federal corruption charges. Decker starts a four-year federal prison term this month after he pleaded guilty to accepting a bribe from Black. Court documents show that Black and Decker's bribery scheme took place before Easley



Former Rep. Michael Decker



Gov. Mike Easley



Former Speaker Jim Black

"The day the co-speaker arrangement passed in 2003, Black used his cell phone to call Gov. Easley. I only heard Black's end of the conversation. Black said something like he may need a job when this is over."

Former State Rep. Michael Decker

officials delivered the job to Decker.

According to state law, before a department establishes a new position or changes the funding of an existing position, the agency must submit the

proposed action to the director of the budget for approval. The director must review the proposed action to ensure that it is within the amount appropriated to the agency. The governor is the director

of the budget, but in practice he delegates some of the responsibility.

The Department of Cultural Resources set up a new community development specialist position and put Decker on the payroll for \$48,000 per year Feb. 16, 2005. The department submitted the request for the new position to Easley's budget office Feb. 25, but it was not approved until March 10. The approval came one week after *The News & Observer* of Raleigh first drew attention to the hiring of Decker.

Decker's new job was to promote tourism at cultural and historic sites. Evans told the *N&O* that she was not involved in creating the job or the process of filling it, but that she did approve it because a former legislator was involved.

Decker told *Carolina Journal* in an exclusive interview that on the day Black was elected House co-speaker in January 2003, Black told Easley that Decker, who played a pivotal role in

Continued as "Job," Page 2

Decker Says He Brought Shame on God and Family

By DON CARRINGTON
Executive Editor

RALEIGH
Rep. Michael Decker knew he was doing wrong, but he did it anyway because "it got easy to lie," he said in an exclusive interview with *Carolina Journal*.

Decker, who must report to federal prison this month to serve a four-year term, pleaded guilty in August 2006 in federal court to crimes associated with

"I want people to know that I knew what I did was wrong, but I was away from the Lord, and it got easy to lie."

Former State Rep. Michael Decker

efforts to elect Jim Black to another term as speaker of the House in 2003. Decker's plea involved conspiracy to

commit extortion, honest services mail fraud, and money laundering.

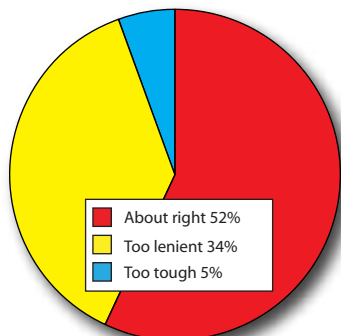
"I want people to know that I knew

what I did was wrong, but I was away from the Lord, and it got easy to lie. I want people to know the shame I have brought on God, man, and my family," Decker said. He said he couldn't continue lying and wanted people to learn from his mistakes and the mistakes of others.

Decker's travails began after the

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What do you think of the five-year sentence given to former House Speaker Jim Black?



John William Pope Civitas Institute Poll, July 2007

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Job Procedure For Decker Questionable

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helping Black, might eventually need a government job.

Decker's switch from Republican Party to the Democratic Party in 2002 upset the balance of power that led to a unique power-sharing agreement, with Black and Republican Rep. Richard Morgan sharing the House Speaker position for the 2003-2004 legislative session.

Decker said he was in Black's office when Black asked Easley about a future job. "The day the co-speaker arrangement passed in 2003, Black used his cell phone to call Gov. Easley. I only heard Black's end of the conversation. Black said something like he may need a job when this is over," Decker said.

Then after Black handed him the phone, Decker spoke directly to Easley. Decker said Easley did not discuss a job with him, but basically said, "Thank you for supporting Jim Black."

Decker said he told Black he had not planned to run for another legislative term, but later he changed his mind. In 2004, Decker switched his party registration back to Republican, ran again, but he lost the primary.

Decker was out of work when his legislative term ended in January 2005, so he went to Black and asked him for a recommendation for a state job that had already been posted. He said the job was not part of the bribery agreement he had with Black. "It was just Black trying to be a nice guy. I wasn't going in asking him to create this job," he said.

Decker said at the time that he had applied for a Cultural Resources job opening in Goldsboro. Decker said he learned that someone else would likely fill that position, so Black's deputy chief of staff, Allen Rogers, took Decker's resume, altered it, and wrote a job description for a new job involving historic sites and economic development.

"He took my resume and created the job description so I would be the



Former Speaker Jim Black declines to talk with reporters as he entered a hearing at the Wake County Courthouse earlier this year. (CJ file photo by Don Carrington)

only one qualified," Decker said. The job fell under the Archives and History Division in Asheville. Decker said he worked hard at the job, which lasted about one year.

Documents obtained from the Cultural Resources department show that Assistant State Budget Officer David C. Brown approved the community development specialist position.

When asked who directed him to approve the new position — his boss State Budget Officer David McCoy or someone in the governor's office — Brown told CJ, "It could have been either one." Brown said he would check his notes, discuss it with McCoy, and ask McCoy to call CJ to discuss the situation. McCoy did not call and did not respond to multiple requests to answer questions.

Easley's communications office director, Sherri Johnson, did not respond to questions about the hiring of Decker. Her subordinate, Deputy Press Secretary Seth Efron, responded to a CJ e-mail

asking for confirmation on the details of the Decker job. "Any assumptions you might conjure about the inaccuracy of your tales based upon any response or lack thereof from this office would be misguided and unjustified," Efron's email said.

Paying for the job

In 2004, Senate President Pro Tem Marc Basnight, Black, and Morgan secretly entered into an agreement to set aside discretionary funds to spend as they wished. Basnight would control \$10 million, while Morgan and Black each would control \$5 million. Most of the money was parked in three executive branch agencies and doled out on request.

Black designated \$45,000 of his share to pay for Decker's job. Since those funds were nonrecurring, or one-time money, Easley officials should have been concerned about the viability of the Decker job.

The discretionary fund system worked only because department heads who reported directly to Easley participated in the scheme. Easley has never made a public comment about the arrangement. A review by Attorney General Roy Cooper concluded that legislative leaders did not break the law but that the process was not proper.

"It is clear that the manner in which state money was directed is problematic for its secrecy, its lack of accountability, and its end run around the legislative process," Cooper said in a letter accompanying his office's advisory opinion of the spending.

Cooper's review came after an investigation by State Auditor Les Merritt that concluded that Morgan, Black, and Basnight had full control of the funds that they had parked within the Department of Cultural Resources, the Department of Health and Human Services, and the Office of State Budget and Management. CJ



Former N.C. Rep. Michael Decker, Sr. of Forsyth County Decker avoids reporters after one of his trips to the federal courthouse in Raleigh in 2007. (CJ file photo by Don Carrington)

Decker Says He Brought Shame On God and Family

Continued from Page 1

results of the November 2002 general election left the House with 61 Republican members and 59 Democratic members. Decker, a Republican, approached House Speaker Jim Black and agreed to accept \$50,000 and other gifts in return for switching parties and supporting Black.

In January 2003 Decker said he had changed his registration to Democrat. The switch triggered a unique arrangement with Black and Republican Rep. Richard Morgan sharing the speaker's post for two years. Later in 2003, Decker accepted an envelope containing about \$38,000 in checks and \$12,000 in cash from Black.

Black also pleaded guilty to federal crimes and started a five-year sentence in August.

Decker said he first realized he might be in legal trouble in February 2006. "I thought I could continue to lie to the grand jury because I thought I had hidden everything. Then I began to realize I had to tell the truth. I was not sleeping, was fearful, and had anxiety attacks that seemed like a heart attack. God was chasing me."

Decker said that in March 2006 his lawyer, David Freedman, arranged for a meeting with federal prosecutors. He said he told prosecutors everything he knew. "The guilt came off my shoulders," he said.

At sentencing, federal prosecutors argued that Decker should get substantial consideration because his cooperation was instrumental in exposing Black. The judge did not allow much credit for Decker's assistance. "I would have preferred a lesser sentence for my cooperation, but I accepted the judge's decision. I proposed the bribe," Decker said.

Turning point

In a state court proceeding in August, Black testified that in 1997 Decker approached him about a possible party



Michael Decker (center) and his attorney David Freedman (right) are greeted by news media in August 2006 before Decker entered his guilty plea. (CJ file photo by Don Carrington)

switch in return for money. When asked about Black's claim, Decker said he did approach Black in 1997 about possibly supporting him for speaker in return for a favor.

"What I wanted was money in the budget for certain projects," he said. "It was not money for personal use or for campaign contributions." Black said he did not make any deal with Decker because he thought Decker might have been wired with a recording device.

Decker said he knew what he proposed was wrong. "It was an underhanded thing to do, but I had not always gotten along with the leadership — Speaker Harold Brubaker. This began a downturn in my career."

So were Republicans mistreating him? "No need to go into details. I was

not happy with the leadership and wasn't treated fairly. I allowed anger to get into my heart and didn't handle it in a mature way. Greed entered in. It shouldn't have happened," he said.

"If I were in the Republican leadership I would want to treat people well, not some better than others. I would encourage leaders to treat all members with respect and dignity," he said.

The system

Decker said that legislative leaders rewarded members by handing out campaign contributions and that the unrestricted use of campaign funds for personal use can lead to corruption.

He said at the time it was legal to use the funds for personal items. Decker

said he eventually listed the vehicle he purchased, as well as travel expenses paid for with campaign funds, as income for federal tax purposes.

"It would be interesting to see how many legislators used campaign funds for personal use and did not report it as income for tax purposes," he said.

He said campaign finance is the biggest area in need of reform. Not public financing, but using campaign money only for campaigns, "not for any purpose under the sun."

Decker still speaks kindly of Black. "In spite of all the things he has done illegally, he is a very congenial person, and easy to like. I regret all the harm I caused him. I hope things will turn around for him."

Family and career

Decker was born in Illinois. He served in the Navy from 1962 to 1968, first as an electrician on a submarine and then on a surface vessel mapping the ocean floor to improve submarine safety.

While in the Navy he met a woman from North Carolina. They married and settled in the Winston-Salem area. They currently live in Walkertown. Using the GI Bill, he earned degrees from Piedmont Bible College and Winston-Salem State University. He taught school from 1976 through 1986 and served 10 consecutive terms in the General Assembly. Decker has three children, who are all married.

He said the ordeal has taken a toll on his family. "You don't realize when you are doing wrong that other people are being hurt. It has been hard on them. It has been 10 times more difficult because of their suffering."

What will prison be like? "I spent six years in the Navy and 12 weeks in boot camp. I think prison will be like boot camp," he said. Decker will be spending his prison time at the Federal Correctional Facility in Bennettsville, S.C. CJ

State's Prosecutors Like Federal Corruption-Fighting Tools

By MITCH KOKAI
Associate Editor

RALEIGH
Nearly a month after he helped secure a \$1 million fine and the threat of additional prison time for former N.C. House Speaker Jim Black, Wake County's district attorney assigned much of the credit to a federal investigation tool.

"I don't think we would have been able to have made the case without the federal investigative grand jury process," said Colon Willoughby, the county's district attorney since 1983. "I think the co-operation of [former Rep. Michael] Decker, of the chiropractors

who came forward once they got grand jury subpoenas and told of giving the cash — those kinds of things I don't think would have happened but for the grand jury process. I don't think we would have been able to successfully prosecute him."

The corruption scandal that toppled Black from power offers a good example of the benefits linked to investigative grand juries, Willoughby told participants of an Raleigh forum sponsored Aug. 22 by the N.C. Institute for Constitutional Law and the Federalist Society. State prosecutors armed with greater powers to convene investigative grand juries could root out more

problems in government, he said.

"On the state level, our grand juries have the power to indict, but we don't have investigative grand juries except under limited circumstances in drug trafficking cases," Willoughby said. "Our grand juries typically hear a few minutes' synopsis from a law enforcement officer and decide whether or not probable cause exists and whether or not to return an indictment.

"But they don't summon in civilian witnesses and people to gain more information about the case, which I think is a shortcoming on our part. I think we need some reform of the grand jury process to modernize it."

Willoughby's arguments found support from forum panelist Kieran Shanahan, a former federal prosecutor and former Raleigh City Council member. "If you're going to empower the local district attorneys in a meaningful way to go after corruption cases and financial cases, they're going to have to have more tools at their disposal," Shanahan said. "If you don't get it, then you get what you have, which is ultimately that the level of corruption — in my opinion — became so overwhelming that the federal government stepped in."

The Raleigh forum took place just blocks from the site of Black's sentencing July 31 on state corruption charges. CJ

No Climate Analysis Offered on CO2 Regulations

DAQ assumes that science of global warming settled

By PAUL CHESSER
Associate Editor

RALEIGH

The North Carolina Division of Air Quality, through its Climate Action Plan Advisory Group, is finalizing recommendations to reduce the volume of greenhouse gases emitted within the state, but the agency offers no analysis of how any options under consideration will affect temperatures or other weather conditions.

CAPAG, under the strong influence of nonprofit advisory group Center for Climate Strategies, will recommend to the Legislative Commission on Global Climate Change more than 50 measures to lower carbon dioxide emissions in the state. Many of the recommendations could be costly, especially for utilities customers and taxpayers.

Included among the options that were considered were increased taxes on gasoline and electricity; more subsidies for renewable fuels programs and public transportation; and heightened emissions standards from vehicles and stationary sources.

CCS, which provides technical analysis, runs meetings and sets agendas for CAPAG, did not evaluate the options' effects on the state's economy, taxpayers, or state and local governments.

Instead CAPAG and CCS are studying the carbon dioxide reduction options based on limited criteria: the quantity of emissions reduced; cost per ton of greenhouse gases removed; possible "co-benefits" to the reduction of emissions, such as the "creation" of jobs; and feasibility issues.

Asked why the state or CCS has conducted no analysis of the options and their impact on climate, DAQ spokesman Tom Mather said in an e-mail message that the recommendations are "aimed at reducing greenhouse gas emissions, with the assumption being that these reductions would help reduce climate change."

DAQ was given a mandate in the 2002 Clean Smokestacks Act to study programs to control carbon dioxide emissions, evaluate control technolo-

gies, and estimate benefits and costs of strategies to reduce carbon dioxide emissions. The law required that DAQ report annually in 2003 and 2004 findings and recommendations to two state environmental agencies, with a final report due in September 2005. DAQ cited those reports to justify the creation of CAPAG to study greenhouse gas emissions in the state.

No global warming discussion

There is no mandate in the Smokestacks law "to discuss, debate or analyze competing theories on global climate change," according to Mather, and DAQ avoided it. Instead, he said, CAPAG's mandate was solely to evaluate carbon dioxide emissions, examine potential controls with their costs and benefits, and recommend actions for reducing carbon dioxide emissions.

"That is what the DAQ did in its reports to the Legislature," he told *Carolina Journal* in an e-mail.

But in those three annual reports DAQ dis-

cusses in detail the threats of global warming, claiming there is unity of thought among scientists about the threat. DAQ, in its 2003 report, cited the federal government and the United Nations' Intergovernmental Panel on Climate Change to buttress that contention.

"There is strong evidence of scientific consensus that increasing emissions of carbon dioxide and other greenhouse gases are affecting Earth's climate," the 2005 DAQ report stated. "...The IPCC's most recent assessment concluded that most of the observed warming over the last 50 years is likely due to increase in greenhouse gas concentrations."

DAQ offers no similar explanations from the point of view that global warming is not a future threat, saying little more than "there are still skeptics who discount the level of problems anticipated." While the DAQ reports don't present the counterarguments to a likely climate change threat, the agency hedges on its own certitude, littering

its reports with words like "could," "possibly," "potential," and "may." The reports present no probability statistics on the likelihood of future temperatures or weather changes caused by global warming.

"With [computer simulation] models," DAQ reported in 2003, "the developers and other scientists believe that a projected increase in the atmosphere's heat trapping ability for a given concentration of greenhouse gases has reasonable precision.

"However, the resulting impact on climate is more uncertain. This is primarily because the climate system is very complex and dynamic, with constant interaction between the atmosphere, land, ice, and oceans."

Is the science settled?

Carbon dioxide is a radiation-trapping gas that causes the atmosphere to retain heat, and many scientists say it is a major contributing factor to warming the earth.

Because the Smokestacks law required the study of "available [greenhouse gas] control technologies" and "the benefits and costs of alternative strategies to reduce emissions of CO2," DAQ determined that global warming and climate change "are accepted as fact by the General Assembly."

There is near-unanimity in the climate change debate about the recent past: the Earth has been warming, overall, through the last century or so. But

that is where the agreement ends. While activists say the warming is abnormal and is caused by increased industrial activity, those less concerned say it is part of a natural global cycle of warming and cooling. Skeptics also say part of the heating trend can be attributed to other factors such as increased solar brightness.

Those who claim membership in the "consensus" sometimes argue that those who disagree about global warming are "deniers" of the evidence. They portray doubters as indebted to business interests that produce fossil fuels, the burning of which produces the majority of greenhouse gases. They also challenge the credentials of the dissenters — usually scientists — who question the science of global warming, as though their experience and education shortcomings make them less-than-adequate as experts in the debate. Those who detract from the future threat of climate change are not above using similar tactics, with some labeling global-warming believers as "alarmists" and also questioning their scientists' credentials.

Skeptics found, numbered

But who are the "skeptics" on climate change who get short shrift in the DAQ's greenhouse gas reports, as opposed to the scientists in the "consensus?" And what are they skeptical about?

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The logo of the N.C. Climate Action Plan Advisory Group which appears on its Web site: <http://www.ncclimatechange.us/>.

NEW RESEARCH

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Flawed and Undemocratic: Forced Annexation Is Good for Municipal Leaders, But Bad for the Public (Spotlight #323 by Daren Bakst)

The 'Less Bad Budget' Principle: With Luck, the Conference Committee Will Discover Fiscal Responsibility (Spotlight #324 by Joe Coletti)

Renewable Energy At All Costs: Legislation Ignores the Will of the Public and Would Have Unintended Consequences (Spotlight #325 by Daren Bakst and Geoffrey Lawrence)

The Solution Is School Choice: We Already Know What To Do About North Carolina's School Facilities Crisis (Spotlight #326 by Terry Stoops)

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No Climate Analysis Offered on CO2 Regulations

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Part of the answer may be found in a booklet released last month by the Chicago-based Heartland Institute, a free-market, limited government think tank. "Scientific Consensus on Global Warming," compiled by Joseph Bast and James Taylor of Heartland, condenses the results of two international surveys of climate scientists, conducted in 1996 and in 2003. Dennis Bray and Hans von Storch, two German environmental scientists, directed the surveys.

According to the Heartland Institute, Bray and von Storch questioned more than 530 climate scientists from 27 countries in each survey, asking the same questions — but in 2003 they added 32 questions. The surveys presented scores of statements on climate change and asked respondents to rate their levels of agreement or disagreement on a numerical scale.

The Heartland Institute booklet singled out 18 questions from the 2003 survey and presented the answers "in a simplified and less academic style." Answers mildly or sharply in agreement with a statement were classified as "agree," while those mildly or sharply in disagreement were categorized as "disagree."

On the question, "Is global warming occurring?" 82 percent of respondents affirmed the statement "We can say for certain that global warming is a process already underway."

However, a majority of the climate scientists — 66 percent — believed that the science is not developed enough to assess the effects of greenhouse gas emissions on climate change. Somewhat in contrast was their response to a statement

that "human activity is causing climate change." Nearly 56 percent of the respondents agreed with that position.

Some of the other answers illuminated in the Heartland Institute booklet:

- Only 35 percent of respondents agreed that "climate models can accurately predict future climate", while 18 percent were uncertain and 47 percent disagreed

- Seventy-three percent agreed that the IPCC reflects the scientific consensus

on climate change

- Thirty-two percent of the scientists agreed that climate variability can be confidently predicted in 10 years, while 53 percent had little or no confidence in such predictions

- Fewer were confident in the ability to predict climate change in 100 years, with only 27 percent believing it

possible

- Seventy percent of respondents believed climate change could have beneficial effects for some societies; 86 percent said climate change will have detrimental effects on some societies

Because of the surveys' findings, Heartland Institute concludes in its booklet, "the views of climate scientists on some aspects of the global warming debate are important and deserve more attention in the current debate than they have received."

'You have to start somewhere'

Despite conflicting views about the risks caused by unchecked greenhouse gas emissions, state environment officials say the potential damage from global warming dictates that North Carolina takes action.

