

State Initiates Long-Term Reform of Mental-Health Care

*Counties submit plans
to treat local patients
in community settings*

By **PAUL CHESSER**
Associate Editor

North Carolina's county governments have submitted to the state Department of Health and Human Services the first part of their strategic plans to reform mental-health care. The actions, required by a state law passed in 2001, represent a large step forward in a process that is required to be completed by 2007.

All counties were required to submit plans by Jan. 2 that would explain how they would operate programs to serve physically and mentally handicapped citizens. The state plans to close Dorothea Dix Hospital in Raleigh and John Umstead Hospital in Butner and relocate their patients to local communities. The Raleigh and Butner hospitals would be replaced by a single mental hospital that would serve central North Carolina, leaving three such institutions for the entire state.

The ambitious plan is partially the state's response to a 1999 decision by the U.S. Supreme Court, which ruled that thousands of institutionalized disabled and mentally ill patients should be cared for in their communities when feasible.

The counties' four options

County governments had four models, designed by DHHS, to choose from as their mental health care local management entity:

- a single-county area authority;
- a multicounty area authority;
- a single-county program; or
- a multicounty program.

For example, Durham County's mental health programs were controlled by The Durham Center, a single-county area authority under the direction of an appointed board. With the statewide changes, the county commissioners decided to bring the oversight agency under their own authority, making it a single, county-run program.

Durham's plan is unique, however; most counties are choosing a variation of the area authority model. Regardless, each

RALEIGH



The Spring Hill House at Dorothea Dix Hospital in Raleigh.

program or authority will be responsible for managing a network of service providers. The state is calling for the local management entities not to administer care themselves.

DHHS hopes to achieve consolidation of the number of mental health agencies statewide from the current 39 to 20 or less. One goal is to reduce the number of its 14 single-county agencies; the state says each local management entity should serve at least 200,000 residents. That will require several counties to group into multicounty authorities or county-run programs to provide care for their mentally ill, disabled, and substance abusers. Consolidation would also save the state money over time, but DHHS officials couldn't say how much. A draft report estimating the cost of running a local management entity found that an agency serving a population of 200,000 would cost \$1.61 per citizen per month.

Several local mental health advocates have expressed anxiety about the transition, fearing patients could be lost in the process and find themselves homeless, or worse. DHHS officials have remained reassuring.

"Each individual is being monitored by the Division (of Mental Health, Developmental Disabilities, and Substance Abuse) to assure their continued well-being," said Sherry Harrison, coordinator for the State Mental Health Reform Plan for DHHS.

"The state will not simply discharge people with no plan in place for them."

Still, county agencies are caught between the desires of the state and the desires of local citizens. Some local management entities are adamant, even in their business plans, that they will divest from providing services themselves depending on their ability to find other providers for their patients. One such agency is the Neuse Center in New Bern, which serves Craven, Carteret, Jones, and Pamlico counties.

"Our transition from being an area program into being a local management entity will proceed in a slow, deliberate manner consistent with the...principle of 'First, do no harm,'" the Neuse Center report said. "The development of Neuse Center's Qualified Provider Network will NOT be driven by a schedule for divestiture."

Building a network of providers

Like many other area programs, the Neuse Center has managed networks of private providers for several years. However, statewide privatization of services requires most local management entities to mass multiply their number of providers,

*Dorothea Dix introduced
mental health treatment
in N.C. and other states*

By **PAUL CHESSER**
Associate Editor

North Carolina's plan to reform mental health care is under way, thanks to those who promoted community-based care over centralized institutionalization.

But when Dorothea Lynde Dix came to the state in autumn 1848, there was no "treatment" for the mentally ill, and many were relegated to jails.

Dix's advocacy on behalf of the "mad" began in 1841, when a minister in her home state of Massachusetts asked her to teach a Sunday school class in a Cambridge prison. It was there she first observed the inhumane conditions of the insane.

"They were left unclothed, in darkness, without heat or sanitary facilities; some were chained to the walls and flogged," according to the *Encyclopedia Britannica*.

Appalled at what she saw, Dix spent two years touring that state's prisons and jails, recording what she found. Her passion for improving conditions for the insane led her to report her findings to the Massachusetts legislature, influencing lawmakers to provide special facilities for the mentally disturbed.

She took her cause to 14 other states and Canada, where her influence and documentation of conditions led to the construction of 32 institutions for the mentally ill.

Like the other states Dix visited, North Carolina provided woefully inadequate conditions for the mentally ill.

Lawmakers had discussed the creation of a state hospital for the insane as far back as 1825, with the idea getting consideration at times in the 1830s and early 1840s as well. But there had been no action.

Dix toured 36 North Carolina counties, compiling a report she would present to the General Assembly in November 1848.

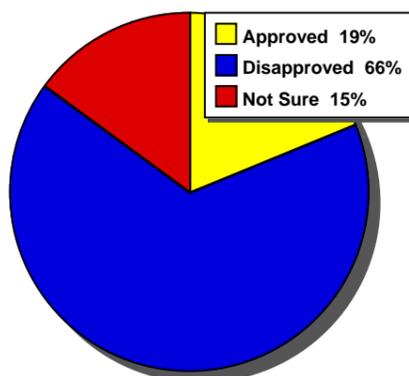
"I am the Revelation of hundreds of wailing, suffering creatures, hidden in your private dwellings, and in pens and cabins—shut out, cut off from all healing influ-

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Easley's Withholding of Local Tax Funds



% of N.C. Respondents in Oct. 2002 JLF Poll

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ON THE COVER

• North Carolina's county governments have submitted to the state Department of Health and Human Services the first part of their strategic plans to reform mental-health care. The actions, required by a state law passed in 2001, represent a large step forward in a process that is required to be completed by 2007. *Page 1*

NORTH CAROLINA

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• Thomas Jefferson and Patrick Henry were more good-natured debaters than avowed combatants at a dinner sponsored by the John Locke Foundation last month. *Page 4*

• Fred Barnes of the Fox News Channel, speaking to an audience at the John Locke Foundation's 13th anniversary dinner Feb. 28, rebutted several common arguments against a war with Iraq. *Page 5*

EDUCATION

• Under the No Child Left Behind Act, teachers in North Carolina will have to meet tougher hiring and retention standards, in the form of additions to existing requirements. *Page 6*

• North Carolina is only a 'partly free state' says Dr. Jay Greene, because the state ranks only 27th in the nation on his Education Freedom Index. *Page 7*

• Lindalyn Kakadelis offers her top 10 reasons why end of grade tests — not just results — should be released to the public. *Page 7*

• Disappointing academic results have led to closer scrutiny of 21st Century Community Learning Centers, the nation's largest federally funded after-school program. *Page 8*

HIGHER EDUCATION

• The war on terrorism is being waged abroad, and for North Carolinians some of its biggest news strikes surprisingly close to home, with several arrests of suspects who attended college in the Tarheel State. *Page 10*

• Last fall Shaw University fired a professor for "disloyalty" and evicted a student from campus housing over a faculty resolution criticizing Shaw President Talbert O. Shaw and the Board of Trustees. *Page 11*

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PARTING SHOT

• "Trading Open Spaces," one of the hottest shows on cable television, comes to Raleigh to film a segment featuring two couples, one famous and the other representing the less-fortunate masses. Carolyn and Jim meet Jane and John in this landscaping special. *Page 24*

Club for Growth's Stephen Moore to Speak at June Luncheon

On June 17 the John Locke Foundation will host a Headliner luncheon featuring Stephen Moore, president of the influential Club for Growth in Washington.