"Each resident of the state is a part of the problem, and the solution," wrote William Ross, secretary of the N.C. Department of Environment and Natural Resources, in his introduction to the 2005 DAQ report. "Consequently, each of us must consider how we can reduce greenhouse gas emissions in ways that may be individually small, but collectively huge, and thus respond to threats posed by global climate change."

Mather agreed with those sentiments in response to skeptics, when asked about the lack of analysis of CAPAG's recommendations on temperatures.

"If you are skeptical of the actual impact of any of these recommendations on global climate," he said, "my response would be that you have to start somewhere. Each action by a person or entire state might not have a huge impact, but these actions could have impacts when considered collectively with other states, nations, or other groups [such as

corporations]."

But even greenhouse gas limitations proposed for worldwide implementation, such as the Kyoto Protocol, were determined to have an insignificant effect on global temperatures. When asked whether DAQ analyzed whether North Carolina's recommendations would affect overall climate, even if other states and nations implemented similar greenhouse gas controls, agency officials referred C/ to other states' Web sites on the issue. None of them had any studies of greenhouse gas impacts on climate, either.

"We have specifically tried to focus most on options for North Carolina that would 'make sense' for the state, independent of arguments related to whether climate change is occurring or not," James Southerland, DAQ's coordinator for CAPAG, wrote in an e-mail.

The legislative commission has already heard testimony on global warming issues, mostly from those who foresee a difficult future. But a few "skeptics," including Arizona State University professor Robert Balling and University of Virginia professor Pat Michaels, have testified also. Balling and Michaels are the only climatologists to have spoken before the commission.

"The [Legislative] commission is clearly not balanced in representation and the speakers have not been balanced, so I don't know why I should assume that there would be balance in the associated organizations providing input to the process," said state Sen. Robert Pittenger, a Charlotte Republican and member of the commission.

CAPAG approved 53 options at its July 16 meeting. The Legislative Commission on Global Climate Change awaits their recommendations, which will weigh heavily upon any bills that are developed. C/

"The [Legislative] commission is clearly not balanced in representation and the speakers have not been balanced, so I don't know why I should assume that there would be balance in the associated organizations providing input to the process."

Sen. Robert Pittenger
R-Mecklenburg

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HEADLINER SERIES



COL. DAVID HUNT (WILMINGTON LUNCHEON EVENT)
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BILL KRISTOL (PINEHURST LUNCHEON EVENT)
NOON, OCT. 18, 2007, THE CAROLINA



P.J. O'ROURKE (CHARLOTTE DINNER EVENT)
6:30 P.M. NOV. 16, 2007, WESTIN HOTEL

PHONE 919-828-3876 FOR TICKET INFORMATION

NC Delegation Watch**Dole: Expand Leave Act**

U.S. Sen. Elizabeth Dole last month won Senate approval of legislation to extend the Family and Medical Leave Act for up to six months for spouses, sons, daughters, parents, and next of kin of members of the Armed Forces, including the National Guard or Reserve, who have combat-related injuries.

Sens. Hillary Clinton, D-N.Y.; Barbara Mikulski, D-Md.; Lindsey Graham, R-S.C.; Edward Kennedy, D-Mass.; and Sherrod Brown, D-Ohio, joined Dole to introduce the legislation.

"When service members are injured while answering the call of duty, they deserve to have their loved ones' comfort and support," Dole said. "This legislation will ensure that spouses, parents, sons and daughters of wounded soldiers can take time to care for them without fear of losing their jobs and livelihoods."

The Family and Medical Leave Act was criticized in the early 1990s, mostly by conservatives and libertarians, because it placed burdensome requirements upon employers. Employers are required to grant employees up to 12 weeks of unpaid leave to care for a serious health condition, to care for a sick parent or child, or for the birth or adoption of a child.

Foxx wins health earmark

The U.S. House has approved \$3 million in funding for the Wake Forest University Health Sciences alternatives to transplantation program, U.S. Rep. Virginia Foxx, R-5th, says.

The funding was included in the Energy and Water Development and Related Agencies Appropriations Act and the Department of Defense Appropriations Act.

Foxx, in announcing the grant, said that more than 80 researchers at the Institute for Regenerative Medicine are working to apply regenerative medicine techniques to build new organs and tissues such as kidneys, blood vessels, hearts, livers, pancreases, muscles, and nerves.

"Wake Forest is on the cutting edge of regenerative medicine," she said, "and I am pleased that this funding will support their continued research and allow them to upgrade their facilities to take advantage of new technology." *CJ*

U.S. Congress**Partisans Disagree About Partisan Wrangling**

By DAVID N. BASS

Contributing Editor

RALEIGH

Partisan politics remained strong in Washington, D.C., as Congress went into its August recess, according to several members of North Carolina's congressional delegation. Lawmakers considered a number of high-profile bills in recent months, from lobbying and ethics reform to broadening the foreign surveillance powers of the federal government, but members of both parties agree that partisan bickering is a key reason many bills remain stalled.

"The view of Grover Norquist that bipartisanship is 'date rape' has become the prevailing view of Republicans in Congress," said Rep. Brad Miller, a Democrat from North Carolina's 13th District stretching across the north-central part of the state. Miller said the GOP is trying to "score partisan points" on every issue and "sabotage and obstruct" legislative efforts.

"They apparently hope that voters next year will blame Democrats for the lack of progress and not figure out why so little has gotten done," Miller said.

Rep. Virginia Foxx, a Republican from the state's northwestern 5th District, blamed Democrats, saying the current session of Congress "has been characterized by a total lack of Democrat accomplishment" and a string of broken promises.

"The Democrats are willing to do whatever is necessary to force their extremist agenda through Congress and think nothing of breaking the promises they made to the American people in order to get elected," Foxx said.

Rep. Walter B. Jones, R-3rd, said the week leading up to Congress' August recess contained some of the most uncivil debate he recalls in his 13 years in office.

"This Congress has got to improve its civility," Jones said. "The American people and the people of North Carolina should expect both parties, knowing there are philosophical differences, to be able to come together and work on solutions."

Congressional action

According to the latest opinion poll data, the vast majority of Americans disapprove of the Democrat-controlled Congress. A recent CBS News survey showed that 25 percent of Americans believe Congress is performing well. A poll by Zogby International found only 3 percent of respondents have a positive impression of how Congress is handling the war in Iraq.

Despite partisan wrangling, Congress has managed to pass several domestic and national security initiatives.



A measure that amends the Foreign Intelligence Surveillance Act of 1978 to provide broader intelligence gathering powers was hurried through Congress and signed into law by President Bush the first week of August. The controversial bill drove a wedge between members of the same party, even though it passed handily in the House and Senate.

"This country is great because of the Bible and the Constitution," said Jones, who joined 183 other representatives in voting against the intelligence-gathering bill. "I'm for doing whatever we have to do to go after the potential terrorists, but you still have to live by the Constitution."

Foxx voted for the bill, saying it provides "common-sense fixes" that allow government officials to monitor targets on foreign soil only. "It does not involve domestic surveillance, but simply updates a system that was designed to address cold-war era intelligence gathering," she said.

On the domestic side, lawmakers passed a comprehensive lobbying reform bill aimed at creating more openness in the legislative process. The measure passed both chambers nearly unanimously, with all N.C. representatives voting in favor except Rep. Robin Hayes, R-8th, who was absent.

House lawmakers on Aug. 4 passed environmental legislation championed by the Democrat leadership that would purportedly increase energy efficiency and reduce emissions. Earlier in the session, both chambers of Congress passed

a bill that incrementally increases the minimum wage to \$7.25 by 2009, an effort that had been successfully stonewalled by Republicans in previous sessions.

One major legislative initiative that Congress has failed to meaningfully act on is immigration reform. Miller said that hope of reaching a bipartisan compromise on immigration "appears dead," while Foxx said that one of her goals is to prevent government policies that sanction illegal immigration.

"That means cutting off federal government benefits to those who are here illegally and passing legislation that secures our nation's borders," Foxx said.

Jones said he doubts reform will happen when legislators reconvene in September. "Until this Congress shows the American people that we will secure the borders, and I mean zero leeway on that, we will not see action on reform," he said.

Legislative priorities

As in previous sessions, one of Miller's top legislative goals is to pass a bill that would amend the Truth in Lending Act to crack down on high rates for mortgage lending. "A reasonable, well-considered set of regulations would reassure the market that subprime lenders aren't making loans that will end up in foreclosure and help ease the credit crunch," Miller said.

Jones listed health care and the burgeoning national debt as top domestic issues. The seven-term congressman is spearheading several policy initiatives, including a bill that would grant churches and other 501(c)(3) organizations the right to speak out on moral and political issues without

losing their tax-exempt status. Jones is also sponsoring legislation designed to provide greater transparency among political action committees that House leaders use to channel money.

Foxx wants to make intelligence reform permanent and accused Democrats of failing to understand the reality of the Islamic terrorist threat.

"The role of the government is to protect us from these external threats, but instead [the Democrats] want to focus us on building a nanny state that is inept at combating threats to our national security," she said. *CJ*

"This Congress has got to improve its civility. The American people and the people of North Carolina should expect both parties ... to be able to come together and work on solutions."

U.S. Rep. Walter B. Jones
N.C.'s 3rd District

Robert Novak Talks About His Career and Those He Covered

Political columnist and television pundit Robert Novak marked his golden anniversary in the nation's capital with the book *The Prince of Darkness: 50 Years Reporting in Washington* (Crown Forum, 2007). Novak recently addressed a John Locke Foundation Headliner luncheon in Raleigh. He also discussed his book with Mitch Kokai for Carolina Journal Radio. (Go to <http://www.carolinajournal.com/cjrado/> to find a station near you or to learn about the weekly CJ Radio podcast.)

Kokai: I want to start with a quote from the first chapter of your book. You describe your journalistic philosophy, and here I quote, "To tell the world things people do not want me to reveal, to advocate limited government, economic freedom and a strong, prudent government, and to have fun doing it." So how did you come up with that philosophy?

Novak: Well, I think you just develop it over the years. When I arrived in Washington at the age of 26, and with the Associated Press, all I wanted to do was break some stories and survive and have a good job. They say you develop that over the years, but that—that whole business about having fun doing it, some people looked at my book and said, "You know, you shouldn't put that in there. That is not dignified."

Well, the newspaper gang that I grew up with, the Jack Germonds and the Jules Witcovers, and the guys like that, we had a lot of fun. And I hope that some people read my book, young people, find out just what a great way to make a living it is to be a journalist, to do the things I said, and to make some of the politicians uncomfortable while you are doing it.

Kokai: Having fun seems to be one of the things that has changed in D.C., and you outline a number of things that have changed in the capital in 50 years. On the whole, would you say that these have been good changes or bad changes?

Novak: Well, it's — I don't know if I can make a judgment on that. The town is a lot slicker than it used to be. The restaurants are better, and it looks cleaner than it was. I live in a fancy apartment on Pennsylvania Avenue, which used to be a place where a department store was. There were a lot of little two- or three-story buildings. But, and, of course, you know, I have to say that the—for many, in many ways, I think the government is doing things it should be doing, but it's too big. It's way, way too big. And I think that is a real problem.

And the other problem, Mitch, is money. So if you wanted me to give you one more change—answer to what the change in Washington is, it's M-O-

N-E-Y. It's more like New York. It's high-priced lobbyists, high-priced journalists, high-priced lawyers. It's a money machine in Washington, everybody running to make money. And I think that stems from the fact that government has become so gargantuan.

Kokai: Your book has an anecdote from 1959 in which you talk to a senator who introduces a bunch of amendments to a bill, knowing they won't pass, but he's going to get some campaign money out of it. You said you learned at that point that the system was no more on the level in Washington than it had been in some of the state capitals that you also covered. Do you think that that's still true today?

Novak: Yes, I think it is. I'll tell you who the senator was. It was Senator Russell B. Long of Louisiana. I mention him in the book as the son of the famous Huey Long, the Kingfish. I think the big difference is that the people wouldn't admit it now. If it's — it still goes on, but as a way to raise money. But Russell, I liked Russell a lot, but he was a scoundrel and a rogue, not as big a scoundrel and a rogue as his father, but a very smart guy. And that was a great lesson for me when he told me that, and I was a—at that time, a 28-year-old reporter for *The Wall Street Journal*.

Kokai: You also had some interesting advice early in your career from the poet Ezra Pound about accuracy.

Novak: I was a major in English literature at the University of Illinois, and one of my favorite authors was the poet, Ezra Pound, who was a great poet. He was a bit of a madman, and he got caught and stuck in—you know, he had some fascist, anti-Semitic ideas—and he got caught in Italy during the war, giving broadcasts for Mussolini, and so he was arrested by our troops. And do they try him for treason? An old poet, now that—what they did was they put him in the insane asylum, Saint Elizabeth's Hospital, in Washington.

And I was given an interview by a congressman that I knew, who was helping to get him out after all these years. And so I had the only exclusive interview with him as he got out of the hospital. And I was just thrilled to meet the great poet. And as I was leaving, Mr. Pound said to me, he said, "Young



Author and columnist Robert Novak during an interview with CJ in July.

man, do you plan to spend the rest of your life in journalism?" I said, "Yes, I do." And he said, "Well, let me give you one piece of advice. Above all," he says, "Avoid too much accuracy." And I went back and told my colleagues with the AP, who I worked for, about that. And they said it shows he's insane.

I thought, at the time, he meant don't reveal too much about yourself, or you'll end up in trouble with the authorities like I did, but that isn't what he meant, I don't think. I think what he meant was don't let the little details avoid the big picture. And sometimes, in the course of writing this book, I have let the little details avoid the big picture. I didn't really fully appreciate, until he got out of office, what a great president Ronald Reagan was because he wasn't good on the little details, but he was great on the big picture.

Kokai: You mention Ronald Reagan, and I'm going to run by you a few of the names of some of the famous people you've covered and ask you what one thing people should know about this president or political figure that they don't know. Let's go ahead and start with Reagan. What should people know about Ronald Reagan that they probably don't know about him?

Novak: What they should know is that he had no interest in these little internal feuds of people working for him. He wasn't interested in micromanaging. He had three goals: improve the economy with tax cuts, win the Cold War, and restore the morale of the American people. He just kept his eye on that, and that's why he was successful in all three things, and that is why he was a successful president.

Kokai: More than 40 years after he died, many people have thoughts about JFK. What do you know about John Kennedy that people should know?

Novak: Great charm. Wonderful for younger people, as I was, covering him, but really not that strong a leader and not that—not the kind of tough Irishman he pretended to be.

Kokai: How about his brother, Robert, who seems to be an icon for so many liberal Democrats these days?

Novak: A really tough Irishman,

but not that nice a person, awfully tough, not too interested in civil liberties.

Kokai: Reading your book, I would say that you didn't have much nice to say about Richard Nixon. I guess that shouldn't surprise a lot of people at this point.

Novak: I thought he was a bad man and a bad president, very insecure. I think his insecurity affected his presidency and did great damage to the Republican Party, to himself, to the country. The one thing he did was he stuck with Whittaker Chambers in unveiling Alger Hiss as a spy.

Kokai: What about the last Democratic president, Bill Clinton?

Novak: Bill Clinton was a man of great charm, great likeability. I've got some anecdotes in there where he tried to seduce me, but it didn't quite come true. But the thing about Clinton, Clinton posed as a center-left person, a centrist; he wasn't. He was an out-and-out big-government liberal, and that's what eventually made him an unsuccessful politician. He lost, after his first election, every election that he was in. The Republicans won Congress.

Kokai: How about the current President Bush, what can you tell us about him?

Novak: A mediocre president. I believe he is — this is the third generation of Bushes I've covered. I covered his grandfather, a senator from Connecticut. I think that Bush really, at heart, is a Connecticut Yankee liberal, though he's got a Texas accent. Too much government, and of course his big mistake of waging a preventive war and trying nation building in Iraq.

Kokai: You've covered many things that readers will encounter in your book. One item that doesn't seem to be as big as others ends up taking up the entire first chapter and also the end of the book, and that is the whole furor around the Valerie Plame CIA leak case. Is it a sign of the times that this incident became as big as it did?

Novak: If I were to die in Raleigh here today, which I hope I don't, my obituary tomorrow morning would have Valerie Plame in the lead. It's a very small part of my life, but it was made such a trigger for the destruction, attempted destruction of George Bush.

He handled it so badly, in my opinion, that it became a big story. It caused me great damage. And what I hope to do in the book is to—it's only two chapters of a long book—but to give what really happened factually. And a lot of people still don't understand it. CJ

State School Briefs

Volunteers boost charters

Tabatha Koziarz has faced bigger back-to-school preoccupations lately than whether her third-grade daughter's bookbag is packed on day one, *The News & Observer* of Raleigh reports.

At Neuse Charter School, which opened Aug. 27 with grades K through five in Selma, families are required to volunteer for the school at least four hours a month. Many parents, and children, have already surpassed that minimum. Koziarz, for instance, has put in 17 hours some days in August.

The Clayton resident has been rounding up donations, such as picnic tables from Lowe's Home Improvement stores to give students a place to eat lunch. She recently spoke at an American Legion meeting about the school's need for a flagpole. And she's been on the phones constantly with other volunteers to coordinate carpools, catered lunches, and teacher helpers.

Other families also have been active. Earlier this month, an army of parents and students gathered to pressure wash a tractor-trailer's worth of old furniture from Wake County schools.

Brunswick schools funds

An increase in money from Brunswick County will allow the school system to give pay raises and to add teaching positions, *The Wilmington Star* reports.

At a meeting Aug. 27, the county's Board of Education approved a \$106.9 million budget for fiscal 2007-08, a combination of state, county, and federal funds. The budget is 8 percent bigger than last year's \$98.6 million.

The county's slice has increased by 14 percent, from \$25.1 million to \$28.6 million, according to Freyja Cahill, the county schools' finance officer. For the first time in more than 10 years, the school system will be able to raise supplementary pay for coaches.

Teachers haven't had a raise in four years, but they will be getting some extra money this fiscal year, too, she said. The state pays most teachers' salaries and has increased certified educators' pay by an average of 5 percent this fiscal year. The county chips in with as much as several thousand dollars yearly per educator.

Based on funding increases from the county, the district will be able to create 11 new teaching positions this year. CJ

More Science, Math Teachers Needed

N.C. faces challenge in meeting need for science, math and technology teachers

By KAREN McMAHAN
Contributing Editor

RALEIGH

In its 2007 report, *Rising Above the Gathering Storm*, The National Academy of Sciences wrote that U.S. educators' waning commitment to science and technology, as evidenced in declining numbers of students graduating with degrees in science, engineering, math, and technology, threatens the nation's economic future. Unless the United States reverses this trend, the report predicts "within 40 years the economies of Brazil, Russia, India, and China . . . together could be larger than those of the G6 nations together."

As the need for scientific and math talent increases, fewer students are graduating with science or math degrees. According to a press release June 8 from the University of North Carolina at Chapel Hill, only 1,000 out of 4,000 prospective teachers who graduated from UNC's 15 teacher education programs last year were in the high-demand areas of science and mathematics.

Despite decades of research showing that the best-qualified science, math, and technology teachers have degrees in those fields, North Carolina does a poor job of graduating teachers licensed to teach those subjects. UNC President Erskine Bowles said in his inaugural address April 16, 2006, that the "fifteen campuses of the UNC system produced only three certified physics teachers in the past four years."

In 1999-2000, the majority of science teachers in North Carolina's public schools — 79 percent of geology and earth science, 67 percent of physics, 61 percent of chemistry, 45 percent of biology — had neither majored in nor were certified to teach the subjects to which they were assigned.

Deficits in K-12 and Higher Ed

The fastest-growing jobs in the 21st century are technology and knowledge-intensive, but public schools are failing to graduate students who are proficient in mathematics or science. In 1998, a report from the Fordham Foundation showed that U.S. secondary schools ranked last in mathematics and second to last in science achievement out of the 23 countries.

"Fewer than one-third of US 4th-grade and 8th-grade students performed at or above a level called 'proficient' in mathematics," according to the National



Academy of Sciences report.

Developing market nations continue to outpace the United States in the number of graduates in science, engineering, technology, and mathematics. In the United States, only 15 percent of undergraduates receive a degree in natural science or engineering, as compared to 67 percent in Singapore, 50 percent in China, and 38 percent in South Korea, the NAS report says, and "there were almost twice as many US physics bachelor's degrees awarded in 1956 . . . than in 2004."

Perhaps more alarming, 56 percent of engineering doctorates in the United States were awarded to foreign-born students and, in 2002, foreign-born students comprised 38 percent of the U.S. science and technology workforce.