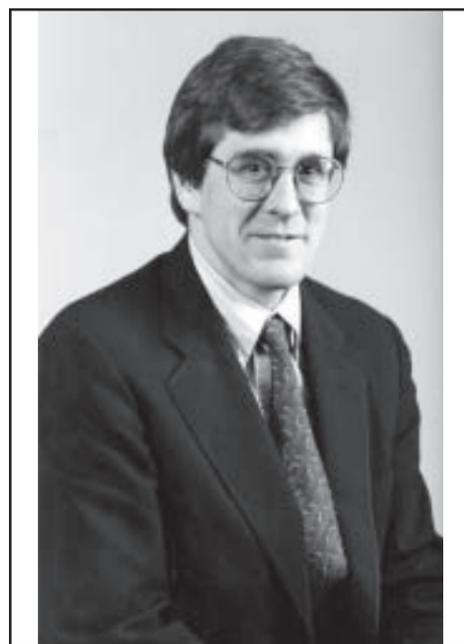
Moore is also a contributing editor for *National Review*. He previously was the Cato Institute's director of fiscal policy studies, and continues to serve as a Cato senior fellow.

He is the coauthor of *It's Getting Better All the Time: 100 Greatest Trends of the Past 100 Years*, and author of *Government: America's #1 Growth Industry*.

Moore served as a senior economist at the Joint Economic Committee under Chairman Dick Arme of Texas. There, he advised Arme on budget, tax, and competitiveness issues. He was also an architect of the Arme flat-tax proposal now before Congress.

From 1983 through 1987, Moore served as the Grover M. Hermann fellow in budgetary affairs at the Heritage Foundation. He has worked on two presidential commissions. In 1988, he was a special consultant to the National Economic Commission. In 1987, he was research director of President Reagan's commission on privatization.

Moore also serves on the economic board of advisors for *Time* magazine; and is a regular contributor to *The Wall Street Journal*, *Human Events*, and *Reader's Digest*. Moore has appeared on such television shows as CNN's "Inside Politics," "Crossfire," and "Moneyline," "NBC's Nightly News," "Fox Morning News," and "The McLaughlin Group." The Associated Press recently wrote, "Moore has earned the wide respect of economists for his many forays into the entrails of taxation and budget matters."



Stephen Moore of the Club for Growth

Moore is also the author of *Still an Open Door? U.S. Immigration Policy and the American Economy* (American University Press, 1994); and *Privatization: A Strategy for Taming the Deficit* (The Heritage Foundation, 1988). He is also the editor of *Restoring the Dream: What House Republicans Plan to Do Now to Strengthen the Family, Balance the Budget, and Replace Welfare* (Times Mirror, 1995).

Moore is a graduate of the University of Illinois and holds a masters degree in economics from George Mason University.

The cost of the luncheon, at the Brownstone Hotel in Raleigh at noon, is \$20 per person. For more information or to preregister, contact Kory Swanson at (919)828-3876 or events@johnlocke.org.

Headliner with SAS

The John Locke Foundation will also sponsor a Headliner luncheon May 6 with featured speakers William L. Sanders and June Rivers of SAS inSchool, the academic arm of the SAS Institute.

Sanders is manager of Value-Added Assessment and Research for SAS inSchool, and is perhaps the leading authority on the value-added assessment of schools and teachers in the United States.

Over the past decade, Sanders has refined and applied value-added assessment using complex mixed-model methodologies developed under his leadership at the University of Tennessee. In the process, he has revolutionized the use of test data for educational assessment.

Rivers is assistant manager of value-added assessment and research at SAS, and she has previously worked with schools and school districts in test administration and interpretation. She has contributed to research on the impact of teacher quality on student achievement.

The cost of the luncheon, at the McKimmon Center in Raleigh at noon, is \$20 per person. For more information or to preregister, contact Kory Swanson at (919)828-3876 or events@johnlocke.org.

Shaftesbury Society

Each Monday at noon, the John Locke Foundation plays host to the Shaftesbury Society, a group of civic-minded individuals who meet over lunch to discuss the issues of the day. The meetings are conducted at the Locke offices in downtown Raleigh at 200 W. Morgan St., Suite 200. Parking is available in nearby lots. *CJ*

State Begins Process of Privatizing Mental-Health Treatment

Continued From Page 1

for all services currently offered by the counties. Representative of the concern of many local management entities, the Neuse Center's policy on divesting itself from services is:

- It would continue to provide services itself until its provider network reached a size and quality sufficient to provide equal or better service for its population;
- It "will assure an orderly transition process that minimizes discontinuity in therapeutic relationships and affords customers meaningful choice of at least two easily accessible providers;"
 - It will not allow reductions or loss of services because of divestiture;
 - It will ease the transition of staff effected by the privatization process;
 - It "will develop a plan to eliminate services that do not meet 'best practice' standards, once the state defines what 'best practices' are."

Neuse Center officials said they will "maintain the independence of Case Management as a function of the local management entity," without ties or obligations to any other services.

Local agencies such as the Neuse Center may emphasize their independence in response to the state's requirements, but officials of local management entities say they just want what is best for patients. The state says they agree, and will allow some flexibility for the entities to implement their three-year plans.

"[The plan] doesn't preclude the LME, or the state, from making adjustments or course corrections within the three-year periods if necessary," Harrison said. "The state has acknowledged the possible need to modify plans."

Much-needed reform

Several factors other than federal mandates led to state reform of mental health. While some of the motivation is to control costs, the prevailing thought is that the creation of local entities will lead to better care for patients and reduced dependence on public services and institutionalization.

"We overuse our hospitals," said Dr. Joel Rosch, senior research scholar for the Center for Child and Family Policy at the Terry Sanford Institute of Public Policy at Duke University.

Psychiatric hospitals introduced in the



North Carolina's statewide mental health reform plan would reduce the number of patients in facilities like Broughton Hospital in Morganton. Photo courtesy Broughton Hospital website.

late 1800s improved care for mentally ill patients, many of whom previously were relegated to prisons. Conventional wisdom now says isolation worsens the situations of patients with treatable conditions.

"The purpose of a mental health system is to get people to function in society," Rosch said. "There are no good outcomes from institutionalization."

He said that in addition to excessive hospitalization (both psychiatric and regional hospitals that provide emergency mental and substance-abuse services), the rates North Carolina pays for its hospital care are high. Rosch attributed part of the problem to Medicaid payouts, in which cost codes used to pay providers are more expensive "hospital-based" codes.

The state has already evaluated patients in its hospitals to determine what level of care they will need to allow their successful return to communities. "A number of people have already been relocated with appropriate supports and services in place for them," Harrison said.

While cost-effectiveness is good, Harrison said, it is not the top priority.

"System reform has never been about saving money overall," she said. "What it is about is making it possible for people with disabilities to live safely and satisfactorily in communities of their choice."

Another aspect of statewide reform is creating a system of standards, in which results would be evaluated beyond just the performance of the individual provider or agency. Rosch said often a patient may find his way out of a program or service, only to end up in the care or control of another, sometimes more expensive, program. For example, schools that rid themselves of troublesome children may find school test results improved, but it often results in a greater burden for other public services.

"We don't suspend kids to the streets," Rosch said. "We suspend them to more expensive services."

Harrison said state oversight "will occur in various forms," including a report card system emphasizing patient "outcomes."

Is privatization the best way?

Not all are convinced that privatization of every service is the most efficient organizational structure for all counties.

Commissioners in Rockingham County, mostly rural with about 92,000 residents, told their department of mental health to submit a plan to the state recommending it remain a single, county-run agency.

"Our commissioners are pleased with the services we're providing," said Dr. James

Burston, area director for the Rockingham County Department of Mental Health.

Burston said that most private providers in his county offer residential and group home services. The county handles the bulk of outpatient services.

Besides Rockingham County's preference to continue providing many services itself, it also is surrounded by counties that have already made other arrangements for their local management entities. That leaves it alone, well below the state's desired threshold for each entity to serve at least 200,000 residents. Rockingham awaits the state's response to the business plan it submitted, and in the meantime has explored relationships with neighboring counties.

Burston says many aspects of reform are good, but he questions whether patients in his rural county will get true health choice.

"It's going to be really difficult," he said. "There are agencies willing to look at the county, but if they come into the area, they want to be the only game in town."

Burston said if only one provider for specialized care offers a service the county already manages, it defeats the purpose of choice. He said that Rockingham is constituted in a way that citizens need only contact their county commissioners if there is a problem with his department. "If that's not responding to your community," Burston said, "I don't know what is."

State says there's flexibility

The state realizes that many rural areas may have difficulty finding enough private providers. Harrison said the state plan may allow local management entities to continue to provide some services while they develop a viable provider network.

"The objective in setting time frames is to move the system forward," Harrison said. "Inevitably some activities will take longer than originally expected, which is OK as long as there is steady progress."

Privatization is in its early stages, and the state is reviewing the counties' plans. Harrison said meetings will be held with each local management entity, and the state will "be a source of consultation and technical assistance to them."

Local governments won't be expected to bear any additional financial burden during the process, unless they want to add services that aren't part of the reform plan, Harrison said. She said placing people in communities generally is much less expensive than keeping them in institutions. CJ

Dix Championed 19th Century Mental Health Reform in 15 States

Continued From Page 1

ences, from all mind-restoring cares," Dix wrote in her *Memorial Soliciting a State Hospital for the Protection and Cure of the Insane*.

"Could the sighs and moans, and shrieks of the insane throughout your wide-extending land reach you here and now, how would your sensibilities to the miseries of these unfortunates be quickened: How eager would you be to devise schemes for their relief?"

Despite her pleas, her proposal found little interest among legislators, although her persistence got at least one lawmaker, John Ellis of Rowan County, to sponsor a bill. The legislation sought \$100,000 for a state mental health hospital, but opposition to the project prevailed, temporarily.

While Dix was staying at the Mansion House Hotel in Raleigh, she heard that a severely ill woman was in another room. Dix spent much time comforting the woman. "The sick woman, unknown to

Dorothea at the time, was the wife of James C. Dobbin of Fayetteville, an influential member of the legislature," according to a Department of Health and Human Services biography of Dix.

Before her death, Mrs. Dobbin asked her husband to support the "asylum" bill.

A measure to raise money for the project had been defeated, but Dobbin raced back from his wife's funeral in Fayetteville to urge reconsideration of the bill. His efforts led to the bill's passage by the end of the year.

The act, passed Dec. 30, 1848, appropriated only \$7,000 for the hospital, with arrangements for further funding to be made



later.

A site in Raleigh was chosen for the hospital in 1850, west of downtown, a location with "a commanding view of the city and believed to be perfectly healthy." According to DHHS's history, at the time "it was thought that insanity was caused by social conditions and patients should be removed from family, friends, and community."

After initial appropriations and two rounds of bond sales, construction on the "In-

sane Hospital" began in May 1850, to be completed early in 1856. Many wanted the institution to be named after Dix, but she was opposed, although she allowed the site

(Dix Hill) to be named for her grandfather.

The first patient was admitted to the hospital Feb. 22, 1856, suffering from "suicidal mania," according to the DHHS history. The institution received 90 patients in its first nine months. Dix remained involved with the State Hospital at Raleigh, providing Bibles, prayer books, and pictures for the patients.

Treatment of patients came in the form of a stable environment with established routines and schedules, good health practices, stimulating physical and mental activities, and "a minimum of physical restraints." Patients worked a variety of jobs, including the hospital farm and grounds.

Dorothea Dix died in 1887, and the hospital superintendent wrote of her, "For more than a half of a century she stood in the vanguard of humanity, working valiantly and unceasingly for the stricken insane."

North Carolina's legislature named the hospital for Dix in 1959. CJ

Around the State

• In its editions Feb. 11 the *Washington Post* wondered, "Is President Bush afraid of John Edwards?" The newspaper's question stems from the fact that despite Edwards's middling rank in polls among Democratic presidential candidates, the White House and the Republican National Committee "seem preoccupied" with him. Why?

• When Edwards announced his candidacy, the RNC put out a 10-page report on him the following day labeling Edwards an "unaccomplished liberal," among other pejoratives. The *Post* noted that "at the time the GOP had not issued similar takedowns of the other Democrats in the field;"

• A week later the Associated Press reported that a White House official said Bush was giving a speech on medical malpractice as part of a "whack John Edwards" day;

• The *Post* claims that Bush's allies in New Hampshire are "stalking" Edwards when he's in the state;

• The newspaper reported that Republicans linked to the White House say privately that they consider Edwards "the most dangerous of the Democratic candidates, because he is handsome and Southern and 'undefined' in the public imagination."

• North Carolina still lacks a lottery, but if a bill granting federal recognition to the Lumbee Indians succeeds, the state could end up with its second casino, according to the North Carolina Family Policy Council. Republican Sen. Elizabeth Dole and U.S. Rep. Mike McIntyre, D-7th, each introduced bills that would grant tribal recognition to the Robeson County-based Lumbees. "It would almost certainly grant the Lumbees status to have a casino," Bill Brooks, president of the NCFPC, told the *Winston-Salem Journal*. He said if the Lumbees entered the gambling business, "we'd have the only casino between Florida and New Jersey on I-95, and most likely it would be a very large one." UNC-Charlotte political science Professor Ted Arrington told the *Journal* that the bill, Dole's first, could upset Christian conservatives who supported her.

• Gov. Mike Easley announced a proposal to reroute \$700 million approved by voters from the state's Highway Trust Fund, to an initiative to instead improve existing roads and expand public transportation. The trust fund was created in 1989 for the purpose of completing interstate highways, building loops around major cities, and building city roads. Easley justified the action by citing the deteriorating condition of the state's roads and bridges. "We have to find a way," Easley said, "to be more flexible than we have in the past." Opponents said state leaders continue to set wrong priorities in addressing the state's financial woes. "Why go back on solemn promises made by the 1989 Highway Trust Fund Act when other sensible means are available to solve today's financial problem?" asked Gene Boyce, who is litigating against the state for unconstitutional transfers out of the Highway Trust Fund. *CJ*

John Locke Foundation sponsors debate

Jefferson vs. Henry: Give Us Liberty Today

By PAUL CHESSER

Associate Editor

RALEIGH

Founding Fathers Thomas Jefferson and Patrick Henry were more good-natured debaters than avowed combatants in a discussion of new and old issues March 12 in Raleigh.

The John Locke Foundation, named for the political and social philosopher who influenced many of Jefferson's writings, hosted the dinner event featuring the two distinguished Virginians, who had traveled south from Colonial Williamsburg. About 240 guests observed patriotic oratory at the downtown Tir na nOg Pub.

Amazingly, the wisdom of Jefferson and Henry on the nation's founding was equaled by their insight into current events.

"No nation placing its interests at the hands of other nations will long exist," Henry said in response to a question about George Washington's admonition to avoid "foreign entanglements."

"Our first duty is to look to our own interests as a rising nation," Henry said.