The Burroughs Wellcome Fund launched the SMT in 1995 to improve science and technology education in response to a Public School Forum of North Carolina report. The Center's board, comprised of education, business, and government leaders, partners with the UNC system, Duke University, the N.C. Department of Public Instruction, and other organizations to develop programs for science, mathematics, and technology education.

Aided by a \$5.3 million grant from the National Science Foundation and the Burroughs Wellcome Fund, the SMT has launched several pilot programs, most notably the Teacher Link Program and the Science Education Fast-Track Initiative called the Burroughs Wellcome Fund Scholars Program. The Center and its partners will also receive more than \$14 million from North Carolina over the next two years to fund these and other SMT-sponsored education reform efforts.

Inquiry-based learning

While the overarching goal of these reform efforts is to ensure K-12 teachers have sufficient content knowledge to teach science, mathematics, and technology, the cornerstone of the initiatives is to train teachers in inquiry-based learning, a pedagogical strategy that has students constructing their own knowledge through discovery.

The Teacher Link Program, a collaborative effort with Duke University's Teachers and Scientists Collaborating program and the Center for Inquiry-based Learning, is a three-year pilot program being implemented in K-8 classrooms in nine North Carolina counties — Alamance/Burlington, Chatham, Harnett, Iredell/Statesville, Lee, Nash/Rocky Mount, Orange, Randolph, Roanoke Rapids Graded Schools, and Robeson.

Dr. Sam Houston, president and CEO of the North Carolina SMT Center, said the teachers will receive kits aligned to the North Carolina Standard Course of Study and intensive classroom training in the NSF-supported curriculum, along with phone and email support and mentoring from retired or practicing scientists.

The Fast-Track Initiative is being developed and launched at four campuses of the UNC system — North Carolina Central University, North Carolina State University, UNC-Asheville, and UNC-Chapel Hill. The program, modeled after the UTeach program at the University of Texas at Austin, has the dean of the School of Education and the dean of Arts and Sciences at each of the four campuses collaborating on program of study whereby students will obtain a bachelor's degree in science or math while also gaining teacher certification. Carr Thompson, of the SMT Center, said, "Students get to visit other countries, they complete internships in research labs alongside researchers, and they receive bonuses of more than \$5,000 a year during their first five years of teaching."

Lack of quality controls

None of those contacted at the SMT Center was able to provide specifics regarding outcomes measurement. Houston cited the mentors as a way of ensuring sound content and pedagogy.

However, one TLP program advisor, a professor emeritus from West Virginia University and a retired environmental consultant, said of the 20 teachers he has been assigned to mentor, none has asked him for help or has been willing to have him observe in the classroom.

When questioned about this issue, Houston said "he told the advisors they wouldn't have to worry about getting overrun with teacher requests for help." He said it takes decades to change a culture.

The notion that students learn science best when they plan and execute experiments, explore questions about direct and indirect evidence, and offer explanations to justify their conclusions, appears sound. However, the success of inquiry-based learning largely depends on the teacher's content knowledge and skill in using open-ended inquiry. CJ

JLF: Math Scores Not Tied To Time in the Classroom

By CJ STAFF

RALEIGH

North Carolina cannot fix its ailing public school systems by mandating longer school days or a longer school year, a recent John Locke Foundation Spotlight report says.

"The General Assembly has not yet translated chatter about longer school days and a longer school calendar into legislation," said report author Terry Stoops, JLF education policy analyst. "But both ideas are gaining favor. Like proposals to reduce class size or raise the compulsory school attendance age, these ideas promote facile solutions to complex problems."

Supporters of the longer school day and longer school year point to practices in other countries, Stoops said. But research into math scores around the globe shows extra instructional time does not translate into higher scores.

"More is not necessarily better," Stoops said. "American students already receive the equivalent of four more weeks of math instruction than students in the average nation linked to the Organization for Economic Cooperation and Development. But U.S. students' standardized math test scores rank 27th out of 39 OECD countries."

Only two of the five highest-performing countries offered more math instruction each week and each year than the average U.S. school, Stoops said. "Among the nations with the worst scores, three actually offered more math instruction each year than American schools," he said. "There is no consistent relationship between in-school instructional time in mathematics and the country's average score on this standardized math test."

The findings extend beyond math instruction, Stoops said. "Authors of a 2004 Pennsylvania State University study found no statistically significant correlation between instructional time in math, science, reading, and civics and test scores on international assessments of those subjects."

High-performing countries are successful because they employ strong leaders, focus on measurable results, and maintain high expectations for all teachers, parents, and students, Stoops said. "That sounds like a good game plan for our public schools, too."

Along with dubious educational



benefits, a longer school day and longer school year could have major budget impacts, Stoops said. "You can't just tack another hour at the end of the school day," he said. "School systems could face considerable costs as they redesign their educational programs, offer extra training, and boost funding for additional staff and resources."

"More is not necessarily better. American students already receive the equivalent of four more weeks of math instruction than students in the average nation."

Terry Stoops
John Locke Foundation
Education Policy Analyst

Massachusetts public schools budgeted an extra \$1,300 per student for a longer school day, Stoops said. "Applying that figure to the average-size North Carolina elementary school, taxpayers would spend \$656,000 per year per school to lengthen the school day here," he said. "Even a five-school pilot project could cost nearly \$3.3 million a year."

Flexibility is

the key, Stoops said.

"Although it is not the panacea that advocates make it out to be, an extended school day and year might help students who could benefit from high-quality supplemental instruction," he said. "That's why parents should have the option to send their children to a school with an alternative schedule, which may include longer or shorter days, if parents believe it to be in the best interest of their child's education. Otherwise, the measure becomes one in a long list of one-size-fits-all reforms that invariably fail to deliver on the promise of increasing student achievement." CJ

Commentary

Carry on the Fight

September has always signaled a time of new beginnings for me. Years of teaching conditioned me to associate the start of each school year with promise and change. While my days in the classroom have long since ended, early autumn days still awaken a desire for personal and professional challenges.

This year is no different. While my commitment to speaking out about the need for education reform remains steady and strong, it is time for my advocacy to shift. Beginning Sept. 1, I will step into a new role at the John Locke Foundation, as a daily commentator on breaking state and national education news for the organization's blog, the Locker Room.

I leave the North Carolina Education Alliance at an auspicious time. A look back shows how far we have come.

In 2000, as I was completing my second term on the Charlotte-Mecklenburg Board of Education, the foundation offered me the opportunity to manage the Children's Scholarship Fund of Charlotte, a charity providing more than \$3 million in tuition assistance to low-income families.

For three years I worked closely with donors, schools, and families to ensure that poverty would not be a roadblock to school choice. In 2003, the scholarship program separated from the foundation, launching successfully under the administration of the Foundation of the Carolinas with an additional \$3 million donation.

Once the scholarship fund became autonomous, foundation officials asked me to direct their special project on education, the North Carolina Education Alliance. I accepted the position, convinced that my simultaneous service on traditional and charter school boards had equipped me well to understand the complexities of the education system. And so it has: Over the past four years, I have traveled the state extensively, meeting with parents, legislators, educators, and citizen activists working to solve our state's entrenched, systemic education problems.

I depart convinced of the alliance's critical role in shaping and influencing the direction of education reform in North Caro-

lina. Now the state's pre-eminent education resource network, the alliance provides North Carolinians with timely and comprehensive data on K-12 education. Alliance publications focusing on tuition tax credits, teacher quality, and charter schools highlight innovative solutions to public education problems.

In several key areas, our calls for change have been heeded. The Department of Public Instruction now releases graduation rates that accurately portray the seriousness of education attrition in our state.

Policymakers are weighing the benefits of implementing a system of merit pay based on

teaching competency. In July 2005, a group of reformers launched Parents for Educational Freedom in North Carolina, the state's first organization dedicated solely to advancing the cause of school choice.

In spite of these significant advances, there is work yet to do. The cap on charter schools was filled long ago, leaving more than 5,200 children to languish on waiting lists. I believe it is only a matter of time before the public demands that the General Assembly remove the cap.

Over the coming year, I will continue to work with charter-school advocates, confident that reformers will introduce legislation to raise or remove the cap in the legislature's 2009 session.

Additionally, school choice remains elusive for many N.C. families. Since support for widespread choice programs starts at the grassroots level, I plan to work locally to educate citizens in Mecklenburg County on the benefits of choice while serving as a board member of Mecklenburg Citizens for Public Education.

In this, my last monthly column, I would like to express my considerable appreciation to the hundreds of individuals who invited me to speak at various civic organizations over the last four years. Your commitment to educational freedom is making a difference. Whatever you do, stay in the fight. CJ

Lindalyn Kakadelis has been the director of the North Carolina Education Alliance since its inception in 2003.



Lindalyn
Kakadelis

School Reform Notes

All but one left behind

Only one Robeson County middle school met standards of the No Child Left Behind Act, which leaves parents with few options for getting their children into a better school, *The Fayetteville Observer* reports.

Parents usually have the option of transferring their child to a school that met its goals on the state tests. But because so many middle schools in Robeson failed to make adequate yearly progress, that option is not available.

L. Gilbert Carroll, a fifth- and sixth-grade school in Lumberton, is the only middle school that met its goals.

Fifth- and sixth-graders at a middle school that did not meet standards would be able to attend an elementary school that has those grades. Students in seventh and eighth grades, however, are in limbo.

School officials have two options: they can provide additional tutoring and supplemental services or they can call on neighboring school systems to open their doors to Robeson County students who want to transfer.

School officials say even if some parents want to go that route, neighboring counties are probably not going to have room.

Back to hand-holding

Briana Brown, 14, envisioned her first year at Dudley High School in Guilford County as a liberating transition from the hand-holding middle school years to the more adult responsibilities of high school.

But Brown, 14, found herself enrolling a year after Gov. Mike Easley ordered 35 low-performing high schools, including five in Guilford County, to reform their instruction to boost test scores, the *News & Record* of Greensboro reported.

Brown learned this month that, as part of that reform, freshmen will take two semesters of math and reading courses, attend classes and eat lunch together, and carry special cards that identify them as first-year students.

This fall, Dudley and Smith high schools will debut a new teaching model called Talent Development as part of their reform efforts.

Andrews High School implemented the program, created 13 years ago at Johns Hopkins University, in 2006. CJ

*Effort to control?***'Virtual Charters' Targeting Home-schoolers**

By DAVID N. BASS

Contributing Editor

RALEIGH

The school-choice movement broadly supports charter schools as a better alternative to the traditional public school system, but many home educators are concerned that online, or "virtual," charter schools are being used to regain control over what home-school students are taught and perhaps lure them back into the public education system.

Virtual charter schools are particularly attractive to home-schoolers because they provide government funds for school materials and allow parents to supervise the learning process at home. In exchange, parents must abide by a government-imposed schedule and restrictions on what curriculum can be taught.

According to Michael Smith, president of the Homeschool Legal Defense Association, an organization dedicated to defending the legal rights of home-school families, many virtual charter school programs are being marketed to home schoolers.

"There is definitely advertising directed toward the home-school community," he said. "Look what we have for you — we can pay for your books, extracurricular activities, a computer, and all you have to do is sign up."

A growing movement

Research gathered by The Center for Education Reform shows that virtual charters have grown over the last few years, jumping from 89 schools nationally in 2002 to 178 schools in 2006. Virtual schools exist in 19 states and serve more than 93,000 students. More states, including South Carolina, are changing their charter school laws to allow virtual schools.

North Carolina's charter school law does not specifically authorize virtual charter schools, according to Alison Consoletti, director of research for CER. Local school officials and state policymakers have appeared reluctant to authorize both virtual and traditional brick-and-mortar charter schools. Despite repeated attempts over previous legislative sessions to increase the number of charters allowed under state law, the General Assembly has kept the cap at 100 schools.

According to an article in the spring 2005 edition of *The North Carolina Journal of Law and Technology*, some North Carolina school districts have turned down applications for virtual charters in the past. For example, Charlotte-Mecklenburg Schools rejected an attempt to open a virtual charter known as New Connections Academy in 2002, citing "unanswered questions" about the effectiveness of virtual charters.



Like traditional charter schools, virtual charters have faced opposition from the public school establishment. Public school districts are generally not supportive of virtual charters, Consoletti said.

"School districts don't think it's fair that virtual schools receive the same amount of money per pupil because they do not have buildings and therefore don't have the same maintenance [costs] as a traditional school," said Consoletti, pointing to a years-long court battle in Pennsylvania over the 11 virtual charters in the state as evidence of public school opposition.

Recently, a Wisconsin judge ruled against a teachers union that had filed a lawsuit against the Wisconsin Virtual Academy, a K-8 virtual charter. The union charged that WVA violated state law by having parents rather than public school instructors educate students, according to the *Milwaukee Journal Sentinel*. The state Department of Public Instruction filed briefs in the case supporting the union's position.

Home-schoolers concerned

In contrast to why the public school establishment opposes virtual charters, many home-school parents are concerned over the potential for these schools to infringe on educational freedom and flexibility.

"A private home education is really a liberty issue, and it's very tough to see how a government operated home school could be in the best interests of liberty for home education," Smith said.

Because virtual charters are still under the curriculum and testing requirements of traditional public schools, home-school parents lose the right to choose faith-based materials. "If [parents] want credit for this, if they want a diploma later or a transcript or

anything like that, they have to teach over the curriculum that is approved," Smith said. "That doesn't prevent them, outside the time they're getting credit, to augment [teaching materials] with Christian curriculum, but if they want to be in compliance with the program, they have to use whatever the charter school provides by way of curriculum."

One example of a virtual charter school that has faced opposition from home educators is the Interior Distance Education of Alaska, a statewide program created in 1997 that claims to be specifically tailored to the needs of home-school families. The program provides a per-student allotment of up to \$2,000 annually for expenses such as textbooks, school supplies, and field trips.

Faith-based prohibition

A similar program, the Idaho Distance Education Academy, explicitly prohibits curriculum funds from being used to purchase "faith-based or doctrinal materials." Of concern to home-schoolers who value flexibility, the program establishes a mandatory attendance policy, with middle- and high-school students required to participate in "school" for a minimum of 990 hours per year. In addition, parents are required to login electrically and report any student absences.

The Idaho Coalition of Home Educators has raised concerns about the I-DEA program, pointing out that public school districts have an incentive to recruit students since they receive government funds for each student enrolled in the online classes. School districts can use the extra dollars to supplement funds from traditionally enrolled public school students, according to ICHE. The home-school organization also claims that I-DEA allows public schools to receive credit for the achievements of home schoolers.

Smith said that money is "probably the primary reason" that virtual charters are targeting home-schoolers. "The difference between what it actually costs them to administer the program and what they get from the state goes directly to [the virtual charter]," Smith said. He said that, in some cases, public schools might be trying to influence what children are taught by using virtual charters as a kind Trojan horse.

"There have been efforts to take the regulation of those who are under the virtual charter schools who are teaching their children at home and apply it to all of the home-schoolers," Smith said. "It looks like a good way to regulate home-schooling, and that is the problem with these programs long term. They may look good now, but I have no doubt that the government, somewhere down the road, will try to tighten up on all of the home-schoolers." CJ

Al Gore Heads Gov.'s School Summer Film Choices

By PAUL CHESSER
Associate Editor

RALEIGH
The Governor's Schools of North Carolina completed their six-week sessions in July, and while the diversity in worldviews of instructors is largely unknown, the movies that students were exposed to is documented and easy to research.

Governor's School is administered by the state Department of Public Instruction, and brings 400 high school students each to two college campuses in North Carolina. The academically or artistically gifted teenagers are nominated by their schools and are selected based on their special talents. The taxpayer-funded budget is about \$1.3 million annually for the program.

This year the movie list for Governor's School East, conducted at Meredith College in Raleigh, was much longer than that at Governor's School West, conducted at Salem College in Winston-Salem. GSE provided a list of 43 films to *Carolina Journal* that it planned to show in portions or in their entirety, with 13 of them mandatory for students to attend (unless their parents objected beforehand). The remainder was either to be excerpted for larger class discussions, or shown in full for optional student activities. After opening day (June 17) GSE added two more required pictures — including the controversial Al Gore film on global warming, "An Inconvenient Truth" — as well as four others to be used in social science classes.

Also shown was "End of the Spear," the true story of the martyrdom of Christian missionaries in the Amazon during the 1950s, and the subsequent religious conversion of the violent tribe that murdered them.

At GSW the list was pared from previous years, down to seven. Included are the Alfred Hitchcock classics "Vertigo" and "Psycho," which were part of a presentation called "The Art of the Montage." Foreign films dominate the rest of the list, including Akira Kurosawa's "The Seven Samurai," Jean-Luc Godard's "Breathless," and Michelangelo Antonioni's "L'Avventura." All the pictures shown at GSW this year were made before 1960.

In prior years GSW showed more pictures, many of which were made more recently. One film, "American History X," had been shown until last year, when the Alliance Defense Fund threatened litigation because of its explicit subject matter.

This year both schools provided lists to parents, as well as forms to sign that enabled them to have their children opt out of certain films if they wished.

GSE's information to parents included several-sentence synopses for each choice, their Motion Picture Association of America ratings, and for the films categorized for mature audiences, the reasons for their "R" ratings (such



as foul language, nudity, violence, or sexual content). Five of the mandatory pictures were rated "R." "The Constant Gardener," "Grizzly Man," "The Lives of Others," "Pollock," and "V for Vendetta." Overall, 19 of the films were "R"-rated, and eight were rated "PG-13." The remainder were either "PG" or not rated, with several older films and documentaries included.

Michael McElreath, in his first year as direc-

tor at GSE and a professor of history at Meredith College, said faculty members who lead seminars and classes made the film choices. He said there is no formal review process for the selections beyond that, but that he personally looked over the decisions. He said none of the picks this year troubled him.

"But if there was something on the list that I was concerned about, I might go to that faculty member and ask them if another choice could accomplish their purpose," he said.

McElreath also said the faculty composed the summaries provided to parents, but suspected that much of the information comes from Internet sources. One optional film shown at GSE,

"Pan's Labyrinth," had a brief description for parents which explained that it was "rated R for language and some violence," but one Web site provided a graphic account of the violence in the movie.

A few GSE parents believed the movie list, which was not shown to them until the day they dropped off their children for the session, should have been provided earlier for their review. Angie Chevallier of Raleigh, whose daughter Kaila attended for her musical abilities, thought the movie explanations were insufficient and that parents should have been given more time to examine the selections.

Another parent, Scott Campbell of Pender County, said it seemed the planning process for both seminars and films was left until the last minute, giving parents and students inadequate time to prepare for what they would encounter at Governor's School.

"They should have some idea what they're going to do more than a week ahead of time before the school starts," Campbell said.

McElreath said, "We're trying to meet everyone's needs the best we can" with the information they provide to parents.

Asked at what point he thought parental responsibility should overtake the schools', McElreath said, "I think parents would come down across a broad spectrum of opinion on that." He said some would want every single detail, while others might entrust those decisions to their children.

"I think we've given enough detail that if [parents] want to go get more information on it, they can in the age of the Internet," he said. "They can access it as easily as you did." CJ

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Campus Briefs

N.C. campuses will sponsor an impressive array of events about liberty and markets in the next few weeks.

- The North Carolina History Project and the Intercollegiate Studies Institute will sponsor a lecture by political scientist James Stoner, "Science versus Tradition at the American Founding," on Oct. 2, at N.C. State (4 p.m., room to be announced). Stoner will discuss the Founders' views of how both tradition and reason played a role in establishing the United States.

- The Bradley Institute for the Study of Christian Culture at Belmont Abbey College, in Belmont, N.C., will conduct a symposium on "American Ideas of Liberty and Virtue: Political, Religious and Philosophical Dimensions" Oct. 19-20, at the school. The headline speaker will be Peter Augustine Lawler, Dana Professor of Government at Berry College. He edits the quarterly *Perspectives on Political Science* and is a member of the President's Council on Bioethics.

- The Johnston Center for Undergraduate Excellence at UNC-Chapel Hill will sponsor "Making Private Capital Work for the Poor" as part of the Frank Porter Graham Lecture Series. The event will take place Oct. 1, at 7:30 p.m. in Memorial Hall. British Foreign Office Minister and former U.N. Deputy Secretary Gen. Sir Mark Malloch Brown will discuss the ways in which private capital can foster development in poverty-stricken areas.

- The Program in Public Law at Duke University will sponsor a lecture by Jay Sekulow on Oct. 15, at 12:15 p.m. in Room 3041 of the law school. Sekulow, chief counsel for the American Center for Law and Justice, has argued several landmark cases about religious liberty before the U.S. Supreme Court.

- Duke Law will sponsor an all-day conference on "The Court of Public Opinion: The Practice and Ethics of Trying Cases in the Media" on Sept. 29, in Rooms 3041, 3043, & third floor loggia of the law school.

- The Pope Center's conference on "Building Excellence into American Higher Education" will be held at the Hilton RDU Airport/Research Triangle Park Oct. 26-27. (See George Leef's article about the keynote speaker, Harry Lewis, on Page 14.) CJ

Restrictions removed

New Law Makes Lateral-Entry Teaching Easier

By JIM STEGALL
Contributing Editor

RALEIGH
The General Assembly passed a law this summer that makes it easier for community colleges to get into the teacher training business.

Advocates for teachers applaud the move, and community colleges are lining up to take advantage of their newfound authority. But the state's universities, which have had a virtual monopoly on teacher training for decades, will still have a significant say in how the teachers are trained.

For years the only route to an N.C. teaching license was through a school of education at the college or university level. In order for the state to grant a license, an applicant had to affiliate with an approved school of education and complete whatever course work that school deemed necessary.

But with the need for teachers far outpacing the university system's output, recent years have seen school systems turn increasingly to "lateral entry" teachers to keep classrooms staffed. Lateral-entry teachers already have at least a bachelor's degree and usually some real-world experience in their fields, but they have not been formally trained as teachers. Once on the job, lateral-entry teachers must still complete a required body of course work in teaching methods and theory in order to receive full certification.

The growing demand for lateral-entry teachers prompted at least two community colleges to begin offering education courses to prospective teachers earlier this decade. At the time, there was no law that specifically prohibited community colleges from offering teacher training in competition with university schools of education.

By 2005, Sandhills Community College in Pinehurst and Central Piedmont Community College in Charlotte had hundreds of students enrolled in teacher training courses.

That got the attention of the universities. Fearing that many of their own students would bypass the university schools of education in favor of earning teacher certification later at a community college, the universities asked for changes. In 2005 a law was passed that ostensibly legalized what Sandhills and Central Piedmont were doing, but added some significant restrictions.

Under the legislation, community colleges were allowed to "partner" with university schools of education to offer teacher training courses. The schools of education would still have final say over what courses each aspiring lateral-entry teacher had to take in order to be recommended for full certification, but some of the courses themselves could now be taught at the community college.



The UNC System has increased its collaboration with community colleges to try to meet the critical need for teachers and nurses.

In addition, two key restraints were placed on the program. In order to participate, a student had to have held a bachelor's degree for at least five years and already be employed as a teacher by a school system.

Few prospective teachers were able to take advantage of the program. The hundreds of aspiring lateral-entry teachers at Sandhills and Central Piedmont who were already enrolled in teacher training courses were allowed to finish, but applications for the new program were sparse.

Dr. Amy White, in charge of new-teacher training at Central Piedmont, said, "The initial program was very restrictive; there was lots of interest but not many could take advantage."

The disappointing results led Rep. Joe Tolson, D-Edgecombe, a retired educator and author of the 2005 law, to introduce a bill this year removing the restrictions.

"What we were finding was that the five-year service requirement was a problem," Tolson said in a telephone interview, "especially with the wives of soldiers who are stationed here who maybe have a four-year degree and would like to teach."

This time the university system did not oppose the changes. UNC system spokeswoman Alisa Chapman said system leaders were consulted on the legislation, and in light of the pressing teacher shortage saw the need for a change.

"We recognize the great need for teachers in our state, and we know we have to collaborate with the community college system to meet that need," Chapman said. "We are committed to working with the community colleges and this is one area where we can."

The collaboration was made much easier by the fact that before the law was approved, the two systems had already worked out how to split the workload between them. Although the law does not specifically require that lateral-entry students take any portion of their classes

at a university, the partnership agreements stipulate a division of responsibilities between the schools. Community colleges are responsible for training on six of the nine "competencies" required by the State Board of Education for a teaching license, while their university partners handle the other three.

Asked about the lobbying effort over the bill, UNC system lobbyist Andy Willis credited system President Erskine Bowles with being committed to making the system more responsive to the state's needs.

"Erskine is really trying to partner with community colleges, especially as regards our high-needs areas such as nurses and teachers," he said. He downplayed any concerns about the possible loss of students, positions, or revenues to the system's schools of education.

Community colleges are eager to take advantage of the new arrangement.

Community colleges spokeswoman Audrey Bailey said that as of press time at least 26 of the state's 58 community colleges had been approved to offer lateral-entry teacher training in partnership with a college or university. Others are waiting to see how the new programs work out before committing resources to one of their own.

White said she is optimistic about the future of the program.

"At this point the biggest difficulty is getting the word out about the changes," she said.

Professional Educators of North Carolina, a professional association for teachers that has long supported lateral entry, issued a statement praising Tolson for his work on the bill. Evelyn Hawthorne, government relations consultant for the group, said lateral-entry teachers enhance education.

"As a mom, what's important to me is to have teachers who can do the job best and in such a way that makes the classroom experience translate to real life," said Hawthorne. "Lateral-entry teachers do that well." CJ

Budget a Big Victory for Bowles, Easley, But Mixed for Taxpayers

By SHANNON BLOSSER
Contributing Editor

CHAPEL HILL

This summer, N.C. lawmakers approved a state budget that called for \$1 billion more education spending than last year.

Gov. Mike Easley and UNC President Erskine Bowles were big winners as they shepherded their spending proposals through the legislature. For taxpayers, of course, the spending was more of a mixed bag, and a costly one.

The 2008 budget totaled \$20.7 billion. UNC makes up 12.6 percent of the budget, receiving a \$2.6 billion total appropriation. The community college system received \$938 million. These figures do not include significant capital expenditures, which will be funded by bonds that do not need voter approval.



UNC President Erskine Bowles

Easley's education initiative

Easley received much of what he wanted for his Education Access Rewards North Carolina Scholars (EARN) program. The new program would give two years of tuition, a total of \$4,000, to students from families who make 200 percent or less of poverty-level income. For example that would include families of four that make less than \$41,300 annually. Easley estimated that the program would cost \$150 million over the next two years.

Easley marketed the plan by saying that a student who obtained an associate's degree from a Learn and Earn program (the state's "early college" program, which covers two years of college) could take advantage of the EARN Scholarship for the last two years of school and graduate from college "debt free." He also said EARN scholars would have to work 10 hours a week.

Easley received only \$27.6 million for the plan for 2007-08, but he received his full request of \$100 million from the 2009 budget. Legislators wrote into the budget that \$60 million would come from the General Fund, while the other \$40 million would come from the Escheats Fund, an unclaimed-property fund that lawmakers often use to supplement programs.

Lawmakers also removed Easley's requirement that students must work 10 hours a week. To be eligible in the second year, "the student must meet achievement standards by maintaining satisfactory academic progress," according to the budget language.

Bowles' Success

Bowles showed not only his legislative abilities but those of his staff as well. Viewing the House budget, released in May, as less than satisfactory, Bowles and others went to work on the Senate to advocate for their programs.

The result was a Senate budget that was, for the most part, a copy of UNC's budget request, and the final document funded UNC's biggest priorities and some additional programs.

UNC received a 5 percent salary increase for faculty, while other UNC employees received a 4 percent raise. Most state employees got a 4 percent increase. Also, the ECU Dental School received \$1 million for continued planning funds and \$25 million for site development and construction.

A total of \$36 million was approved for need-based financial aid, which will also be funded through the Escheats Fund. Bowles and others also gained support for the North Carolina Research Campus, an initiative by Dole Foods' David Murdock on the site of the former Pillowtex plant in Kannapolis.

Combining one-year and recurring funds, the campus gets \$16.5 million, which was \$26 million less than the requested amount.



Gov. Mike Easley

UNC received \$4.2 million for its online education efforts in recurring and non-recurring funds. Legislators also funded im-

provements in the Gateway Technology Center, a distance education center at North Carolina Wesleyan College, and established a fund to increase cancer research at UNC Hospitals.

Taxpayers

Taxpayers will foot a substantial higher education bill, much of which falls beyond the traditional educational mission of universities. For example, the community college system received funding for a hosiery technology center and UNC received money for shellfish restoration.

Lawmakers expressed concern about spending that might be outside the realm of education. For the 2009-2011 biennium legislators stipulated that the UNC system must submit an itemized budget request and that requests must include "a justification for the existence of each activity as aligned with the mission of The University of North Carolina." CJ

Commentary

Still Puzzling Over Learn and Earn

One of the most puzzling education programs I have come across is Learn and Earn, which the General Assembly recently expanded with \$6.2 million for the next two fiscal years.

Learn and Earn, initiated by Gov. Mike Easley in 2004, is an "early college" program composed of small high schools mostly on community college campuses. Students can progress through high school and get an associate's degree in only five years of school. Since all of it is free to the student, the successful graduate obtains the equivalent of two years of college virtually without charge.

This program was supposed to reduce the high school dropout rate, as these statements indicate:

- "Gov. Mike Easley today announced a new program designed to provide incentive for high school students to remain in school, earn an associate's degree and prepare them for high skill jobs in new and emerging industries." (Press release from the governor's office, Sept. 8, 2004.)

- The "measurable outcomes" of Learn and Earn will include a decrease in "dropouts, suspensions, retention, achievement gaps, violence." (PowerPoint presentation by the Department of Public Instruction, Sept. 8, 2004.)

- "The primary goal of Learn and Earn is to increase preparedness for work and college, graduation rates and the number of high school graduates and to decrease dropouts, suspensions, achievement gaps and violence." (News release from the community college system, Feb. 17, 2005.)

Frankly, this doesn't make much sense. The idea that you could get kids who don't like school to stay in for an extra year, do more demanding work, and not drop out seems wacky. Potential dropouts, by definition, don't value the first degree (the high school diploma) very highly. Why would they be willing to work hard for a second one?

Then I read an Aug. 5, 2007, article in *The Charlotte Observer* about the Learn and Earn school at South Piedmont Community

College. The reporter wrote: "The classes are honors level, and the course load is heavy, said Principal Victoria McGovern."

This heavily academic workload is going to prevent dropouts?

Well, it turns out that Learn and Earn isn't a program to reduce the high school dropout rate, after all — at least not now. Joseph

Garcia, vice president of the North Carolina New Schools project, which operates the program with the state DPI, told me explicitly that Learn and Earn is "not a dropout prevention program," although reducing dropouts might be "among measurable outcomes." He was

"not familiar with him (the governor) ever calling it a dropout prevention effort." Garcia has been with the program about a year.

So what is it? A subsidy for the middle class. Situated on college campuses, backed by special funding, and free, these schools will attract normal kids who have no intention of dropping out, plus some extra-smart kids who want college credit, and, of course, savvy parents who vote. For a politician, the parents are a dream constituency.

What sold the program to the public in 2004 — alarmed about the fact that 40 percent of N.C. ninth-graders never graduate from high school — might not have the same selling power once the program is in play.

What does the governor say now? This past July, the governor wrote that the program "began by aiming at students from families where no one had ever attended college. But success and interest has been so high that Learn and Earn is now open to all students."

In other words, it was sold as a program for disadvantaged students, potential dropouts. Once the funding is in hand, it is "open to all students."

I guess that's politics. CJ

Jane S. Shaw is the executive vice president of the John William Pope Center for Higher Education Policy in Raleigh. Alyn Berry, an intern with the John Locke Foundation, provided research assistance.



Jane Shaw

Bats in the Belltower

Academic Freedom 'Imperiled'

The headline in *Inside Higher Education* online Aug. 15 proclaims "Pessimistic Views on Academic Freedom." The accompanying article describes the sour mood about academic freedom expressed at the annual meeting of the American Sociological Association.

Apparently, research by an assistant professor of sociology at Harvard University, Neil Gross, found that a "greater percentage of social scientists today feel that their academic freedom has been threatened than was the case during the McCarthy era." Feel being the operative word, of course.

A great portion of the meeting focused on the growing, decades-old problem of political conservatives being harassed on campus, shut out of faculty hiring committees, denied tenure, discouraged from pursuing academic jobs, and as students, being told they aren't welcome in some classrooms, being graded negatively for their politics, and facing other kinds of disparate treatment and singling-out by instructors.

But of course, that last paragraph was completely facetious. Nothing of the sort took place, especially as the topic itself would have been unthinkable. No, the sort of problems discussed were those faced by Middle Eastern Studies scholars "who were regularly criticized by some pro-Israel groups for alleged anti-Israel or anti-American bias." Some of the criticism is of their work, "not for what it says, but for who [sic] it serves."

If that's not bad enough, there is the issue of academic freedom being defined in ways that "limit faculty rights." This occurs when universities accept grants from philanthropies to support research, discussions, and classes on topics that certain faculty members find objectionable. Faculty members must, the argument goes, have the ability to stop such projects, and using the "pious language" of academic freedom to justify expanding the university's research and course offerings, therefore, is a "great silencing mechanism" against the censorious faculty.

If such doubletalk isn't clear at first glance, here is the argument in its essence: When a private philanthropy voluntarily offers a substan-

tial gift of money to a university to establish academic research, discussions, and classroom offerings, and the university accepts the gift to expand its offerings and opportunities to students and faculty, it has "silenced" critics of the gift and program opportunities. Their use of "academic freedom" as a trump card for expanding university offerings and opportunities is actually a trespass against the academic freedom of the would-be program stoppers.



Jon Sanders

According to this theory, academic freedom is on the side of those faculty members who wish to limit research and avenues of study on campus. Potential donors are not potential "friends of the university," to use recently discarded lexicon, but instead are predators seeking to "chill" academic freedom on campus by funding expansions of programs, research opportunities, and course offerings.

But there is one donor who harms academic freedom not by funding research, but by withholding funding from it — or merely by having researchers fear that they might not be able to win its funding. That donor is government. Another session of the ASA discussed the possibility that some sociologists might avoid certain research topics out of fear of public criticism, negative reviews from boards on their own campuses, and especially inability to attract federal funding (e.g., from the National Institutes of Health).

This problem is "self-censorship" — a shameful degradation of academic freedom whereby taxpayers are not automatically on the hook for whatever research topic any faculty member wishes to investigate, no matter what, and worse, are free to criticize those topics out loud, even in legislative chambers. It was raised in a paper presented by a research associate at the Princeton University Center for Health and Wellbeing, Joanna Kempner. She titled it "Erections, Mounting and AIDS: Incestuous Gay Monkey Sex (or seven words you can't write in your NIH grant)." CJ

Jon Sanders is research editor of the John Locke Foundation.

Former Harvard Dean to Speak
At 2007 Pope Center Conference

By GEORGE LEEF
Contributing Editor

Each fall the John W. Pope Center for Higher Education Policy sponsors a conference focusing on issues in higher education. This year's conference, which will be conducted Oct. 27, has the theme "Building Excellence in American Higher Education." The keynote speaker will be former Harvard dean Harry Lewis.

Lewis has many years of experience as a professor and administrator at Harvard. Last year he published a book, *Excellence Without a Soul: How a Great University Forgot Education*. It spells out the reasons why Harvard, and most other colleges and universities, are failing to live up to their publicity.

The most glaring defect Lewis addresses, and which will be the topic of his speech at the conference, is in the curriculum. In years gone by, most colleges and universities required students to devote most of their credits to a core of courses that, by general assent, were crucial to a well-founded education.

These days, however, the idea that anything in the academic universe is more important than anything else is repugnant to relativists, who dominate the education system. Why should a course on the history of the United States be "privileged," a buzzword in educationist circles, over a course on the history of the Maoris in New Zealand? Why should a course on British literature be privileged over a course on TV sit-coms of the '60s?

Writing about the curriculum review project at Harvard, Lewis says, "The bottom line was that nothing in Harvard's curriculum was held to be more important than anything else. Like a mother of quarreling children, Harvard looked at its thirty-two academic departments and their countless subspecialties and declared that they

were all loved equally."

As Lewis sees it, the trouble is rooted in a fact about the modern university: It is run mainly for the benefit of the faculty. The professors usually bend administrators to their will, which means allowing them to teach pretty much whatever courses they want to and giving them lots of time to perform research.

Keynote speaker
Harry LewisAuthor Elizabeth
Kantor

Promotion is not based on how well a professor conveys information and motivates his students. Reaching the nirvana of tenure depends on scholarly publication, so that's where most professors put their efforts.

"Great teaching can be viewed in academic circles as a kind of performance art, fine if you can do it, but raising doubts about the teacher's seriousness as a scholar," Lewis says.

At Harvard, the Business School emphasizes teaching quality. "A quarter mile from Harvard Yard," Lewis writes, "the Harvard Business School puts pedagogy high on the list of institutional missions. Students who move from the College to the Business School are astonished by the improvement in teaching quality."

Another item on Lewis' bill of indictment against Harvard, and most other colleges and universities, is that the moral education of students is ignored. Universities today go to great lengths to ensure they have a faculty that is as "diverse" as possible, but they are not interested in hiring faculty who can raise the moral plane of students.

"Rarely," Lewis writes, "do they even suggest that professors should be responsible for students as whole human beings during their crucially formative years, or that professors should be chosen, trained, or evaluated with that objective in mind." CJ

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



Analysis

Is Training NASCAR Workers a Proper Role for the State?

By SHANNON BLOSSER
Contributing Editor

CHAPEL HILL

Since the 1990s, NASCAR has grown from a sport rooted in the Southeast to an American institution with a fan base second only to that of the National Football League. Throughout NASCAR's history, North Carolina always has been among its central locations, and the sport has done fine here without government assistance.

Today the sport has its home base in the state, with most of the teams in its three main divisions (Nextel Cup, Busch Series, Craftsman Truck) setting up shop in the Charlotte region. Industry sources claim that auto racing contributes \$5 billion annually to the state's economy and creates more than 24,000 jobs, most of them related to engineering, design, and fabrication of the stock cars. Those are jobs that, for the most part, require a higher level of training than that of your typical auto mechanic.

Is it necessary, however, for the state to spend taxpayer money to set up training programs for people who want to work in auto racing? N.C. lawmakers believe the state's public higher education institutions should offer that training to the racing industry.

In recent years, a number of community colleges in the state have opened training programs specifically geared to the needs of the auto racing industry. Also, UNC-Charlotte has a motorsports engineering program with a mission to "promote the education of students in the broad areas of motorsports and automotive engineering."

This endeavor was boosted recently by a \$500,000 state appropriation to help fund the North Carolina Motor-

sports Consortium, to be placed within the state Community College System. The consortium is supposed to develop a curriculum to train students for employment within the motorsports industry. According to the funding bill, the money would "provide specific leaders in particular areas of functions in order to improve the quality of learning and services for the industry."

But is the training of future NASCAR employees a proper use of taxpayer money?

In my opinion, it is not. Consider for a moment another industry in North Carolina that makes a similar economic impact in the state — Wal-Mart. The department store operates 146 stores and distribution centers in North Carolina. The company spends \$4 billion annually for merchandise and services in the state and supports more than 83,000 jobs. Building, maintaining, and running all those facilities requires a lot of knowledge, yet no one is calling for specialized training through the state's higher education institutions for Wal-Mart employees and contractors. Why should it be any different for the training of an engine fabricator who may work for Richard Childress Racing?

Since NASCAR has been thriving for many decades, it's evident that people have been learning what they need to know about engineering, design, and fabrication of race cars somewhere.

Privately, NASCAR has attached its name to a training facility in Mooresville,



which calls itself "Race City, USA." The NASCAR Technical Institute offers many of the same programs available at UNC-Charlotte and the community colleges.

The biggest difference is that for-profit Universal Technical Institute, not the state, operates it. If the demand for NASCAR workers continues to grow, the institute can expand its operations or NASCAR can find other ways to train employees that don't require any state expenditure.

Fundamentally, however, I believe that opening training facilities in the state's higher education institutions has little to do with students and education, but everything to do with keeping the motor sports industry in North Carolina.

As late as 1996, North Carolina hosted six Winston Cup (now Nextel Cup) events and one all-star race (The Winston, now known as the Nextel All-Star Challenge). In 1996, North Wilkesboro Speedway was closed and its dates given to other locations. In 2004, North Carolina Speedway in Rockingham lost its final race, though the track is still used for testing and an occasional movie such as "Talladega Nights: The Ballad of Ricky Bobby."

When those tracks were closed and dates given to out-of-state venues, primarily to schedule races in other markets, N.C. officials feared that racing teams would follow. They might well go to states like South Carolina and Virginia, which had established efforts to attract more motor sports teams.