In Raleigh, Henry validated his reputation as a firebrand, contrasting his radical personality and actions to those of the more refined Jefferson. Henry's Virginia Stamp Act Resolutions, which argued persuasively for resistance against unjust taxation by Mother England, won approval from his fellow lawmakers in the Virginia House of Burgesses in 1765.

In 1775 Henry, once described as "a Quaker in religion but the very Devil in politics," led the Virginia Militia to force the royal governor Lord Dunsmore to pay fairly for gunpowder he had taken from a Williamsburg store. His leadership in that conflict is recognized by many as one of the chief incitations of the Revolutionary War in Virginia.

In one of the few uncomfortable moments at Tir na nOg, Henry questioned Jefferson's actions in the midst of his leadership as governor of Virginia in 1780-81. Echoing the sentiments of Jefferson's political foes of the time, Henry recalled that Jefferson fled Richmond at the time when British invasion was near. Jefferson had a meager rebuttal to Henry's allegations, but history shows that the Virginia General Assembly exonerated Jefferson for his con-



Thomas Jefferson emphasizes a point during the debate with Patrick Henry (far right) March 12.

duct.

Henry's passion and bravery marked his career in military and political leadership, enabling him to become the first governor of Virginia (he served four terms total, three of them consecutively). However, his successor Jefferson superceded him in intellectual heft, with his education from the College of William and Mary and law studies under fellow Declaration of Independence signer George Wythe.

But Jefferson's study of philosophical writings, especially those of Locke, inspired his claims in the Declaration of Independence to colonial independence from Great Britain based on the natural rights of man. Yet in his presentation in Raleigh, Jefferson emphasized that those rights of liberty for the individual, given by God, were not to be abused.

Asked how virtue could be promoted in society without the establishment of a state religion, Jefferson replied, "It must be in the citizen body first."

Jefferson said that individuals are the first ones responsible for their behavior. He said government receives its powers from

the people, which is a reflection of its citizenry.

"If you tolerate [immorality] there," Jefferson said, "you will therefore elect it to government."

Henry also espoused the need for public accountability, which should be promoted in the church.

"I regard religion to be of greater importance than earthly politics," Henry said.

The two founders expressed agreement on many other issues raised by moderator Ken Ripley, editor for the *Spring Hope Enterprise*.

Both gentlemen challenged each other on the degree of their ownership of slaves. While admitting to the possession of dozens of slaves, each passionately voiced their opposition to the practice.

"I have continued to argue against this monstrosity in our economy," said Jefferson, whose attempt to include language criticizing slavery in the Declaration of Independence was thwarted.

Although Henry said he had purchased many slaves, he described the ownership of blacks as "barbarous commerce." *CJ*

Businessman Drops Litigation Over Ethanol Plant

By DON CARRINGTON

Associate Publisher

RALEIGH

Raleigh businessman withdrew a preliminary motion for a lawsuit he had filed against a group of businessmen in which he alleged they interfered with his plans to build a fuel ethanol plant in Beaufort County.

William Horton, in his initial filing in Wake County Superior Court on Feb. 10, said his complaint involved "a complex and intricate conspiracy involving extortion, corruption and racketeering by public and private individuals reaching the highest levels of state government." Horton's lawyer, Scott Wilkinson, would not say why he withdrew the complaint. "There is a definite reason why he did that. We just can't say why," Wilkinson said.

Horton also refused to say why he dropped the litigation, but he said he still stands behind all the allegations outlined in his initial court filing as well as the information previously reported by *Carolina Journal*. He said he may refile the lawsuit.

Sources close to the case told *CJ* that

Horton may have dropped the suit if he believed that federal law-enforcement officials were looking into the matter.

Chris Swecker, FBI special agent in charge for North Carolina, said, "We have a policy of not confirming or denying any investigation that may or may not be pending, but we are well aware of issues that have been raised surrounding the administration of the Golden LEAF Fund."

One of the key figures in Horton's allegations is Wake Forest businessman Thomas "Ricky" Wright. As explained in previous *CJ* stories, Wright is leading a group of investors that initially tried to partner with Horton but then tried to buy his project. After Horton refused Wright's offer, Horton claimed that Wright and others threatened to put him out of business.

Wright is also one of three members of the state Alcoholic Beverage Control Commission. The commission is responsible for permitting fuel ethanol facilities, and any involvement in the Beaufort County project by Wright could pose a conflict of interest.

As an appointee of Gov. Mike Easley to a regulatory board, Wright is required to

annually file a statement of economic interest with the state Board of Ethics. Board records show that Wright did not file a 2002 statement. He filed a 2003 statement Feb. 25 after he acknowledged involvement in an ethanol project to *CJ* and the *Wake Weekly* of Wake Forest. In the statement to the ethics board, Wright failed to acknowledge any involvement with an ethanol project.

In a story March 6 the *Wake Weekly* reported that state Rep. Russell Capps of Raleigh discussed Wright's situation with Franklin Freeman, a member of Easley's staff. Freeman told Capps that an ethics investigation of Wright is "under consideration," the *Wake Weekly* reported. Freeman did not return phone calls from *CJ*.

In 1997 Freeman, as Gov. Jim Hunt's chief of staff, asked the ethics board to investigate Wright's commission vote on a situation involving bar owner Barry Green, a friend and business partner of Wright's. The board eventually issued a letter of caution to Wright and reminded him "to inquire of business partners as to whether they may have any business dealings that may come before the commission." *CJ*

Journalist says arguments against it are 'stupid'

The Weekly Standard's Fred Barnes Says War in Iraq 'Unavoidable'

By PAUL CHESSER
Associate Editor

RALEIGH

A veteran Washington journalist, speaking to an audience at the John Locke Foundation's 13th anniversary dinner Feb. 28, rebutted several common arguments against a war with Iraq.

Fred Barnes, executive editor of *The Weekly Standard* and a pundit on the Fox News Channel, rattled off reasons why the United States cannot back down to Saddam Hussein and said it was impossible to "win without war" as mostly liberal critics of President George W. Bush claim.

"Most of [the arguments against war] are really stupid," Barnes told the audience of about 250 people.

The former *Baltimore Sun* writer first made a case for the need to remove Hussein from power, which former President Bill Clinton said was necessary during his administration. Barnes recalled how Clinton cited Hussein's willingness to use weapons of mass destruction and to give them to terrorists as reasons to remove the Iraqi dictator. Barnes said Clinton "didn't have the will" to take serious action against Hussein.

When weapons inspectors were "kicked out" of Iraq in 1998, the United Nations knew Hussein had huge amounts of chemical agents and munitions. Barnes said people who argue that Hussein isn't a threat must believe that he voluntarily destroyed those weapons when inspectors left in 1998.

Barnes also denied Bush's opponents'



Veteran Washington journalist Fred Barnes spoke to an audience of about 250 at the John Locke Foundation's 13th anniversary dinner Feb. 28 at the Brownstone Hotel in Raleigh.

characterization of the president as a war-monger. He said the allegations that the president has pursued a "rush to war" have no basis in fact, because of the administration's patient willingness to pursue diplomatic solutions first.

"It's more like a crawl," Barnes said.

Barnes countered several antiwar arguments voiced recently, including:

- *Bush's alleged "war for oil."* Barnes said it would be easier for the United States to lift sanctions on Iraq and buy its oil.

- *A war would provoke more terrorism.* Radical Islam already hates the United States, Barnes said, "because of who we

are."

- *The "Arab street" will erupt if the United States attacks.* Barnes said such eruptions didn't happen during the Gulf War or in Afghanistan. "The 'Arab street'," Barnes said, "respects American power used effectively."