A 2004 report, "Motorsports: A North Carolina Growth Industry Under Threat," played on these fears. The study's authors, which included UNC-Charlotte's Urban Institute and the Sanford Holshouser Business Development Group, said that allowing NASCAR teams to tap into the state's One North Carolina Fund would help the teams stay in the state. It also argued that the state should invest more in training facilities.

"Pursuing the cutting edge of motor sports technology would be a wise strategic investment to make," the study said. "North Carolina can pull ahead of other states to a pre-eminent position in motorsports technology by wise investments." In plain English, that means that the state should dangle incentives and subsidies in front of the motorsports industry just as it has been doing with many other businesses.

Truly "wise investments" can best be made by team owners who will receive the direct benefit of a better-trained workforce.

If for some reason NTI should prove inadequate, industry leaders could partner with UNC schools or community colleges for training programs for which they bear the full cost.

North Carolina's state schools go off their mission when they subsidize private commercial ventures by sponsoring worker training programs, just as surely as Jeff Gordon goes off the track when he turns right instead of left. CJ

Contributing editor Shannon Blosser is leaving the John William Pope Center for Higher Education Policy to attend Asbury Theological Seminary in Wilmore, Kentucky.

North Carolinians for Home Education

The MISSION of NCHE is to:

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



The IDEALS of NCHE are:

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

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

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

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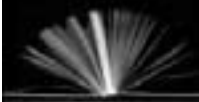
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Town and County

Taxes and military housing

A federal judge has rejected an attempt by Onslow and Craven counties to assess property tax on privatized military housing, *The News & Observer* of Raleigh reports. The ruling cost the counties \$1.75 million in potential tax revenue for 2006, an amount that would have increased to more than \$2.5 million by 2012.

In 1996, Congress established the Military Housing Privatization Initiative. The idea was for the Department of Defense to work with private developers to improve the quality of its on-base housing stock. Atlantic Marine Corps Communities LLC of Delaware won the contract to revitalizing housing at Camp Lejeune Marine Base in Jacksonville and the Cherry Point Air Station in Havelock. The company is demolishing 1,629 homes at the installations, while building 1,311 new units, and refurbishing 2,344 others under a 50-year lease agreement.

In 2005, Onslow and Craven counties notified Atlantic Marine Corps Communities that they would begin assessing property tax on the properties. The company challenged the legality of the action.

Federal Judge Malcolm J. Howard rejected the attempts at taxation, finding the state had given the federal government jurisdiction over the property, which would retain ownership at the end of the 50-year lease.

Chatham lot sizes

Chatham County is considering increasing the minimum lot size in unincorporated portions of the county. The possible move would attempt to slow rapid growth in the county.

The county currently sets a minimum lot size of 1.5 acres. County officials are considering increasing that to anywhere from two to five acres.

"[The board] wants to reduce the impact on roads and schools, and one way to do that is reduce the number of lots available," Planning Director Keith Megginson said to *The News & Observer* of Raleigh.

The move would keep developers from getting around the county's moratorium on new subdivisions with 26 or more homes.

At least one county commissioner questions the move. "The more you increase lot sizes, the more you increase sprawl," Commissioner Mike Cross said. *CJ*

N.C. Senate Denies Vote On Eminent Domain

By MITCH KOKAI

Associate Editor

RALEIGH

The chances for a statewide vote on property rights protection dimmed this summer, when the N.C. Senate refused to endorse a constitutional amendment targeting eminent domain abuse. Voters will not address the issue before 2008.

The Senate's silence bothered some groups that pushed for a vote on the amendment in the closing days of this year's legislative session. "It's obvious that the intent is to not listen to the will of the people," said Joyce Krawiec, N.C. grass-roots coordinator for North Carolina FreedomWorks. "If you don't have to vote on it, your constituents don't have anything to hold against you."

Advocates had pushed for action this summer to help secure a statewide vote on the constitutional amendment this fall. A vote in 2007 would have helped supporters avoid debate about scheduling a constitutional amendment during a legislative election year, said Kieran Shanahan, chairman of the N.C. Property Rights Coalition. "Some folks are saying that if you put it on the ballot for the people to vote on in the 2008 election cycle, it would politicize it," Shanahan said. "This is fundamental: property rights. So let's take politics out of it. Property rights is not a Democrat/Republican issue. It's an American issue."

Debate about the eminent domain amendment focused on the Senate for the last two months of the legislative session that ended Aug. 2. The amendment debate reached the Senate May 24, after the House voted 104-15 to endorse House Bill 878.

Five days later, Senate leaders sent that bill to their Ways and Means Committee.

That committee has not met since 2001. "It sends a message they don't want to deal with it, which is exactly the message that the [Senate] leadership is sending," Krawiec said. "Some of the rank-and-file members are very much with us."

The General Assembly changed its property rights laws in 2006, in the wake of a controversial June 2005 U.S. Supreme Court ruling. In *Kelo v. New London*, the high court upheld a Connecticut community's decision to condemn private property for a private economic development project.

Some lawmakers believed the 2006 law solved the problems created by the *Kelo* decision, but property rights advocates argued for more protection. Eighty-eight state representatives en-



Poster for Citizens Fighting Eminent Domain Abuse

dorsed an unsuccessful constitutional amendment last year.

This year, 92 representatives endorsed a similar measure. Under H.B. 878, voters would decide in the next statewide election whether to limit government's ability to take property through the eminent domain process except for takings tied to a public use. The amendment spells out three exceptions: taking of a "blighted" property, taking of property for access purposes, and taking of property that allows a "public use to be preserved or utilized."

The amendment also would guarantee prompt payment of "just compensation" when property is condemned, and it would guarantee a constitutional right of trial by jury for all condemnation cases. That right is now guaranteed in state law, but North Carolina is the only state that does not include that guarantee in its constitution.

Bipartisan support included the endorsement of primary sponsor Rep. Dan Blue, R-Wake, a former House speaker. "The government can negotiate, just as private entities do," Blue said during debate about the bill. "It offends me, and I think it offends you, the thought that the government can take my property, that I'm keeping up, that I'm profiting on, that I'm prospering on, take it from me and condemn it as part of a bigger project, then convey it to Wal-Mart or whoever else they want to convey it to who then makes profit on the land that I owned."

Legislative critics cited concerns that new restrictions on government powers of eminent domain would limit economic development in rural North

Carolina. Amendment supporters disagreed.

"It's not the end of economic development parks," said Rep. Jim Harrell, D-Surry. "It just requires you to pay just compensation for that property. If the person isn't willing to sell, then you have to go to another area. I know tons of land developers out there who are riding around looking at property. They acquire the property. They then develop that property. They don't have the tool of eminent domain, but they are still successful in economic development. Yes, they have to approach the property owner and pay them a fair market value for their property. That is economic development, and that is fair economic development."

Once the Senate parked H.B. 878 in the Ways and Means Committee, property-rights advocates made their case. "Of all our constitutional rights, none could be more vital to our continued sustainability as a free society as property rights," Shanahan said. "We all know the government figures every way they can take your dollars and cents from you. Now they want your property. It's incremental, incremental, incremental. If we don't do something about it, we're going to lose those basic rights that our forefathers fought for."

Local governments' growing demand for money will increase the threat of eminent domain abuse in future years, Shanahan said. "At the federal level, when they need money they just print it because they do deficit spending," he said. "At the legislature, when they need money, what do they do? They go into the trust fund de jure, and they take from the trust fund. The problem with the local governments is they can't print money and they can't go and rob trust funds. So they have to increase their tax base."

That means the problem of eminent domain abuse is not going away, Shanahan said. "Everywhere we travel, there's a local story, and it resonates deeply with people," he said. "So really this amendment touches every corner of North Carolina. People are connected because when you've been the victim of an adverse eminent domain situation you never forget it. The people in the town don't forget it, either."

There's at least some hope that voters could address the constitutional amendment next year, according to a top legislative Democrat. "I would like to see it happen," said House Majority Leader Hugh Holliman, D-Davidson. "This has not been a problem in North Carolina, and we have a pretty strong statute. But people on our side of the aisle believe property rights are important."

There's no need to put off a constitutional amendment because of 2008 legislative elections, Holliman said. "Both parties really agree on this issue," he said. "I don't think it hurts Democrats. I don't think it helps Republicans." *CJ*

"Property rights is not a Democrat/Republican issue. It's an American issue."

Kieran Shanahan
NC Property Rights Coalition

*Alamance County case***Ruling Allows Town to Extend Its Extraterritorial Jurisdiction**By MICHAEL LOWREY
Contributing Editor

NC. law allows municipalities to extend their zoning regulations to cover neighboring unincorporated areas under certain circumstances. Under state law, cities and towns may do so without the consent of affected residents. The legality of one such extraterritorial jurisdiction extension was recently at issue before the state's second highest court ruling that Alamance County acted improperly in attempting to stop the town of Green Level from extending its zoning to unincorporated areas.

Green Level is a town in Alamance County with a population of more than 2,000. In mid-July 2003, town officials began looking into extending the town's extraterritorial jurisdiction to nearby unincorporated parts of the county. What the town was considering soon became public knowledge. In December 2003, Alamance County informed the town of its view that state law required Green Level to obtain county permission before extending its extra-territorial jurisdiction. Town officials, however, after researching the matter further, came to a different conclusion. Town and county officials met to discuss the issue, but they couldn't reach an agreement.

Green Level planned a public hearing on extending its jurisdiction May 6, 2004 but changed it to April 22 when town officials learned that the county was taking steps to prevent the extensions. The town adopted an ordinance extending the jurisdiction the same day as the hearing.

The town's pending move to extend its jurisdiction alarmed a number of people who would be affected but who would have no say in the matter. They formed a citizens group, Citizens Against ETJ Expansion, and asked the Alamance County to "zone their property."

At public hearing April 19, three days before Green Level's action, the Alamance County Commission heard from citizens who "want[ed] to live in a rural setting, not a town; that Green Level cannot control what it has; and that Green Level has nothing to offer except taxes." The commission responded by amending its Watershed Protection Ordinance to provide greater zoning control.

Unsurprisingly, the dispute over whether the extra-territorial-jurisdiction extension was valid ended up before

the courts. Green Level challenged the county's April 19 action and appealed after Superior Court Judge Narley Cashwell ruled in the county's favor.

The county and town both agreed that Alamance County did have subdivision regulations and was enforcing the State Building Code. At issue was whether the county had a valid zoning ordinance at the time Green Level tried to extend its jurisdiction. If the county had a zoning ordinance that it was enforcing,

Green Level could not legally extend its jurisdiction. If county zoning did not exist, then Green Level's adoption of extra-territorial jurisdiction was legal under state law.

Alamance County adopted a Watershed Protection Ordinance in

1987, which was modified in 1997. The 1997 revision defined a watershed critical district, the balance of the watershed district, and stream buffers. The county contended the 1997 revision amounted to zoning and applied to the area that Green Level was attempting to extend its jurisdiction to as it contained stream buffers.

The Court of Appeals was not persuaded by the county's argument.

"In light of the text of the 1997 ordinance and the corresponding map, we cannot conclude that the 1997 ordinance extended zoning into the proposed ETJ area," Judge Linda McGee wrote for a unanimous three-judge panel of the Court of Appeals.

"The language of Section 201 of the 1997 ordinance states that its purpose is to 'list and describe' the watershed zones established by the ordinance, yet nothing in that section refers to stream buffers. Moreover, the provisions, which follow Section 201, describe in detail the watershed critical area and the balance of watershed areas, and list allowed uses, prohibited uses, and density limits. No such description appears in the 1997 ordinance for stream buffers, which the County argues constituted zoning in the proposed ETJ area."

The court also noted that the 1997 ordinance did not actually designate any part of the land at issue as a stream buffer or either of the two watershed classifications.

The appeals court found that Alamance County's 2004 ordinance failed to do so and thus was arbitrary and capricious.

The case is *Town of Green Level v. Alamance County*, (06-1304) and is available online at www.aoc.state.nc.us/www/public/coa/opinions/2007/061304-1.htm

CJ



Commentary

Whose Property Is It, Anyway?

Planning, zoning, annexation, and eminent domain are the issues on the frontlines of the property-rights debate in North Carolina. Intended for the betterment of communities, zoning is probably the most difficult of issues to understand. In simple terms, I've always viewed zoning as where your rights end and your neighbor's begin. This is where we are losing the most ground on the property-rights battle as we move slowly and inexorably toward a more collective mentality and away from individual freedom.

Camden County is a good example of where good intentions have gone horribly awry. Archie and Patricia Sawyer had been living in a family home for decades. The home was destroyed by fire. In the fire, they lost their pet and Archie was injured, leaving him with five days of skin grafts to repair his burnt hands. Returning home (actually vacant land) the Sawyers decided to live in a tent until they could replace their home. In fact, four generations of Sawyers had been on the property.

Unable to afford a new traditional home, they wanted to put a doublewide mobile home on their property. But zoning forbade it. Thus the only way the couple could get a mobile home onto the property was to rezone the property. Zoning officials weren't happy about the proposal and the planning board rejected their request unanimously.

Yes, mobile homes are being eliminated, not for lack of need (affordable housing) but because they're not pretty, in the eyes of strong zoning advocates.

Sawyer took his case to the county commissioners, where the staff attorney advised against helping the Sawyers. He said that the move was a "spot zoning" and that it would open the county up to all sorts of problems. Such a move would upset neighbors as well, he said.

But the Sawyers had friends and neighbors on their side. More than 170 of them signed a petition in favor of the Sawyers' request and many of the petitioners showed up at the hearing. The commissioners were moved and

the spot zoning was allowed.

Depending on your perspective, this is or isn't a good story. But the point is that we've come a long way from having freedom on "your" personal property. Ordinances and zones and setbacks and a myriad of fees and regulations prevent a great deal of freedom.

With the spot zoning in effect in Camden, the rest of the county is still forbidden to own mobile homes, depending on the zoning.

In Raleigh, Smithfield Chicken N Bar-B-Que was fined \$17,000 for pruning its trees improperly. Yes, they owned the trees, and the fine is outrageous. In Jackson County, new regulations might have an impact on the colors

homeowners may use to paint their homes. In Sanford, signs more than 6 square feet in size are forbidden. Personal signs, regardless of size, in your yard are also forbidden.

Simply put, the erosion of personal liberty is being replaced by the will of the collective.

Along interstate highways, motorists have greater rights than farmers, whose fields are wilting in the heat. Obtuse as that might sound, motorists have the right to see the "open space" and the farmer may not have the right to sell billboard space on his property.

Zoning regulations are often complex and they rarely become simpler. Also, the cost of compliance and enforcement adds more costs to goods and services. Thus the growth of the collective rights over property rights creates costs for all.

It is unlikely that local and state governments will ever vote on an affirmation of personal freedom. But state and local governments should simplify their zoning and regulatory efforts. In the process, they might also realize that personal property rights were one of the primary reasons our ancestors broke ties with a monarchy and created this great nation. CJ

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



Chad Adams

Local Innovation Bulletin Board

Gas Tax Freeze and Funding

The federal tax on a gallon of gasoline has not risen in 14 years, and Congress is reluctant to increase it. A cash crunch is fast approaching for the government trust fund that pays to build and repair highways and bridges, the Associated Press reports.

At the end of 2000, the federal highway trust fund had a balance of almost \$23 billion. By the end of 2006, the balance had fallen to \$9 billion. The Congressional Budget Office predicts the fund will run a deficit of \$1.7 billion at the end of 2009 and \$8.1 billion by the end of 2010.

States have begun looking for other places for road-building money. Indiana negotiated a \$3.85 billion deal with an Australian-Spanish consortium to lease and operate the Indiana Turnpike for 75 years.

Voters in Washington state approved a 14.5-cent increase in state gasoline taxes over a five-year period.

In California, voters decided to borrow the money, approving bond issues totaling \$19.9 billion to be used for highway and transit projects over the next 10 years.

Texas, Virginia, and Minnesota are among states that have built or are building high-occupancy toll lanes where drivers can pay to have a congestion-free path before them.

Whatever the solution, one thing seems certain: The public will not support new taxes to throw money in the maw of the federal government, says Rep. Peter DeFazio, D-Ore., chairman of the House transportation and infrastructure subcommittee on highways and transit.

Millions for unused water

So-called "take-or-pay" water management systems require member cities to buy a volume of water every year that equals a highest-usage year — whether or not they actually use that much. That can be a problem, the *Dallas Morning News* reports.

Take, for instance, Plano and Richardson, Texas. Heavy rainfall and drought conditions have alternated since 2001, when each city set a new maximum. Since then, neither has reached its minimum water usage under take-or-pay.

Plano customers spent \$12.1 million on 17.5 billion gallons of

water that was never used over a five-year period that ended last summer.

Richardson residents paid \$5 million for 7.1 billion gallons of unused water from 2001-06.

Many North Texas cities such as Plano were still growing when they signed their current contracts, which can dramatically influence take-or-pay's impact.

Increasing numbers of homes and businesses each year mean increased water consumption. When that's the case, a city is more likely to set a new record usage amount and is less likely to fall prey to the mechanism that requires them to pay for water that is never used.

But reforming the system for cities whose water usage has leveled off is difficult. Changes must be approved by the district's board, and then every member city must approve.

Negotiations are further complicated by the need to consult bondholders before making any change to take-or-pay provisions.

Illinois property tax misery

Lawmakers in Illinois are leaning toward an overly complicated property tax bill that ultimately scales back relief for most homeowners.

That measure is better than letting the current tax program expire this year, but neither is a very good solution, the *Chicago Sun-Times* says.

The current program allows people to exempt up to \$20,000 of their home's taxable value. In Chicago, where many areas experienced double-digit increases when they were reassessed last year, the median tax bill this fall would rise by 18.4 percent if the program were continued as is. Without it, the median bill would rise by 43.6 percent.

Instead of supporting the \$20,000 exemption, or even raising it to \$40,000, the legislature looks likely to approve a new approach.

It would raise the exemption to \$30,000, then drop it to \$24,000, and then \$18,000 before ending the program.

It would grant new exemptions for homeowners who have been in their homes for more than 10 years and whose household income is less than \$75,000. CJ

From Cherokee to Currituck**Toll Bridge Comes Up Short**

Wilmington-area officials are exploring alternative funding approaches to build the Cape Fear Skyway Bridge. Though proposed as a toll road, revenues won't come close to covering the \$971.5 million estimated cost of the project, the *Wilmington Star-News* reports.

The Cape Fear Skyway Bridge is, as the name suggests, a bridge over the Cape Fear River. The project would run 9.4 miles from U.S. 17 in Brunswick County to the intersection of Carolina Beach Road and Independence Boulevard in Wilmington. The skyway would serve as an alternative to the Cape Fear Memorial Bridge.

Transportation officials estimate that toll revenues will be enough only to allow for bonds to be issued that would cover 55 percent of the cost of the bridge. To issue bonds to fund the remaining \$440 million would require identifying an additional \$39 million a year in dedicated funding.

Among the options being considered is charging a toll on the U.S. 17 Wilmington Bypass. Portions of the highway are also known as Interstate 140. The move would require the approval of the Federal Highway Administration.

"Nobody, I don't think, is in love with toll roads, except when you have a \$39 million gap annually, you have to pay for it somehow," said Bill Caster, chairman of the New Hanover County Commissioners.

Another option would be to have the General Assembly designate a funding source. The legislature this year failed to approve \$18 million a year to close a funding gap that would allow construction of portions of the Outer Loop as a toll road.

Winston-Salem alters sign rules

Winston-Salem faces a constitutional challenge to its new rules on electronic signs. To better defend itself against claims that the regulations violate the First Amendment, the city has stopped enforcing its new rules and is working to change them, the *Winston-Salem Journal* reports.

In May, the city adopted rules on the size and operation of electronic signs. Among those was a regulation on how often the message on a sign could change. For most businesses, the minimum time was two minutes between message

changes. Convention centers, stadiums, and movie theatres could, however, change the messages on their electronic signs up to every eight seconds.

James Moury, owner of the Upper Crust Pizza Parlor, sued the city, contending that the new rules were unconstitutional because they imposed different regulations upon speech based upon who owned the signs. The city responded by suspending the rule until it and the City-County Planning Board had an opportunity to develop a new regulation that would apply equally to all businesses.

"We would hope it would resolve the lawsuit," said

City Attorney Ron Seeber.

Moury has indicated that he will meet with Greater Winston-Salem Chamber of Commerce officials to decide.

Chamber President Gayle Anderson said the group was hoping to negotiate a deal to allow eight-second changes on electronic signs or at least allow existing signs to change their messages for 15 years. The new electronic sign rules allow signs that are the wrong size under the regulations to operate for 15 years before they must be removed.