- *President Bush is making up for his father's failures.* "There's not a single shred of evidence for that," Barnes said.

- *An American attack would be unprovoked aggression against Iraq.* Barnes said Hussein has repeatedly violated the truce he signed after the Gulf War. Because he has not disarmed, the truce is nullified, Barnes

said.

- *Containment is working.* Barnes argued that containment in the traditional sense of the word isn't the problem. He said giving terrorists deadly biological agents in an envelope is uncontainable, and the only way to protect against that threat is to destroy the weapons.

On the other hand, Barnes said, if the United States backs down, it will face serious consequences, including lowered national security, no serious consequences for Hussein, energized terrorists, and a weakened United Nations.

But with regime change in Iraq, Barnes said, the benefits are great, including "a huge advance in the war on terrorism" and victory for a moral cause.

Awards given to Reid, Boyce

The foundation also celebrated its anniversary with an awards ceremony.

Don Reid, a former Charlotte city councilman who helped found the watchdog group Citizens for Effective Government and has long led the fight against high taxes and wasteful spending, received the James Knox Polk Award for longtime service.

Gene Boyce, a Raleigh lawyer in practice for 43 years in North Carolina, has successfully litigated several pivotal lawsuits striking down unconstitutional state taxes. About 435,000 plaintiffs-clients have recovered \$1.4 billion in illegally collected taxes thanks to the work of Boyce, who received the annual John William Pope Award. *CT*

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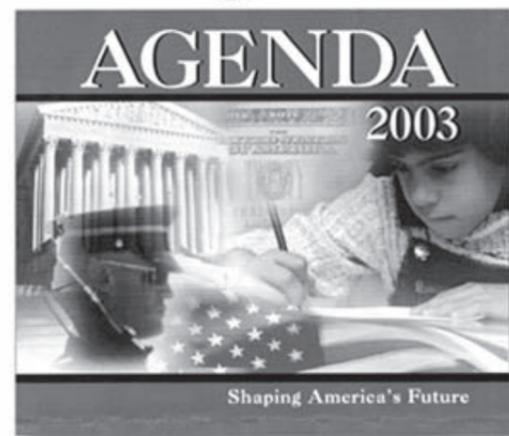


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NC News in Brief

• Charlotte-Mecklenburg continues to struggle with its new student assignment system. According to *The Charlotte Observer*, talk at the CMS school board has focused on the issues of choice and resegregation in the schools. One of the parents who sued the system in the 1990s over its desegregation busing plan argued that the system ought to "scrap its 12 year vision statement dealing with integration," according to the report.

Board member Lee Kindberg agreed with dropping the word "integration", citing 'painful memories' from her Alabama childhood, the report states. Five board members, including Arthur Griffin, Louise Woods, and Vilma Leake, favored keeping the language of the current vision statement. The 1991 statement stands unchanged following board discussion.

• *The News & Observer* of Raleigh reported that schools with both diversity and choice are hard to find. Citing the most widely touted examples in Fairfax County, Va. and in Seattle, Wash., the report notes that diversity in schools doesn't necessarily follow choice.

"The vast majority of students in Fairfax County attend schools their neighborhoods are assigned to," said Elsie Kirton, director of guidance and student registration in Fairfax. Fairfax has 132 elementary schools, 15 of which are magnets. School assignments do not follow any racial or income formula.

Seattle school registration is completely open to any student in the district. Preferences do exist, however. Students with siblings in a school, or who live near the site, are given some priority over other applicants, the report says.

Mayor Glen Lang of Cary suggests Wake County, in the midst of parent and school board conflicts over reassignment, create more magnets and year-round schools. Offering more choice, especially in areas near the beltline, would create a better solution, he argues. Keith Sutton of the Triangle Urban League believes diversity won't appear, even with choice. Cynthia Matson, speaking for Assignment By Choice, believes that families should have the right to choose their children's schools, whether that means busing or not.

• Although North Carolina's Department of Public Instruction mistakenly disbursed funds to teachers who shouldn't have gotten them, the *News & Observer* of Raleigh reports, state taxpayers won't be reimbursed for the \$775,000 mistake. The reason, according to the report, is, "Such an effort would cause financial hardship and undermine teacher morale."

The Department of Public Instruction has also stated in retrospect, "We believe that it would be counterproductive to public school education in North Carolina to recover those funds." Board Chairman Phil Kirk, who announced his retirement in March, said, "we would rather have the department deal with the bad PR than damage the morale of the teachers." CJ

Credentials Signify Quality Under NC Plan

No Child Left Behind relies more than ever on formal requirements facing teachers

By KAREN PALASEK
Assistant Editor

RALEIGH

Under the No Child Left Behind education act, teachers in North Carolina will have to meet tougher hiring and retention standards. The standards come in the form of additions to existing requirements, and were due to affect the hiring of beginning teachers in the 2002-03 school year.

The revamped regulations affect hiring on two fronts. All teachers must be fully licensed by the 2005-06 school year, and they must be "highly qualified" as well. The requirements kicked in this year for beginning teachers in an effort to achieve immediate compliance with NCLB for all novice hires.

The Elementary and Secondary Education Act, or No Child Left Behind, provides what have been described as "flexible specifics" for implementing the law. Among these is the "highly qualified teacher" requirement. According to *ESEA: Myths vs. Realities*, posted online by the Education Trust, the law requires "every state to define what constitutes a highly qualified teacher and to ensure that schools educating low-income and minority students don't employ a disproportionate number of unqualified, inexperienced, or out-of-field teachers."

Qualification issues

Several questions apply to North Carolina's requirements for public school teachers. Do individuals already have a full North Carolina teaching license? Are they beginning teachers? How have they entered teaching? Are they teaching in a Title I school? Are they "highly qualified" under the law?

The definition of a highly qualified teacher is somewhat complicated, depending on who, how, and when a person enters the teaching profession. Because there are different routes into teaching, "highly qualified" has a host of alternative profiles. To comply with the federal law, North Carolina requires potential teachers to pass both the full licensure and the "highly qualified" hurdle in order to teach.

NC meets NCLB

By the end of the 2005-06 school year, all teachers working in core subjects must be designated as "highly qualified" in those subject areas. Core subjects are identified in the North Carolina Department of Public Instruction's *Licensure Update* as English, language-reading, math, science, foreign language, civics and government, economics, history, geography, and the arts. Teachers will have to have that credential, even if they are not yet fully licensed, before they encounter any students. "Highly qualified," does not measure teacher effectiveness or student results.

New teachers, especially those just graduating from education schools, face a shorter timeline than other potential teachers. As of 2002-03, when new teachers are assigned to Title I schools, NCLB requires that they be fully licensed and highly qualified before entering the classroom. Because Title I schools have large percentages of low-income children, they are under a specific mandate within NCLB to avoid hiring

less-qualified personnel.

For those who are not new to teaching, or who enter teaching from other professions, the rules are slightly different. Any teacher in a core academic area (virtually all areas) must meet the North Carolina "highly qualified" criteria by the end of the 2005-06 school year. Many options exist within that spectrum, however.

In *Licensure Update: Winter 2002-2003*, the North Carolina Department of Public Instruction lists the ways that teachers can become highly qualified under the law. At the elementary level, new teachers coming out of education programs in North Carolina must 1) obtain an appropriate license for the core academic subjects taught, and 2) pass the Praxis II test required for the license. A new middle- or secondary-school teacher coming out of a North Carolina education program must 1) obtain a middle- or secondary-school license for each teaching assignment, and 2) pass the required Praxis II tests in each area in which he will teach. If the teacher opts not to take the Praxis II exam in each subject area, he can complete his credentials in one of a number of ways that substitute for the Praxis II tests.