Rezoning challenges Buncombe

Buncombe County adopted zoning regulations earlier this year. Now county commissioners will be dealing with a new, often contentious claim on their time: deciding rezoning requests.

"It's a new day," Buncombe County Commissioner David Young said to the *Asheville Citizen-Times*. "This is something we're going to have to deal with on an ongoing basis. I think it's going to make our jobs vastly different."

Buncombe County had been the largest county in the state that did not have zoning. Regardless of whether a county adopts zoning, municipalities can zone properties within their boundaries, and under certain conditions, even beyond. Of the state's 100 counties, all but 23 have zoning.

Buncombe's zoning scheme has nine resident and commercial classifications, along with an Open Use District, where all but the most intense uses would be allowed zoning approval. Facilities such as concrete plants and amusement parks would require a special-use permit even in the Open Use District. CJ



Greensboro's 'Smart Growth' Rep Spurs Projects

By SAM A. HIEB
Contributing Editor

Though Greensboro has no official "smart growth" initiative in place, the city is quickly establishing itself as a leader in European-style restrictive planning, as evidenced by recent grants and national recognition.

That national recognition seems to be whetting city officials' desire for more smart growth projects, with the help of taxpayers' money to help fund them.

Recently, Greensboro became one of six cities to receive a Smart Growth Implementation Assistance grant from the Environmental Protection Agency. The grant involves no money, but comes in the form of technical assistance through a team of national experts contracted with the EPA.

After a visit over the course of several days, the team provides information to help the city "achieve its goal of encouraging growth that fosters economic progress and environmental protection."

"The big thing is the EPA wants us to be successful," Sue Schwartz, the city's neighborhood development director, said in a phone interview. "They want to give us a product we can use." But, she said, she "wasn't sure what the product piece will be."

When announcing the grant winners, the EPA wrote that Greensboro's civic leaders "recognize that growth is coming to Greensboro, and they want that growth to go in their downtown and inner neighborhoods. Putting more development in the center of the city will preserve land on the edge of town, as well as make it easier for people to walk, bike, or take transit."

Greensboro's reputation with the EPA obviously helped secure the

grant. In 2004 the city's Southside mixed-use development won a National Award for Smart Growth Achievement. EPA Administrator Michael Leavitt praised the winners for their achievements and challenged others to "follow their example in protecting the environment and improving the quality of life of our great nation."

Southside is widely regarded as a successful development. The neighborhood, just a few blocks from Greensboro's flourishing downtown, had become an area of crime, drug-use and prostitution. Now, the majority of residential and commercial units are occupied, and a large private project financed by Milton Kern, a high-profile Greensboro developer and mayoral candidate, is springing up down the street.

But Southside got its start with the help of taxpayers' money. The city developed a Center City Plan identifying the Southside area as a unique development opportunity because of its potential as a gateway to the city's central business district, and in 1990 citizens approved a \$5 million bond to finance the development. Three years later, the Southside Area Development Plan was adopted.



Smart growth sites online, like the one above, have plenty of articles about Greensboro.

Other plans to redevelop neighborhoods started springing up. In 1999, the city announced plans for the Morningside Homes Redevelopment Project, which City Councilwoman Yvonne Johnson described as a "major real estate development exemplifying smart growth in an inner-city neighborhood." The \$76 million in funding consisted of a \$23 million grant from the U.S.

Department of Housing and Urban Development, \$12.7 million from the city, and \$3.7 million from the Greensboro Housing Authority.

Most recently, Greensboro has received grants from the EPA and HUD for environmental assessment and redevelopment activities in the city's South Elm Street area. Together with city funds, a total of \$6.25 million will be used for planning and development.

But the plan drew controversy when business owners on South Elm Street complained that the city's low-ball offers to buy property wouldn't cover relocation expenses. Despite those concerns, the city passed the plan in February. Schwartz said there would be several areas in which the city would continue to be involved in smart growth development.

"We're learning and getting better all the time," Schwartz said. "I'm sure if the market could do it, it would do it. But in Greensboro, in any community, there will need to be some intervention from the city to help move the market along, or the market will produce what isn't going to be good for the neighborhood."

Political pressure to promote smart growth initiatives is strong, too. In addition to Johnson, who is running against Kern for the mayor's seat in the November election, Greensboro's city council has two other members, Florence Gatten and Sandy Carmany, who consistently issue warnings about the city's supposed poor air quality and the need to increase subsidies for public transportation, a key element in smart growth initiatives.

Carmany is also on the board of directors for the Piedmont Authority for Regional Transportation, which oversees the Heart of the Triad project. Major components of the project include high-density developments that will help preserve air quality and open space, not to mention passenger rail service that would serve those high-density developments. But the political pressure could possibly ease with the coming city elections in November. Gatten, an at-large member, said she will not seek re-election. Carmany will face opposition for her District 5 seat from former Guilford County Commissioner Trudy Wade, who was a strong conservative voice on that body.

But the election won't come in time to prevent the council from possibly voting to pass the U.S. Mayors Climate Protection Agreement, which endorses smart growth principles. By passing the agreement, the city would pledge to reduce its carbon emissions to pre-1990 levels. CJ

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From the Liberty Library

• Author of *The Conservative Mind*, Russell Kirk (1918–1994) was a principal architect of the American intellectual conservative movement. In *The Postmodern Imagination of Russell Kirk*, Gerald Russello takes a closer look at his works on such subjects as law, history, economics, and statesmanship to introduce a new generation of readers to the depth and range of his thought. Kirk probed the very meaning of conservatism for modern intellectuals, and Russello examines such key concepts of his thought as imagination, historical consciousness, the interplay between the individual and tradition, and the role of narrative in constructing individual and societal identity. By stressing the importance of Kirk's perception of imagination, he offers a new approach to understanding him, showing not only that Kirk laid the groundwork for the "new conservatism" of the 1950s and '60s, but also that his work evolved into a sophisticated critique of modernity paralleled in the work of some postmodern critics of liberalism. Learn more on the Web at press.umsystem.edu.

• Since the attacks on Sept. 11, 2001, intelligence collection has become the No. 1 weapon in the effort to defeat al Qaeda and Osama bin Laden. To the outside observer, the CIA has performed well as a key partner in the Bush administration's War on Terror. But as Rowan Scarborough reveals in *Sabotage: America's Enemies Within the CIA*, significant elements within the CIA are undermining both the president and national security through leaks, false allegations, and outright sabotage. See www.regnery.com for more information.

• The greatest obstacle to sound economic policy is not entrenched special interests or rampant lobbying, but the popular misconceptions, irrational beliefs, and personal biases held by ordinary voters. This is economist Bryan Caplan's sobering assessment in *The Myth of the Rational Voter: Why Democracies Choose Bad Policies*. Caplan argues that voters continually elect politicians who either share their biases or else pretend to, resulting in bad policies winning again and again by popular demand. Calling into question our most basic assumptions about American politics, Caplan contends that democracy fails precisely because it does what voters want, and he lays out several ways to make democratic government work better. At press.princeton.edu. CJ

Movie review**Michael Moore Gives Agitprop Another Shot**

• "SiCKO"
Dog Eat Dog Films
Directed by Michael Moore

By **JOE COLETTI**
Contributing Editor

Watching a Michael Moore movie can be a rewarding experience on a number of levels. On one level is the movie itself. Moore is a gifted director and storyteller with a sense of humor. On another level is the untold story behind his stories, the facts left out (like that he actually did get an interview with Roger Smith) or obliquely mentioned to lessen their impact, or any voice of moderation. Then there is the logical framework of the film, which one would expect to make a compelling argument but which is more likely to be a hole-ridden non sequitur based on false assumptions about human nature, government, and economics. Finally, there is the entire milieu around the film thanks to Moore's uncanny ability to generate controversy with stunts like filming in Cuba, hiding the master for fear it might be confiscated, premiering the movie in Washington before the policy works he kept off screen, or lambasting CNN.

Moore opens the movie with two of the "nearly 50 million" uninsured, even though the most recent estimate of the uninsured is 43.6 million. He also mentions the 18,000 people who die each year because they lack insurance, but not the 22,000 who die because of excess government regulations of health care. No matter, by the time the credits are over, Moore has moved on to the people with insurance who become bankrupt, are denied coverage, or work at the age of 79 to keep their insurance.

Here again, Moore's facts don't fit his anti-market message, so he fudges. Three of his examples involve Blue Cross Blue Shield. The Blues are nonprofits, but Moore lumps them in with other insurers and blames claim denials on the desire for higher profits. Later in the film, the defender of laid-off workers in Flint shows how well doctors live in the United Kingdom and France—with million-dollar homes and world travel. So it is acceptable for doctors to live large if the government pays them because that is not profit, but monetary incentives in the form of profit are bad. If this makes sense to you, please email and explain the distinction to me.

Doctors in the British National Health System, we learn, get paid based on health outcomes instead of services performed. This policy of giving positive incentives to doctors for outcomes began under Margaret Thatcher, but Moore does not share this tidbit. In the United States, homebuilders, carmakers, and every company in a competitive industry all have similar incentives when they try to find new customers.



In an unintentionally funny example of rhetorical over-reaching, Moore suggests that socialized medicine will be as good as the postal service and traditional public schools.

The government health-care programs Medicare and Medicaid have taken baby steps toward this ideal, but remain largely fee-for-service systems based on the American model of insurance four decades ago.

Managed care was a step to rein in the rising cost of health care. Insurance companies hired medical doctors such as Linda Peeno, whom Moore profiles, to determine whether procedures were medically appropriate. These decisions drove people away from managed care, which has helped increase health-care costs and the number of uninsured.

This gets to the fundamental flaw with Moore's logic. Instead of wondering why a few people at insurance companies or in Congress have the ability to make life-or-death decisions, Moore demonizes the insurance companies, drug companies, and American doctors for trying to influence those decisions.

Moore details for 30 minutes the way small groups of people, and often individuals, in an insurance company can decide what makes medical sense for a person seeking care. He shows how much health-care companies spent to influence a few legislators in the 1990s to defeat the Clinton health plan, and how much pharmaceutical companies gave

some members of Congress, including Hillary Clinton, to help pass the Medicare Modernization Act in 2005. But he ignores the potentially revolutionary contribution of the MMA to health care—the Health Savings Account, which allows patients and doctors to make decisions without second-guessing from insurance company or government bureaucrats.

The fun really starts as Moore takes his collection of Michigan sports team hats to Canada, the UK, France, and Cuba to show how wonderful socialized medicine is.

In an unintentionally funny example of rhetorical over-reaching, Moore suggests that socialized medicine will be as good as the postal service and traditional public schools. His friends can only be glad he did not include the DMV and IRS in his paean to government services in America, which also includes libraries, police, firefighters, and the military. Moore also mentions what great care Medicare provides, but does not mention that the most socialized part of American health care is mental health. The video he shows of a woman on Skid Row in Los Angeles was dumped there by the public hospital.

The low point of the movie is Moore's trip to Cuba. Not because it is his most shameless stunt, but because of it has the most invidious comparisons—between the care for Sept. 11 rescue workers and for Guantanamo Bay detainees. But what would Moore and his friends say if the detainees did not receive this care? His complaint almost sounds like the talk radio line that the detainees have it too easy, instead of the standard leftist line about abuse and the harsh treatment there.

Moore considers Cuba an island paradise with 50-year-old cars, then again his image of Iraq under Saddam Hussein is of children flying kites. He brushes over the usual leftist talking points about how America is starving the Cuban people, with the comment that the one thing Cuba does have is a world-class health-care system. But if Cuba's is so good, the U.S. system must be just fine. The same World Health Organization ranking that lists France as having the best health care in the world, ranks America's system just ahead of Cuba's.

SiCKO actually reminds me of last year's great B-movie "Snakes on a Plane." Logic and coherence are not as important as the snakes or the goal of socialized medicine. If you can get past that, the movie is entertaining. Just don't go looking for enlightenment. CJ

Joseph Coletti (jcoletti@johnlocke.org) covers fiscal and health care policy for the John Locke Foundation.

A Two-Year Progress Report On the North Carolina History Project

Two years ago, the John Locke Foundation started the North Carolina History Project to offer Tar Heels an online encyclopedia of their state, explore forgotten and overlooked topics, and ask free market questions regarding traditional subjects. It's time for a progress report.

Today, NCHP and its website (www.northcarolinahistory.org) are evolving into the source for answers to historical topics that others dare

not—or forget to—explore. It's not that the North Carolina History Project is radical, for that term is relative and its meaning is subject to the context in which it is used: What is labeled "traditional" or "conservative" can be radical when submitted in academic circles controlled by a hegemonic left. It's just that NCHP examines new topics without abandoning old ones.

The program is gaining respect in academic and public history circles. Although many encyclopedia contributors do not necessarily agree with the

overall mission of NCHP, they are disappointed with the direction that the study of history has taken. Or they wish simply to participate in sparking historical curiosity and spreading historical knowledge, and the website gives them that opportunity. Among the site's 30 contributors are graduate students, librarians, archivists and university professors, including such luminaries as Gordon S. Wood, the pre-eminent scholar of the American Revolution Period, and Paul H. Bergeron, a leading expert regarding 19th-century politics and, in particular, the life of Andrew Johnson.

Encyclopedia themes include business and entrepreneurial history, political history, African-American history, and women's history. Current themes are champions of liberty and the Spanish exploration of what became North Carolina. Specific entries include the history of marriage in North Carolina, the history of oaths and affirmations, and the scuppernong. Upcoming themes include an in-depth investigation of the Regulators and a series of "Yes" and "No" response essays from historians to historical questions.

NCHP offers more than the encyclopedia. NCHP staff gives public lectures to local historical clubs and

Rotary groups and presents recent research at scholarly conferences. To date, NCHP staff has written 11 essays or reviews for six professional publications and has started the Nathaniel Macon Papers Project, a work to transcribe and annotate the speeches and correspondence of Nathaniel Macon, a leading statesman of the early republic era and the man who, instead of George Washington, some have called the "real Cincinnatus of America." Macon was nothing less than a political icon of the early republic era.

NCHP also hosts a lecture series. Past lecturers have included Wilfred M. McClay, a leading historian in American intellectual history, and Gordon S. Wood. This year's upcoming lectures feature rising stars of the profession or leading scholars in their field. Below are the speakers and their topics:

- Matthew Warshauer, Central Connecticut State University professor, "Freedom vs. Security: 9/11 and The History of Emergency Powers" (Sept. 11).
- James Stoner, political science professor, Louisiana State University, "Science vs. Tradition at the American Founding" (Oct. 2).
- Richard M. Gamble, history professor at Hillsdale College and

member of NCHP Editorial Board, "The Great Tradition: What it Means to Be an Educated Human Being" (Oct. 8 and 9).

- Peter Lawler, political science professor at Berry College and member of the President's Council of Bioethics, "Rights and Duties: What We Can and Can't Learn from John Locke" (Oct. 18).

- Donald Critchlow, professor of history, St. Louis University "The Republican Ascendancy during the 1980s" (Nov. 13).

- Intercollegiate Studies Institute representatives, Coming Crisis in Citizenship: Higher Education's Failure to Teach America's History and Institutions (Nov. 28).

By starting NCHP, the John Locke Foundation is not only on the cutting-edge in the profession but also in state policy organizations. As more than a few have told me in the past year, NCHP is a genuine, public service that others should replicate.

I encourage you to visit [northcarolinahistory.org](http://www.northcarolinahistory.org), and attend one of the many upcoming events. CJ

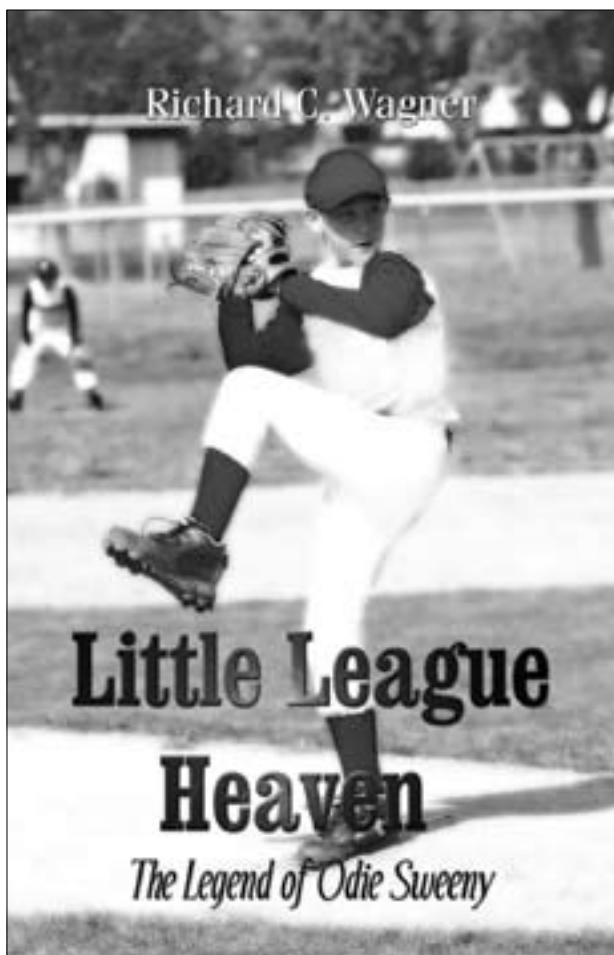
Troy Kickler is director of the North Carolina History Project (<http://www.northcarolinahistory.org>)



Dr. Troy Kickler

Little League Heaven

By Carolina Journal Editor Richard C. Wagner



When Lillie Jo Sweeney threw out the first pitch of the game at Houston's Astrodome in 1989, she joined the Astros and thousands of boys and girls in celebrating the 50th anniversary of Little League baseball. The event also saluted her deceased husband, Odie Sweeney, a Little League legend who managed a never-say-die team for 38 years — a record in Texas and one of the longest streaks in the nation. *Little League Heaven: The Legend of Odie Sweeney*, an inspirational biography, serves a generous slice of Americana and traditional values.

Available at PublishAmerica.com, Amazon.com and at major bookstores.

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Short Takes on Culture

The Met in Movie Theaters?

• *The Metropolitan Opera*
Select Movie Theaters
Performances resume in December

If you heard that a movie multiplex enjoyed such high demand for a particular show that it had to add a second theater to accommodate the audience, you'd no doubt think, "That must be some stupendous new movie." That's just what happened recently at the North Hills 14 in Raleigh, but it wasn't a movie. It was the Metropolitan Opera's Saturday afternoon performance of Rossini's "The Barber of Seville."

In what seems to be a brilliant marketing move, the Met has begun high-definition broadcasts of some of its Saturday afternoon performances to movie theaters around the world. I went recently with my two sons, intrigued but not knowing what to expect – either audiencewise or screenwise. On both counts, I was pleasantly surprised.

My guess would have been that there would be a sparse crowd, mostly elderly people. Not at all – two nearly full theaters that included a sizable number of people under 30.

And as to the quality of the performance, it was just wonderful. The camera work was outstanding, with closeups when called for and the whole stage when that was called for. In fact, it was better than all but the best seats at the Met itself. The sound quality was excellent, too. And the production comes with English subtitles.

The Met started doing these broadcasts late in 2006, about once a month. I don't have any information about the financial success they've had. Tickets cost \$18, substantially more than for a movie, but far less than if you bought a ticket for the actual performance. You could buy a lot of popcorn with the savings.

People who like opera will be delighted with the Met's broadcasts, and those who think they don't like it might get hooked.

— GEORGE LEEF

• *Making War to Keep Peace*
By Jeane J. Kirkpatrick
HarperCollins Publishers

Protecting freedom and democracy was the goal of former U.S. Ambassador to the U.N. Jeane Kirkpatrick. Her book that came out in April, *Making War to Keep Peace*, chronicles the last two decades of American foreign policy in order to provide lessons for protecting America's security interests in the future.

The last two decades saw three presidents and the evolution of a distracted foreign policy. While Kirkpatrick was a proponent of President George H.W. Bush's war in Iraq (even though slow multilateral efforts left millions to die), she was a staunch critic of Clinton's multilateral, nationbuilding activities in Somalia, Haiti, and Kosovo. She applauded the current President Bush's invasion of Afghanistan as necessary and approves of the invasion of Iraq, but worries that bringing freedom to Iraq will distract America from combating terrorism.

Kirkpatrick pointed out that the U.S. foreign policy makers must be cautious in what they deem as vital to its national security. Nation-building does not always work and can create chaos. In addition, multilateral efforts are slow and often result in conflicts of interest that can distract America from its own security interests.