Substitutes for the Praxis exam include an undergraduate major in the core subject area, coursework equivalent to the undergraduate major, a graduate degree in the core subject area, master's licensure or above in the subject area, or National Board for

Professional Teacher's Standards certification in related subject areas. The NBPTS certification is significant in North Carolina's definition of highly qualified teachers, since about 20 percent of the teachers who hold this credential nationally are located in this state. North Carolina provides considerable incentives to teachers who wish to pursue the NBPTS stamp of approval. (A recently released study on NBPTS certification in North Carolina can be found at www.nceducationalliance.org.)

Alternative entry

The Teach4NC website outlines licensing policies for nontraditional "alternative entry" teaching candidates. School systems in North Carolina have exercised a great deal of discretion in their hiring and credentialing process in the past, but NCLB is likely to standardize requirements.

All of the alternative routes into teaching in North Carolina lead to the same credential requirements as those of education school graduates. Alternative-entry candidates, who enter from professional fields such as applied science or math, have a different timeline for achieving those credentials than do beginning teacher-graduates. For alternative entry, the time limit for



achieving full licensure has been reduced from five to three years. The new timeline takes effect in July 2003. The old five-year timeline required candidates to take a minimum of six credit hours annually toward the license. A stepped-up schedule is likely to increase the annual credit hours needed to become licensed. Alternative-entry teachers must also undergo

"professional development" that is "sustained, intensive, and classroom-focused," before beginning to teach.

Professionalism and performance

In 1983 the National Commission on Excellence in Education published *A Nation at Risk?* In it the commission warned of "a rising tide of mediocrity in the schools." After 20 years, the Koret Task Force on K-12 Education at the Hoover Institute has released *Our Schools and Our Future: Are We Still at Risk?*

Chester Finn, chairman of the Koret Task Force, reports in the chapter "Teacher Reform Gone Astray" that the commission addressed "instrumental" issues such as salary, education and credentials, master teacher mentoring and program design, career ladders, and teacher shortages. "In a few policy realms, the Excellence Commission's recommendations were taken fairly seriously...When it came to teachers, however, the most striking reality is the degree to which the same problems remain with us," Finn said.

U.S. Secretary of Education Rod Paige acknowledged before Congress in June 2002 that alternative routes into teaching were "still larded with a variety of requirements." What did the Koret Task Force conclude about the state of education reform since 1983?

Finn reports that the solutions urged in the first report were never embraced, or were "turned into Potemkin-like reforms as the old arrangements were gradually reinstated behind a facade of change." As a result, alternative-entry programs "have slid back into the clutches of education schools." Finn calls this trend "professionalism."

Alternative-entry candidates are not evaluated on alternative standards here. Current policies in North Carolina have no real alternatives for these applicants, so they jump the same hoops as everyone else. The national picture, as Finn notes, is much the same.

In North Carolina, NCLB will make alternative entry more difficult, especially since the credentials horizon is two years shorter under the law. Even now, almost half of the alternative-entry teachers in North Carolina leave by the end of their second year. Under No Child Left Behind, the trend toward "professionalism" is expanding. Professionalism has had a chilling effect on real education reform. If we follow this route under NCLB, the legacy of the Excellence Commission may be replayed in 20 years as the legacy of No Child Left Behind. CJ

*Education Freedom Index***More Parental Choice in Schools Yields Better Mathematics Scores For Students**

By KAREN PALASEK

Assistant Editor

RALEIGH

Most North Carolinians would say they continue to enjoy a large amount of personal freedom. But North Carolina is only a 'partly free state,' according to education researcher Dr. Jay Greene.

Current rankings that rate relative degrees of educational freedom place North Carolina 27th in the nation. This middle-of-the-pack slot is an improvement over the 38th place the state held in 2000. Greene's *Education Freedom Index* also considers trends on the National Assessment of Educational Progress, and suggests that states with more academic freedom score higher on national tests.

The report comes at a time when parents, educators, and public officials across North Carolina are debating the relative merits of enhancing parental choice in education vs. maintaining forced busing and other means of achieving racial or socioeconomic balance in public schools. Charlotte-Mecklenburg Schools, for example, recently abandoned its involuntary busing programs in favor of a choice-based system, as other large urban systems in the state had done years before. Wake County, the state's second-largest district, historically employed involuntary busing to a less extent — but continues to do so, sparking spirited debate.

Measuring parental choice

State rankings in the Manhattan Institute study are driven by four measures that Greene identifies with educational freedom. They are the availability of charter schools, subsidized private schools, home schooling, and public school choice.

Three of the four indicators are taxpayer-subsidized options that reduce the cost to direct consumers. Charter schools, subsidized private schools, and public-school choices are in a different cost-and-benefit category than home schools. Parents who choose one of the first three options can rely on lower costs because of taxpayer dollars. Home schools cannot. Like unsubsidized private schools, home-school parents pay the full cost of their children's education. In Greene's study, the legal status of home schools is a proxy for freedom of choice, regardless of other differences.

States with average total scores of 2.23 to 5 are designated "free" in the study, average scores of 1.53 to 2.20 are "partly free," and average scores below 1.53 are "not free." North Carolina averaged 1.80 points.

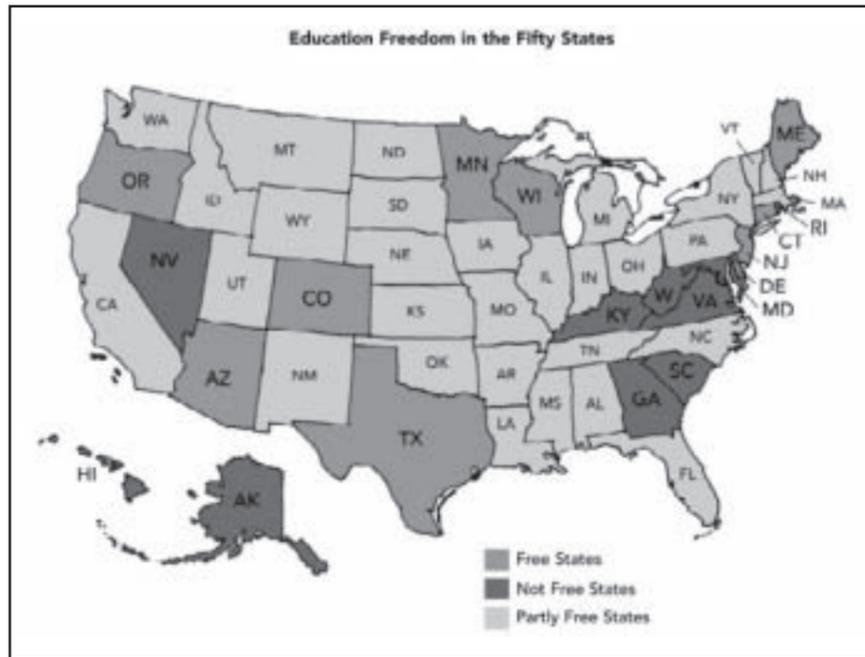
Index of changes

The current *Education Freedom Index* is an average of Greene's four indicators. The year 2000 series contained five measures, but the author collapsed relocation and inter-district transfer into a single 'public school choice' variable in the latest study.

According to the North Carolina Department of Public Instruction, 93 charter schools operated in North Carolina in the 2001-02 school year. They represent about 4 percent of the 2,251 public elementary and secondary schools in the state. Even without counting the 27 ungraded schools, charters represent fewer than 5 percent of the total.