This book uses recent history as a cautionary tale to warn future U.S. foreign policy makers of overextending the country in its security interests.

If the United States deviates too much from its genuine interests, it can become too distracted and preoccupied to handle serious threats to freedom and democracy.

— JUSTIN COATES

• "Sinners Like Me"
Eric Church
Liberty Records

"Sinners Like Me" is a passionate and reflective debut album that marks this N.C. native (Granite Falls) as a performer to watch in the future.

Over a year after its release, Eric Church's debut topped the weekly country charts, selling more than 4,000 albums per week. He has easygoing melodies and lyrics about faith, relationships, and family that fit him comfortably in the Bible-belt base of traditional country fans.

Church wrote or co-wrote all 12 songs on the album. The straightforward lyrics are a mini-autobiography of his life: from pregnancy tests to breakups, his favorite pair of boots to capital punishment. "Sinners Like Me" details who Church is, where he has been, and what he wishes to become.

His voice is neither the most unique nor the most talented in the country genre, but his original lyrics about everyday experiences set him apart.

— MARY LOU CRAVEN CJ

Movie review

'Lives' Shows Socialism Up Close

• "The Lives of Others" (German: "Das Leben Der Anderen")

Bayerischer Rundfunk

Directed by Florian Henckel von Donnersmarck

By JIM STEGALL

Contributing Editor

RALEIGH

OK, so you're not a fan of foreign films, especially those with subtitles, and especially those that don't have explosions, car chases, or scantily clad young ingénues in compromising situations.

That's perfectly understandable. But if you call yourself a conservative, you absolutely must find a copy of "The Lives of Others," now out on DVD, and watch it. Besides being one heck of a good tale, it will remind you how crummy life under socialism was for those unfortunate enough to experience it firsthand, and why it was so important for the West to triumph in the Cold War.

Set in East Berlin in 1984, this all-German production graphically portrays life in the "workers' paradise" of the German Democratic Republic, in all of its rundown, make-do, bare-bones glory.

The story centers on a Stasi (state security) agent who has been assigned to spy on a successful playwright. Although the playwright has a reputation as a good socialist, the agent and his boss know that if they can find something in his personal life that smacks of disloyalty, it could lead to a promotion for them both.

The agent sets about his work with typical German efficiency, setting up a surveillance operation so all-encompassing it allows him to know when his target is sleeping, when he is awake, when and to whom he is making love — in short, every intimate detail of his life.

But what he learns is that his target is actually a fairly ordinary man who struggles, like everyone in the socialist police state that was East Germany, to be a decent human being in the face of constant state supervision and suspicion. That realization, and his growing admiration and envy of his target, causes him to question his own place in the system, and to eventually place both his career and his life in jeopardy.

The opening scene cuts back and forth between our agent's interrogation of a young suspect and his lecture on interrogation procedures to a class of new Stasi recruits.

The agent uses a recording of the interrogation to demonstrate techniques to wear out, and eventually break down, a seemingly innocent and harmless suspect.

The scene has a gut-chilling quality to it that sneaks up on you as you slowly realize where it's taking you. The chill doesn't let up once you get there.



In scene after scene our protagonists, the agent included, find themselves in circumstances that force them to make impossible choices. These characters are not larger than life like the heroes in your standard Hollywood spy thriller. They are normal, likeable people, despite their petty faults, who are just trying to get on with their lives. One can't help but sympathize.

Hollywood couldn't make a film like this if it tried. The story is too good, the characters too real. There is drama here, but it's not the contrived drama of "Mission Impossible" or "The Bourne Identity."

It's drama derived from what really happened to real people, in a world that really existed only a short time ago. The Stasi was an enormous organization, at one point numbering more than 90,000 uniformed agents and at least 200,000 civilian informants.

Its purpose was to know everything there was to know about everyone, to further the state's goal of the conceptual eradication of human individuality. The only way to survive was to assume that anyone, even family members, could be keeping tabs on you on behalf of the state and reporting your every comment or gesture.

The film admirably captures the inevitable climate of fear and suspicion that was an everyday part of East German life.

The movie takes yet another fascinating turn toward the end, leaping ahead to 1991 as our playwright gains access to his Stasi file and realizes for the first time the massive extent of the state's reach into his personal life. The ending, which I won't reveal here, is touching and thought-provoking.

Although the film won the Best Foreign Language Film Award at the 2006 Academy Awards, as well as a bevy of European awards, it's been virtually invisible in the United States, and that's a shame.

CJ

Rowling Ties Up All Loose Ends With Magnificent Finale

• J.K. Rowling: *Harry Potter and the Deathly Hallows*; Publisher; 2007; pp; price.

By JENNA ROBINSON
Contributing Editor

RALEIGH

J. K. Rowling's *Harry Potter* series — and *Harry Potter and the Deathly Hallows* in particular — has a strong pro-individual-liberty message. More important, it's a fantastic story.

Many readers have observed that the *Harry Potter* series creates a libertarian fantasy in which magical people live in a largely privatized world of their own that is invisible to ordinary humans, the "Muggles."

Throughout the series, Rowling has given readers positive portrayals of personal freedom, private enterprise, and individualism. Hogwarts School of Witchcraft and Wizardry is obviously a charter school with its own headmaster and board of governors. In the fifth book, when the ministry interferes at Hogwarts, its efforts are portrayed as disingenuous, incompetent, and unnecessary. Even private banking and a gold standard exist in the wizarding world, albeit under the management of ruthless and crafty goblins.

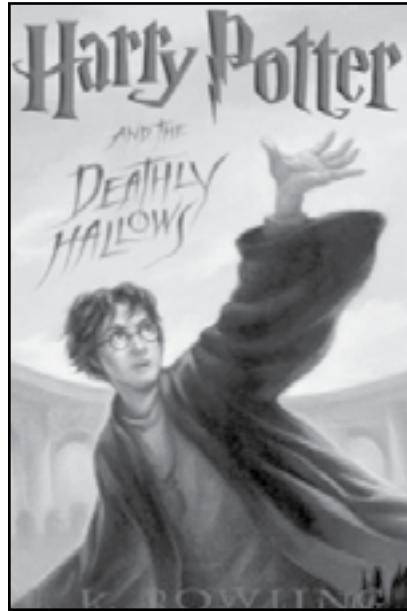
Rowling has always portrayed the government of the magical community as incompetent, at best, or corrupt, at worst. The first Minister of Magic that Harry meets is depicted as an arrogant clown, more concerned about preserving his job than the safety of the public. His successor is an opportunistic schmoozer, intent on making Harry a poster boy for the Ministry.

In the final installment of the series, wizarding Britain has fallen under a totalitarian regime. The Ministry of Magic, now under the control of He-Who-Must-Not-Be-Named and his Death Eaters,

employs the same devices to oppress the magical community that Muggles have seen in the 20th century's communist regimes: Desire to do things "for the greater good" regardless of the cost to individuals, willful use of misinformation, planting agents within government and media offices, fear, division, opportunism, and spitefulness.

Deathly Hallows begins with Harry's 17th birthday, which marks the passage into adulthood in the wizarding world. Instead of completing his final year at Hogwarts School of Witchcraft and Wizardry, Harry sets off with his unwaveringly loyal friends, Ron and Hermione, to complete a mission given to him by Hogwarts' late headmaster Albus Dumbledore.

Ultimately, Harry must vanquish the Dark Lord Voldemort using the "power that he knows not." Throughout the journey, friendships are tested and emotions are pushed to the brink as Voldemort gains power and Harry flounders without answers.



Many readers have observed that the *Harry Potter* series creates a libertarian fantasy in which magical people live in a largely privatized world of their own that is invisible to ordinary humans, the "Muggles."

The formula that Rowling relied upon in earlier books — summer at the Dursley's, a year of mystery at Hogwarts and a confrontation just after final exams — began to crumble during Harry's fifth year. With this book, Rowling tosses the formula, and the whole arithmancy text, out the window. Gone are quidditch, potions class, and the bright spots of humor that dotted

the previous six books. Rowling gives readers no time to relax as Harry, Ron, and Hermione scramble from one misadventure to another in their quest to destroy the remaining pieces of Voldemort's soul, rendering him mortal so that Harry can confront him at the book's climax. Harry stands alone against Voldemort using the power he has finally discovered; "of house-elves and children's tales, of love, loyalty and innocence, Voldemort knows and understands nothing." And in the end, it is Harry's choices, not his abilities, that make all the difference.

From the first, Rowling's novels

have emphasized individual choices, focusing on responsibility, power, morality, and love. In the first novel, Lord Voldemort tells Harry, "There is no good and evil, there is only power and those too weak to seek it." Rowling pursues the theme in her seventh book.

In it, Harry discovers the "Deathly Hallows," powerful artifacts — a cloak, a wand and a stone — for which the book is named. The story of the Hallows is a familiar one of human folly: power corrupts. Rowling reveals that the Hallows, like Tolkien's ring, change those who wish to wield them. Power, even when used "for the greater good," yields disastrous results.

By the book's riveting conclusion, Harry realizes that he must make a choice between "what is right and what is easy." He understands that his love for his friends and family, and his choice to stand up for them is more powerful magic than Voldemort will ever know. He confronts Voldemort, not out of a concern "for the greater good" of humanity, but because of the kind, brave, and loyal individuals who have fought alongside him.

But even without the libertarian themes, *Harry Potter and the Deathly Hallows* would be magnificent. Rowling ties up the loose ends, solves all the mysteries and drags the reader through the entire spectrum of human emotion. She has created a story that will become a permanent classic of English literature, and not just as "children's fiction." This is Rowling's masterpiece: triumphant, tragic, and absolutely satisfying. CJ

Jenna Robinson is the campus outreach coordinator for the John William Pope Center for Higher Education Policy.

BOOKS AUTHORED BY JLF STAFFERS



By John Hood
President of the
John Locke Foundation

Selling the Dream Why Advertising is Good Business

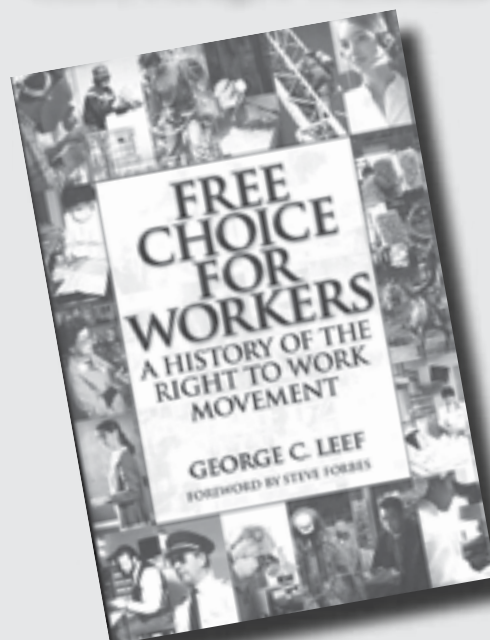


"[Selling the Dream] provides a fascinating look into the world of advertising and beyond ... Highly recommended."

Choice
April 2006

www.praeger.com

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



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

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

Robert Huberty
Capital Research Center

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Commentary

Alarmed By Deniers

Now even the partisan-resistant public must acknowledge what conservatives have known for a long time: that *Newsweek* is driven by a leftist agenda, even if the magazine's staffers won't acknowledge it themselves.

That can't be illustrated more clearly than by the magazine's cover story from Aug. 13, "Global Warming Deniers: A Well-Funded Machine." Science writer Sharon Begley writes proudly and passionately in what she obviously thinks is an eye-opening expose' about the conspiring entities who "deny the science of climate change." Her Woodward and Bernstein-like prose tracks money passages from big energy producers to intellectual skeptics, who exist to undermine what she



Paul Chesser

says is the consensus view: that human-induced worldwide warming is a threat to the planet's existence. Begley bemoans the results of a new *Newsweek* poll that "finds the influence of the denial machine remains strong," with respondents split about human influence on the greenhouse effect. She blames the "well-coordinated, well-funded campaign by contrarian scientists, free-market think tanks (disclosure: That's me!) and industry" for creating "a paralyzing fog of doubt around climate change."

In other words, those of you still with reservations have been duped. What else could be the explanation, since Begley claims rock-solid resources that nailed down the left's climate change dogma?

One proof she characterized as "the verdict." It came from "a report by 600 scientists from governments, academia, green groups and businesses in 40 countries" that said, "warming of the climate system is unequivocal." What was the report? Who were the scientists? I have no idea — apparently all that matters are the number of experts (probably no larger than the amount of scientists working at a large state university), the number of countries (all friends of the United States, right?), and the word "unequivocal."

Upping the ante, Begley also cited the most recent update from the U.N. Intergovernmental Panel on Climate Change, which "was written by more than 800 climate researchers and vetted by 2,500 scientists from 130 nations" and

attributed at least part of global warming to human causes. Again, strength in numbers, but what has the IPCC really said? If you haven't read it yourself you don't really know, because Begley doesn't dig into it.

The truth is, read any legitimate scientific study on climate — including IPCC's — that suggests human influence is the dominant cause for global warming, and you will discover dozens of qualifiers such as "could," "possibly," "potentially," and "may." For all the certainty and consensus that global warming fear-mongers assert, those sound a lot like weasel words.

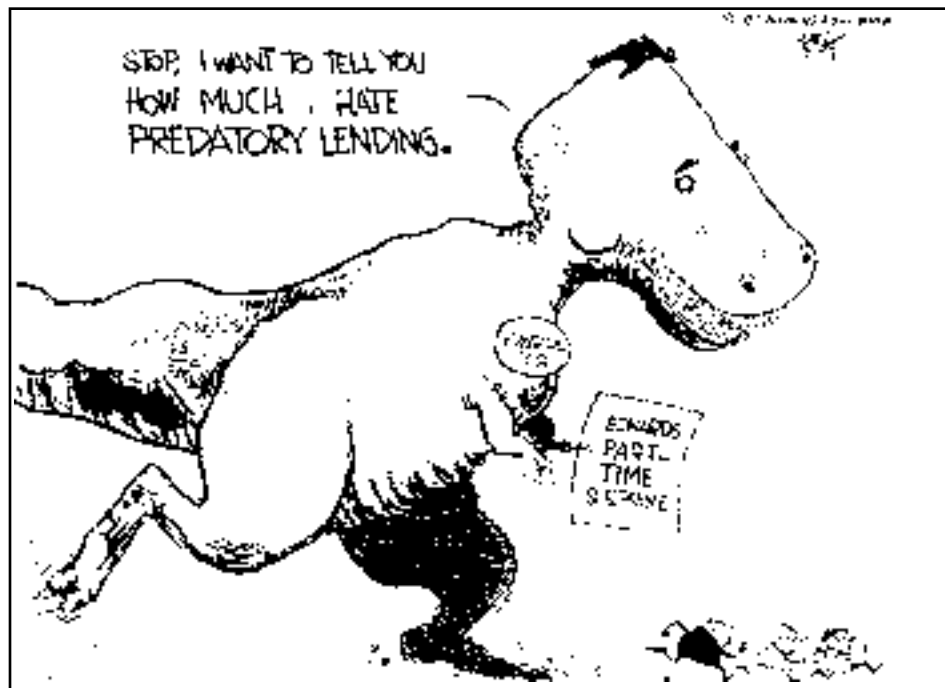
When taking that into consideration, you realize that both camps are in the "maybe" category on climate change. It's just a matter of degrees (*there's* a fortunate pun).

But *Newsweek* ignores that uncomplicated nuance. Instead, Begley and her reporter helpers (including that paragon of objectivity, Eleanor Clift) largely avoid any substantive discussion over the scientific views both sides hold in the debate, and instead snipe at those who doubt *Newsweek's* panic agenda. Their opponents consist of industry and associations "representing petroleum, steel, autos and utilities," who "sow doubt about climate research just as cigarette makers had about smoking research."

At the heart of it all, of course, is the deniers' money. Begley emphasizes repeatedly how big oil and utilities feed the opinions from conservative think tanks. But what about the flow of cash that sustains the nonprofit-driven eco-movement? The dollars pushing global warming paranoia, coming from wealthy foundations like those established by Merck, the Rockefellers and Ted Turner, dwarf the skeptics' resources. But Begley and *Newsweek* show prejudice only against certain shades of green, both monetary and ecological.

Begley's piece should surprise nobody. Anyone who has subscribed to *Newsweek* in recent years could not help but notice the near-weekly articles promoting the global warming scare agenda, and "what can be done about it." CJ

Paul Chesser is associate editor of Carolina Journal.



Editorial

Unintended Consequences

Sometimes the law of unintended consequences strikes hard.

N.C. policy makers are starting to see consequences of their decisions to offer targeted tax incentives to businesses considering new operations in the state.

One unintended consequence doesn't seem to bother legislators or the governor: Every tax break offered to one specific business means a higher tax burden for everyone else.

That fact hasn't stopped lawmakers from doling out hundreds of millions of dollars in special deals for Google, Dell, and other high-profile businesses. Meanwhile, North Carolina maintains the region's highest corporate tax rate. Individual taxpayers also face higher tax rates here than in surrounding states. That means most North Carolinians are assuming a larger tax burden to pay for all those tax breaks for newcomers.

Incentive supporters have been willing to accept that tradeoff. They say Google, Dell, and other recipients of special tax breaks create new jobs — the kind of jobs North Carolina needs to compete in the global economy. If this state doesn't offer those tax breaks, the jobs will go to other states. North Carolina will fall behind other states in the race for the best employment opportunities.

So far, this argument has kept the incentives machine rolling. But now the state is seeing signs of another unintended consequence: Businesses already operating in North Carolina are looking for their piece of the action. If newcomers get tax breaks, why not businesses that have contributed for years to the state tax base?

How else can you explain a \$40 million incentive package for Goodyear, approved in the closing days of this year's legislative session? The tire company has operated a plant in Fayetteville

for 38 years. It's no newcomer. There's no indication Goodyear plans to build a new operation in North Carolina. The Akron, Ohio-based company has offered no indication that it plans to add jobs in this state. By all accounts, Goodyear simply wants to renovate its old plant.

In a state with a government that values free markets, Goodyear would consider the renovation decision as part of its normal business operations. The company would weigh potential costs and benefits and act accordingly.

Not in North Carolina. Business executives here can see a long record of corporate giveaways from the General Assembly. Instead of looking to customers and investors for money to bankroll their renovation, they decided to turn to the N.C. taxpayer. It's always easier to spend someone else's money.

In this case, incentives supporters can't rely on the "new job" argument. In fact, the legislation could allow Goodyear to collect incentives even if it slashes 25 percent of its current Fayetteville payroll.

The plant now operates with 2,750 workers, according to an Aug. 16 *News & Observer* report. Goodyear must maintain at least 2,000 employees to continue collecting the incentives during the next 10 years.

That's right. Goodyear could cut 750 jobs and keep the tax break.

The deal has raised some eyebrows. Gov. Mike Easley, a constant incentives champion, considered issuing a rare veto to block the Goodyear deal. But Easley should see that this incentives package is the first of many North Carolina is likely to see in the future.

As long as the state plays the game of choosing economic winners and losers through targeted tax breaks, more companies will line up for their slice of the pie. CJ

Public-Private Highways

Demagogery shouldn't prevent partnerships in road building

The General Assembly's decision to adjourn its 2007 session without making any significant changes in highway-funding policies is reportedly going to "force" the North Carolina Turnpike Authority to seek private investment in some of its high-priority projects, such as the Western Wake Expressway in the Triangle region.

Well, if that's the story that will make it easier to form these public-private partnerships, great. But there's no reason to conclude that North Carolina is being "forced" to do something contrary to its interests. In fact, employing private capital and management to complete and operate the state's new wave of toll roads would likely have been the best alternative in any event. And if the legislature does decide, as some are suggesting, to hold a special session on state transportation issues later in the year, we hope they will seek not to block public-private partnerships but instead to help fashion goals and procedures for their immediate and effective use in addressing North Carolina's huge backlog of necessary, congestion-relieving projects.

Opponents of privatizations and private-public partnerships argue that private operators can only make money "at the expense of" taxpayers, and that the new owners will skimp on maintenance and repair work in order to squeeze profits out of these

operations. These objections typically ignore the significant restrictions and operating requirements written into the contracts.

Taxpayers are protected by an even more powerful mechanism, namely consumer choice. The majority of toll roads, to take one example, are built as high-speed alternatives to already existing routes. If the roads become too expensive or unpleasant to drive, their owners risk losing business that they are counting on to make their investments successful.