In the Greene study, North Carolina achieved its highest score on educational freedom in the charter school component, coming in eighth among the states. This measure indicates 1) whether charter schools are authorized at all in the state, and 2) the availability of charters relative to other public schools. On a scale of 0 to 5, North Carolina scored a 1.69, good enough for eighth place, but low overall. On any test, this would rate a solid F.

Indications that the environment for charters nation-



ally is not very favorable are clear from the first seven places in the charter category. Arizona, in first place, scored a 4.69. Runner-up Delaware had only 2.28 points out of a possible five, and the scores sink below 2.0 thereafter. Even Delaware's score, in second place, represents a failing percentage for charter creation and accessibility. Thirteen states scored zeros because they allow no charter schools.

Subsidized private-school choice has many levels and variants. Top-scoring states in this category, Florida, Maine, and Vermont, offer either tax credits, or voucher programs for tuition, expenses, or scholarships. Thirteen states in all offer no tax credits, vouchers, or government assistance to private schools in the form of texts, transportation, health, or auxiliary services. North Carolina is one of these, and ties for 38th (last) place, along with the other 12 no-subsidy jurisdictions.

The public school-choice measure combines three items: 1) average number of square miles for a district, 2) average population of a school district, and 3) a number that reflects the availability/ease of transfers between school districts. The study uses these items to gauge how disruptive it would be for a family to move to another school district.

A state gets a better score if a family can avoid changing schools when the family moves out of district. The underlying assumption is that stability is better than transfer if at all possible. North Carolina ranks 46th in this list, even though it scores a 4.0 on the total measure. Large school districts and lack of transfer options cause the low ranking.

Home school statistics compiled by the Home School Legal Defense Association were used to generate the final part of Greene's score. Here North Carolina gets only 1.51 of five possible points, and ranks 28th among the states. In this category, top-ranked Idaho has 2.93 points. The availability and ease of home-school options nationwide is low, despite the fact that it is typically a fully private option.

Test scores, freedom, and choices

Eighth-grade math scores on the National Assessment of Educational Progress are an often-used indication of student proficiency. A statistically significant relationship between high NAEP scores and high EFI scores would suggest that more parental choice in schools is better for students. Greene's model did show a significant relationship between higher-ranked states and higher student performance on the NAEP test. Arizona, the highest-ranked state, had high levels of student proficiency. Hawaii, the lowest ranked state, lagged in the NAEP.

The model Greene used has, he admits, some serious limitations. According to the author, however, "Despite these limitations, the observable relationship between education freedom and student achievement remains strong. Where families have more options in the education of their children, the average student tends to demonstrate higher levels of academic achievement."

Top 10 Reasons To Release NC's Tests

David Letterman always gets a good laugh with his "Top Ten Reasons" monologue. He focuses the audience's attention on important issues with a twist of humor. Since the North Carolina Department of Public Instruction is again administering tests, it is appropriate to draw our collective attention to the subject of state testing. However, this is no laughing matter.

Third- through eighth-graders in public schools take End of Grade tests, and high school students take End of Course tests. The accountability program for North Carolina relies heavily upon these tests. Rewards and sanctions are given to local systems. Each school is classified based upon the results of students' performance on EOG's and EOC's. Every student, parent, teacher, principal, and taxpayer waits with anticipation as these results are evaluated and published statewide.

Lindalyn
Kakadelis

However, there is one simple, but important factor kept from public scrutiny. The tests are never released after being administered. So, how can the public be assured of quality testing? Someone once said, "Trust but verify." Verification raises the level of confidence that stakeholders expect where high stakes testing is concerned. Here are my "Top Ten Reasons" why these North Carolina tests should be released to the public:

10) Keeps North Carolina on the leading edge of testing candor. Look at Virginia and Texas: www.pen.k12.va.us, and www.tea.state.tx.us. Their websites allow easy access to the most recently released tests. Go to their home page and the tests are easy to find. Go to North Carolina's website, www.dpi.state.nc.us, and if you know how to do an advanced search you will find that NCDPI has released a group of items "similar" to those that appear on the tests.

9) Improves test security. A new test would be generated every year.

8) Improves parent and educator understanding of how standards are tested.

7) Removes doubt that something is being hidden from parents.

6) Saves the department from administering the Test Security Agreement. If one signs, they agree not to discuss the test without prior written consent of NCDPI.

5) Ensures alignment of tests with the North Carolina Standard Course of Study.

4) Validates the expectation of parents regarding proficiency level. Parents would be able to see whether the academic rigor of the tests matches their expectation.

3) Raises credibility for North Carolina's accountability program, called the ABCs.

2) Matches protocol of other high-stakes tests. There are released forms of the PSAT, the SAT, and North Carolina driver's license tests available.

1) Abides by the North Carolina State Public Records law, General Statutes Chapter 132. If it is defined as a "public record" then all tests should be released immediately after being administered. Even "Confidential Communications" are eligible for release after three years. It is the law.

The reason purported for not releasing previously administered tests is cost. NCDPI claims they do not have resources available to develop a new test every year. With all the attention and money invested in the tests, why not make every effort to increase confidence in NCDPI's accountability program? Letterman might come up with Ten More Reasons to release the NCDPI's tests. His reasons might just be funny.

CJ

Kakadelis is director of the N.C. Education Alliance.

School News: Nation

• Reauthorization of the federal nutrition assistance program has led lawmakers to consider closer scrutiny of program eligibility, according to *Education Week*. Very little is currently done to document claims by program applicants, leading to the concern by some lawmakers that many ineligible families and students receive benefits under the program.

Advocates of current recipients are sensitive to the possibility of a crackdown on eligibility and worry that eligible students who cannot document family need may be excluded. James D. Weill, president of the Food Research and Action Center, advises federal officials not to impose "draconian solutions." Eric Bost, speaking for the Department of Agriculture, pledged that any new plans will not overburden schools or make it more difficult for eligible students to receive assistance. Because many other federal aid programs hinge on free and reduced-cost lunch numbers, the issue is likely to generate continued and passionate disagreement.

• A showdown between the business and the education community may be looming, according to the *Salt Lake Tribune*. Some lawmakers are suggesting reform of the education community along the lines of a business model, allowing the pool of educators to include professionally qualified individuals with experience in their fields, but who have no teacher's certificates. "We need to measure by results achieved rather than conditions faced," said John Bennion, one of the authors of SB154, a value-added education assessment system for Utah. SB154 combines features of three bills that move to remove restrictions on hiring individuals for schools throughout the state.

• Children attending military base schools operated by the Department of Defense are coping with absentee parents in greater numbers, according to the *Christian Science Monitor*. As military personnel deploy to overseas locations, schools are increasingly required to meet the needs of soldiers' children.

Currently, 224 Department of Defense schools serve 112,000 students on base schools. The schools perform better than the average public school on standardized tests, even though students are poorer than the average U.S. public school student. The schools are also more racially diverse, according to the report, but have a smaller achievement gap between groups than in regular public schools.

Recent moves to place schools located in the United States under state control has met with resistance, in light of their superior performance and high level of support in the military community. Of the 224 base schools, 72 are located in the United States. The remaining 152 schools are located in 14 countries in Europe and Asia. Sixty percent of students change schools annually. CJ

Federally funded centers shift care-giving roles

After-School Programs Don't Improve Academics

By KAREN PALASEK

Assistant Editor

RALEIGH

Disappointing academic results have led to closer scrutiny of 21st Century Community Learning Centers, the nation's largest federally funded after-school program. The report, *When Schools Stay Open Late: The National Evaluation of the 21st Century Community Learning Centers Program, First Year Findings, 2003*, is described as one of the most comprehensive studies of after-school care ever conducted.