Obviously, officials in the North Carolina Department of Transportation need to structure carefully any partnerships to build new tollways in the Triangle, Wilmington, Charlotte, and other areas.

Fairly early in the deliberations, expect some opportunistic politician or interest group to play the xenophobia card.

Because most of the companies with expertise in public-private tollway projects are overseas, the argument will be made that North Carolina should not let "its" roadways be "taken over" by "foreigners."

It's one of the oldest tricks in the book, if you're reading the how-to manual for economic stagnation, but that doesn't mean it won't work on the gullible — of which North Carolina has, we fear, no shortage. *CJ*

Electoral Gamesmanship

Reform efforts too often become means of helping one's team

Thanks to the efforts of Ferrel Guilory, Andrew Holton, and the other folks at the UNC-Chapel Hill Program on Public Life, both sides of the debate over taxpayer-financed campaigns have some new information to study and cite.

The latest edition of North Carolina Data-Net, one of the program's regular publications, examines trends in state judicial races. The timeliest findings have to do with campaign funding. On the one hand the newsletter's authors conclude unambiguously that 1) "public financing does not provide sufficient resources to run 'effective' statewide campaigns," and 2) stripping the party labels off of appellate-court races, as the General Assembly chose to do when creating the taxpayer-financed system five years ago, means that "voters know even less about judgeship candidates" than they did before, which wasn't much.

As a result, judicial races are increasingly becoming voter-disowned elections.

Not all the evidence on taxpayer-funded campaigns supports the skeptical side of the debate. The authors point

out that while the 2004 and 2006 judicial races might have attracted insufficient funds to run truly statewide campaigns, candidates in those years actually spent more money, in inflation-adjusted terms, than candidates did before the 2002 "reforms."

That doesn't necessarily mean, of course, that taxpayer financing caused campaign spending to rise. It might well be true that campaign spending would have risen even more without taxpayer financing.

To most policymakers in Raleigh, these issues are all pretty much beside the point. For them, the "problem" that needed to be fixed was that in the decade preceding 2002, Republicans won an increasing share of judicial races and ended up predominating on the North Carolina Supreme Court.

Fair-minded policy analysts of all stripes may continue to study and propose the best possible rules for the electoral game. But don't be shocked if politicians continue to care only about whether their team is likely to end up the winner. *CJ*

Commentary

A Failed Big-Money Lawsuit

For the better part of a decade, it seemed impossible to talk about education reform in North Carolina without someone bringing up the *Leandro* school-funding litigation. For most backers of the lawsuit, it was all about money. The public-school establishment tucked itself to bed each night as if it were Christmas Eve, with visions of court-ordered fiscal plums dancing in its head.

But the state's judiciary had other ideas. Although the establishment, teacher unions, activists, and like-minded politicians and editorialists remain loath to admit this even today, years after the major court

decisions were handed down, the *Leandro* plaintiffs lost the fundamental claim they sought to prove: that North Carolina's system of funding public education was unconstitutional, requiring a remedy of higher state taxes to boost school spending.

The Supreme Court did issue two critically important decisions clarifying the right to educational opportunities enshrined in the state constitution, decisions that were then left to Wake Superior Court Judge Howdy Manning to enforce. These decisions, however, were important in a legal and policy sense, not a fiscal sense. There was to be no massive new infusion of state dollars into rural and urban school districts, financed by massive new taxes lawmakers could blame on the judiciary. Eschewing such policy activism, the Court simply affirmed that the constitution required that students be afforded an opportunity for a sound, basic education — and Manning affirmed, correctly, that with very few exceptions, additional dollars from state taxpayers were not required to satisfy that responsibility.

The *Leandro* saga is full of rich, ponderous mythology. It is not true, for example, that there are vast differences in spending per pupil among North Carolina school districts. That hasn't been true since the 1930s. It is also false to suggest that North Carolina's reliance on property taxes to fund the local component of public education is a cause of inequity. Indeed, because property-tax funding serves to adjust spending to housing costs, which correlate with the cost to

build schools and hire personnel, it modestly reduces gaps in real resources per pupil that would otherwise exist.

As the Tax Foundation demonstrates in a new study, the 27 states in which activists achieved some kind of *Leandro*-like judicial "victory" have since 1977 increased annual education spending by \$34 billion in response to the lawsuits. That may sound like a huge number, but not in the context of a total national budget for public education in the many hundreds of billions of dollars. The lawsuit-motivated spending works out to about \$976 per student, which is noticeable but represents less than 10 percent of the average public-school expenditure per pupil in 2003-04, \$10,302.

Even the \$976 figure vastly overstates the real effect of the state litigation, because school spending would have increased in these states even without court mandates, as the Tax Foundation discovered by examining the non-mandate states and prior spending trends in both groups. Its best estimate is that because of a supplanting effect by the court-ordered spending, operating expenditures in the 27 court-mandate states didn't end up significantly higher than they would otherwise have been and that capital funding is an average of only \$164 per pupil higher because of the litigation.

North Carolina is at the very bottom of the national list when it comes to state appropriations enacted in direct response to a court decision — only \$16 per pupil. That's surprising only if you continue to be under the mistaken impression that those seeking remedies under *Leandro* ended up "winning." Not on their own terms. Lawyers and activists in most states filed their suits to achieve a big payday for the education establishment at the expense of taxpayers. In a few cases, most notably New York, Connecticut, and Massachusetts, they got it.

In North Carolina, they didn't. That's what really happened in the *Leandro* case, despite what you may have picked up from the subsequent political haggling and bloviation. *CJ*

John Hood is president of the John Locke Foundation.



John Hood

Editorial Briefs

Mexican immigration will solve itself

There has been a stunning decline in the fertility rate in Mexico, which means that in a few years there will not be nearly as many teenagers in Mexico looking for work in the United States or anywhere else. If the trend in the fertility rate continues, Mexico will resemble Japan and Italy — rapidly aging populations with too few young workers to support the economy, says Robert M. Dunn Jr., a professor of economics at George Washington University.

According to the World Bank's 2007 Annual Development Indicators, in 1990 Mexico had a total lifetime fertility rate of 3.3 children per female, but by 2005, that number had fallen by 36 percent to 2.1, which is the "break even" point for population stability in developed nations.

The large number of women currently in their reproductive years means that there are still quite a few babies, but as this group ages, the number of infants will decline sharply. If the trend toward fewer children continues, the number of young people in the Mexican population will decline significantly just when the number of elderly is rising. As labor markets in Mexico tighten and wage rates rise, far fewer Mexican youngsters will be interested in coming to the United States.

Some politicians fear that we are being "Mexicanized." In fact the opposite may be under way, Dunn said.

The doctors are in

Doctors are fleeing states that are trial-lawyer playgrounds. Texas is not one of them. Thanks to its sane limits on malpractice lawsuits, the state is a physician magnet, says *Investor's Business Daily*.

Four years ago, through a constitutional amendment, Texas capped noneconomic damages in medical malpractice suits. Subsequently, there has been a 21 percent drop in the average malpractice insurance premium.

The impact was impressive. The Texas Medical Board received 4,000 applications for medical licenses last year, a 33 percent increase over 2005. Applications jumped 88 percent from the first half of 2003 to the first half of 2006. The deluge of applicants ensures that the Texas board can choose the best doctors to practice there. It also will give Texans more choice.

Residents of other states aren't so fortunate. The University of Nevada Medical Center in Las Vegas, the only Level 1 trauma facility in the region, shut down for 10 days in 2002 when specialists resigned because of high insurance costs.

Earlier in this decade, doctors left their practices in New Jersey, Pennsylvania, North Carolina, and West Virginia because of the legal environment.

Don't blame the insurers, either. They're forced to raise rates to cover their costs when plaintiffs' lawyers are winning absurdly large jury awards in states where there are no limits. Blame lawmakers who are less interested in curbing freewheeling malpractice lawsuits than in raking in trial lawyers' campaign contributions. CJ



How 'Elastic' Are Lottery Ticket Sales?

North Carolina will be making the 2-year-old lottery more attractive to play. As part of the just-concluded state budget, the lottery rules were changed to permit higher prize payouts. The hope is that better winnings will increase ticket sales and increase profits, or net proceeds, to the state.

But wait a minute. Isn't this faulty thinking? If the state pays out more in lottery prizes, won't the amount it keeps decline rather than increase? Won't higher prizes be bad for state coffers, even though they're good for lottery players?

This is a question that's common to more than state lotteries. In fact, it's one of the most fundamental questions in economics — indeed, a question that business executives ask all the time. Can decreasing the price of a product or service actually increase profits for the business? Or, as common sense would suggest, can profits only be expanded if the price goes up?

The answer, fortunately or unfortunately, is, it depends. If a grocer lowers the price of bread by 20 percent a loaf, and twice as many loaves are sold, even though the grocer will make less profit per loaf, she will make more total profits. But if, when bread prices are cut 20 percent, only 5 percent more loaves are sold, not only will the grocer make less profit per loaf, but the total profits from selling bread will also drop.

If you hang around economists like me, you'll find we have a name for this concept — price elasticity. It's really a simple idea. Think of elasticity as meaning "stretch," in the sense of how much purchases will stretch when the price changes. Products or services where purchases stretch a lot when the price changes are called price-elastic. Products or services where purchases stretch very little when the price changes are called price-inelastic.

Gasoline is a good example of a price-inelastic product. Because most of us are locked in to our driving patterns, the mileage we drive and the

gallons of gas bought will change relatively little when gasoline prices jump. Alternatively, hot dogs are more likely to be a price-elastic product, because when their price rises, many people will switch their purchases to hamburgers.

Now let's get back to the lottery. Evidence indicates that when a state lottery is relatively new playing it is price-elastic. So North Carolina's decision to permit higher prize payouts was a logical way to bump up lottery revenues.

There is a "but" to this story. The evidence also suggests that as lotteries age, they can change from being price-elastic games to price-inelastic games. This happens probably because people get used to the lottery: It is no longer new, different, or exciting. This also means increasing the prizes or odds of winning won't necessarily work to augment lottery profits to the state. It would do just the opposite. Profits to the state would drop.

The importance of the price-elasticity concept to the lottery actually has application to all sources of public revenues. Take the controversy over tax rates, and whether lowering a tax rate can actually increase tax revenue. The answer depends on the price elasticity of the tax. Taxes that are price-elastic, meaning lowering the tax causes a large increase in the economic activity being taxed, will generate more revenues at lower rates. But taxes that are price-inelastic will yield less tax revenues when the tax rate is cut.

Of course, as an economist, I'm convinced that economics and economic concepts have wide applicability to many private and public decisions. But with this explanation of the thinking behind changing North Carolina's lottery rules, maybe you'll decide I'm not too far off base. CJ

Michael
Walden

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

Majority Party Procedures Ignore Millions of Citizens

Newspapers across the state have been reporting on what happened during the 2007 legislative session. There are lists of bills that have become law, of different provisions outlined in the budget, and comments from the majority party on what great things were accomplished this session for the people of North Carolina. But only half the story has been told.



Becki Gray

Speaker Joe Hackney, on the Aug. 3 edition of "Legislative Week in Review," said, "We control the agenda." The agenda of the 2007 session is a reflection of the values and goals of the majority party.

What is not widely reported are the bills that were proposed but never heard, buried in committee or passed in one body but not the other, and thus, never became law. Most of these dead bills were proposed by the minority party. Does it mean the minority party does not have good ideas, that their values and goals are not held by many North Carolinians? No, it means they are not part of the majority-set agenda.

The majority party crafted a

\$20.7 billion budget, increased spending by 9.5 percent, increased taxes and fees by \$209 million, and included \$694 million in new debt. The minority party proposed an alternative budget of \$19.9 billion it would have increased spending by 6.5 percent and decreased corporate, sales, and income taxes by more than \$206 million.

While the majority party chose to increase spending in education by 11 percent, the minority party proposed saving millions of dollars in school capital expenses by lifting the cap on charter schools. School building funds would be freed to educate children. While the majority party appropriated \$112 million for More at Four, a minority-party-sponsored bill (which actually passed) provides an opportunity for older children to perform better in the early years of school by simply changing the kindergarten start date from Oct. 16 to Aug. 31, without costing taxpayers a dime. The majority party set aside \$7 million to study the abhorrently high dropout rate. The minority party proposed three vocational high schools to keep children in school to learn real-life working skills.

The majority party cut \$48 million in funding for road construction and maintenance and continued the \$170 million transfer out of the Highway Trust Fund to the General Fund.

The minority party proposed ensuring those highway dollars were spent for highway needs by diverting the \$170 million transfer to fund a \$2 billion transportation bond instead, without additional costs to taxpayers.

The majority party passed one substantive immigration law, which provides that efforts will be made to determine the residency status of someone jailed on a felony or DWI charge. The minority party proposed requirements for public employees to verify the citizenship of all new employees, to provide funds for sheriffs for ICE programs, to place prisoners with illegal status in federal custody, to ensure that only N.C. residents receive in-state tuition at state universities and community colleges, that companies that employ illegals would not qualify for economic incentives or government contracts, and verification of lawful presence in this country would be required before receiving public assistance.

The majority party enacted more than 20 new local annexations and ordered a study of statewide restrictions on building on slopes on private property. The minority party tried to pass a law that would prevent the government from taking personal property by eminent domain in order to give that property to another party for economic development reasons. They

also proposed bills that would allow residents of a proposed annexation area to vote on whether they wanted to be annexed and another to require that basic services would have to be provided to the annexed area before additional taxes could be imposed.

The majority party passed laws that make it tougher for speeders to cut deals to get out of tickets and provided that adults who provide alcohol to minors will lose their drivers' license. The minority party tried to pass Jessica's Law, tried to break the de facto death penalty moratorium, and allow sheriffs to report gun permit denials across counties. They also proposed to make the murder of an unborn victim a felony offense when the mother is murdered. Unbelievably, this is not a crime in North Carolina.

Each member of the General Assembly is elected to represent an equal number of N.C. citizens: about 74,000 in each House district and 177,000 in each Senate district. With only the majority party's views heard this session, millions of North Carolinians were denied representation. All citizens have a right for their views to be heard, especially when those views are good for North Carolina. CJ

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

Our Readers Praise And Also Criticize *Carolina Journal*

To the editor,

I love your stories about Randy Parton! I think it is time for the public to know exactly what we in Roanoke Rapids are dealing with when it comes to the "Famous" Randy Parton! HAHA! I think the city of RR has got themselves into a big mess with this whole deal!

Joey Briggs
Roanoke Rapids, N.C.

To the editor,

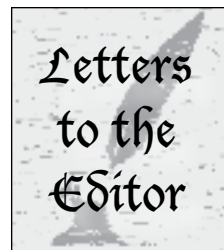
Excellent reading!! With your paper and the RHINO Times, a person can get the real news.

Lewis Idol
Walkertown, N.C.

To the editor,

I commend the *Carolina Journal* for its coverage of the NC CC system's presidential search committee meeting in Raleigh. For the benefit of your readers, I want to place remarks I made at that meeting that were quoted in the article into the larger context of my comments to the committee.

First, enrollment padding and fraud, while enormously damaging to the system's reputation even though it is fortunately limited, is only the "tip of the iceberg." The impact over time of the enrollment-based incentives inherent in the full-time equivalent student (fte) method of funding contributes to



the development of an "FTE culture" at the colleges, which subtly undermines the most important priorities: teaching, learning, and program outcomes.

Second, this has stigmatized the system in the perceptions of legislative funding sources as being mired in a mediocre attempt "to be all things to all people," without doing any one of those things really well. Thus, the legislature gives priority in education funding to the more politically powerful public school and university systems.

Third, the selection of a new president gives the NC State Board of Community Colleges a window of opportunity to improve the overall performance of the system by addressing the three admittedly tough issues of funding

reform, a more robust accountability for student learning and program outcomes, and the weak and largely ineffective governance of the colleges.

If current demographic and political trends continue, this window is likely to close by the end of the next decade when the sheer numbers of urban voters will permanently end the political domination of state government by rural and Eastern NC counties.

If the leaders of the NCCCS lack the wisdom, will, and skills necessary to achieve this badly needed transformation, the system will find itself answerable to a very different, and perhaps even less friendly, political environment.

John Duncan
Monroe, N.C.

To the editor,

Since it appears *CJ* depended primarily on Coy Privette and Harold Smith to draw your conclusions about the North Carolina Research Campus, I want to point out a couple of things you may want to correct or explain further:

1. The Cabarrus County commissioners didn't "relent" in its approval.

With this being the first major TIF in the state, we wanted to make sure we got it right before proceeding.

2. You failed to mention the almost \$50 million of private money that went into razing the old mill site and cleaning it up all paid by David Murdock. Also, there is close to \$500 million in private investment that is being made in the district, again by David Murdock.

3. The county's contribution will be indexed so that the county will not be obligated to provide more revenue to the TIF bonds than what is collected from David Murdock.

4. Had we gone with COP's funding, then we would have ended up obligating the entire county to pay for the project, and would have to collateralize major portions of current publicly owned property in the county. This was judged to be unacceptable by the board.

5. It would have been beneficial for you, and gave more credibility had you taken the extra time to study the whole issue. If you would ensure this gets published in the *Carolina Journal*, I would appreciate it!

Robert W. (Bob) Carruth
Chair, Cabarrus County Board
of Commissioners
Concord, N.C.

Commerce Department to Launch Theater Division (a CJ parody)

By R. P. T. BARNUM
Entertainment Writer

ROANOKE RAPIDS

The N.C. Department of Commerce is assembling a business recruitment division that will establish entertainment theaters throughout the state, department Secretary Jim Fain says.

"I predict that Theater Tourism will be one of the fastest-growing segments of our state economy, and we need to get in front of this trend, ensure adequate public financing, and then take credit for all our good work," he said.

"We can't just sit back. After they see our successes, other states will set up theater programs," he said. Fain unveiled his plans at a press conference Aug. 22 in front of the new 1,500-seat Randy Parton Theatre in Roanoke Rapids.

The city owns the building and leases it to Parton. He has total control of the facility and is allowed to collect up to \$1.5 million per year from the operation. The city borrowed \$21 million through the Tax Increment Financing (TIF) program to finance the project, but Parton has not invested any of his own money. The city is hoping Parton will attract enough customers to pay off the debt service.

Fain said Parton is exactly the type of performer the Commerce Department will be recruiting. "We don't want someone that has an established and successful career," he said. "They would want too much money. At \$1.5 million a year, plus a house and car, the Parton project is probably at the limit of project feasibility."

Instead, the Commerce Department is taking a



Dolly Parton's brother, Randy Parton (above), is the first in what the N.C. Commerce Department hopes is a long line of marginal performers who will entertain all over the state. (CJ photo by Don Carrington)

novel tack in entertainment business.

"We will be looking for marginal performers who are relatives of famous entertainers," he said. "Does Clay Aiken have any siblings? Now you know where we are coming from." Fain said his team is also trying to set up a meeting with President Clinton's brother, Roger Clinton, who at one time had his own band.

The Commerce Department's success was confirmed recently by one of the Parton concert attendees. "I've been to lots of shows and this one was truly marginal," he said.

Fain said two veteran economic developers will head the new theater recruitment division. Former

Northeast Partnership CEO Rick Watson and a friend, Raleigh lawyer Ernie Pearson, will lead a staff of 20 employees. Watson said his goal was to have within 18 months at least one theater in each of the state's seven economic development regions.

A reporter with the Roanoke Rapids *Daily Herald* noted that on that day, the Parton Theatre had sold only 25 tickets two hours before the 7:30 p.m. show time. The reporter asked Fain whether the secretary had any reservations about launching this new initiative. Fain acknowledged that the Parton project has some serious issues, but he noted that his department has learned a lot from the mistakes made in Roanoke Rapids.

"Tonight's ticket sales are a little disappointing. Not only do we need to offer incentives to build these facilities, we need to create incentives for individuals to actually attend the shows," Fain said. He said he is working with legislative leaders on legislation to make ticket sales tax deductible charitable contributions, and to eliminate all sales taxes on concessions and merchandise purchased at the theater.

Fain said he will be proposing another innovative financing tool to make up for operational shortfalls at the Parton Theatre. He thinks a special Randy Parton Theatre — RPT — license tag, similar to the Global TransPark — GTP — is an excellent way to raise money.

There are about 30,000 vehicles registered in Halifax and Northampton counties. The GTP car tax was \$5 per year, but that would bring in only \$150,000 for this area. "We need a tax of at least \$25 per vehicle. That would bring in \$750,000 — enough to cover Parton's base pay," Fain said. CJ



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