The *First Year Findings* report was prepared by Mathematica Policy Research, Inc. for the U.S. Department of Education. The report gathered data on more than 5,000 elementary- and middle-school students, in 96 after-school programs. The authors say that "[t]he study was designed to examine the characteristics and outcomes of typical programs," without any attempt to select a "best" program from the group.

The Community Learning Centers were funded by Congress to boost academic achievement. A variety of academic and cultural enrichment activities have been part of the center's approach. But the Mathematica study shows that the programs don't generate academic gains. As a result, the Bush administration has decided to request that Congress decrease current funding by 40 percent.

The study used different methods to study middle-school and elementary-school participants, but shows similar results for both groups. In addition to negligible academic improvement, the Mathematica study shows generally low participation rates in the programs. It also shows that higher participation, at least in this first year, did not improve results. According to the 21st Century designers, the programs have been revised to focus more heavily on academics in the future.

Middle-school findings

For the middle-school study, researchers looked at closely matched groups of participating and nonparticipating students. The two groups were drawn from children at the same schools, or at schools in the center's district.

One question the study explored was how often and how well middle-school students completed homework assignments. As the research discovered, participation in the centers made almost no difference in the rate at which middle schoolers finished assignments. About 83 percent of students in both categories completed homework as assigned. When teachers were surveyed to see whether homework quality was different, they reported slightly more satisfaction with the center students' work.

Subjective items in the survey asked teachers to assess how hard students appear to have been working. Teachers reported about the same amount of effort for all of the students, and found no differences in attitude toward school work between the groups. Researchers also looked at disciplinary issues, such as skipping school, being sent to the principal's office for misbehavior, school problems that required a call to parents, or getting detention. Children in the after-school centers had at least as many instances of discipline problems as did nonparticipating children.

The children who participated in after-school centers did not show significant academic gains, according to the study.

The research considered the impact that centers have on students' test scores. In most subjects, there was no significant difference between the number of students identified by teachers as scoring "above average" or at "very high achievement" levels on tests, regardless of after-school enrichment. An exception appeared in math, however, where scores were slightly higher for center participants. While the math result is considered statistically significant, the effect could be measured in only one-tenth of the sample group. As the study explains, only one-tenth of the students had both before and after math scores available for comparison.

Elementary-school results

After-school care for elementary students is in high demand. There are typically more applicants for Learning Center programs than there are slots for children, so Mathematica was able to study elementary results using an experimental design. Some applicants were randomly assigned to the center programs. Children who were not placed in programs became the matched comparison group. Researchers looked at tests scores, attitudes, and behavior, just as they did with the middle-school group.

The Learning Centers for elementary students were located in 18 elementary schools. The elementary centers emphasized academic achievement over other enrichment areas. A few centers, according to the *First Year* report, stressed skills needed for state tests or other narrow goals. Others emphasized homework, or reinforced school-day material.

The first annual report described participation in the program as 'moderate.' One or two days per week was typical, and attendance declined over the course of the school year. About 25 percent of the students stopped attending altogether after two months.

The children who participated in after-school centers did not show significant academic gains, according to the study. The matched comparison group scored equally well on classroom and standardized tests, and behavior problems occurred as often in one group as in the other.

Family involvement with children

Even though the Community Learning Centers didn't increase academic scores, participation did have an effect on family involvement. The study found that parents of participating middle schoolers were more likely to participate in school activities, and organizations, than were other parents.

A second finding showed that the number of self-care, or "latchkey" kids was unchanged with the availability of after school

programs. Children who were used to spending time alone at home, or in other after school locations, did not switch to centers instead. Kids who did attend programs wound up getting more care from nonparent adults, and less from parents and siblings.

Elementary-school parents didn't increase their school participation when their children entered programs, according to the report. Middle-school parents, however, volunteered more, attended more school events, and checked for completed homework more often if their child was involved in after-school care.

Behavior

The Mathematica study investigated behavior effects by putting together a composite of student traits. The composite was used to compare students in programs to those who were not enrolled.

Behavior problems occurred just as frequently in after-school students as in students who were not in a program. The composite for elementary students examined goal-setting, cooperation, safety, personal initiative, personal integrity, empathy with others, and feelings of 'belonging' with their peers. The composite score was the same for all groups of elementary kids.

Research on middle schoolers' behavior revealed troubling facts. Participants were more likely to strike teachers or other students, more likely to steal or deliberately destroy property, to lie to their parents, or to sell illegal drugs. Participants were more likely to be victims of other students than were nonparticipants.

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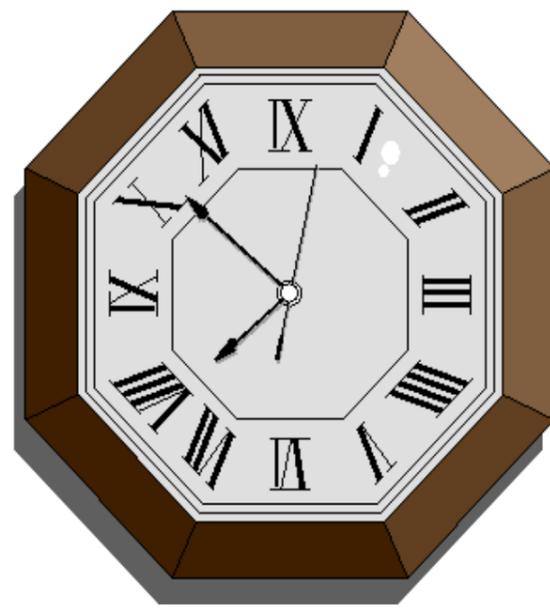
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New guidelines

In February 2003, the Office of Elementary and Secondary Education issued a set of nonregulatory guidelines designed to clarify current program regulations, and to address concerns about compliance with the No Child Left Behind law. A number of new and more detailed directives will take effect in coming years to try to reform the program.

Private organizations are eligible to receive grants directly for the first time, and program administration will move from the federal to the state level. The guidelines also instruct states to focus their programs on high-poverty, low-performing students. To improve accountability, grant recipients must coordinate programs with local education agencies.

U.S. Undersecretary of Education Eugene Hickock believes the program can be salvaged. "Thanks to this study, we found areas where we can improve," he told the *Dallas Morning News*. But others question whether problems can be identified and rectified. Money spent on marginal programs inevitably trades off with money spent elsewhere. In considering a reduction in funding, the administration has signaled a need to look seriously at some of those alternatives. CJ



American Textbook Council Convenes Expert Review Panel

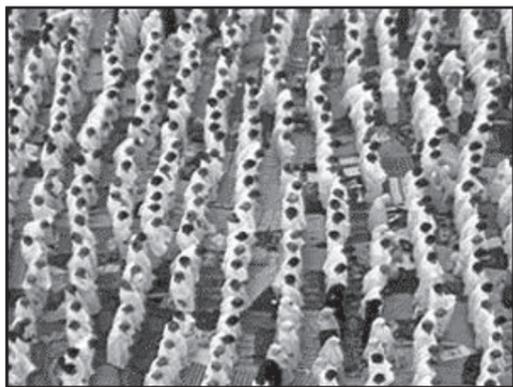
Report Accuses Textbook Publishers of Sanitizing Islam's History

By KAREN PALASEK
Assistant Editor

RALEIGH

The popular notion that the victor in a conflict gets to write history is probably true. If so, the report *Islam and the Textbooks* documents a quiet coup that has occurred in America's history textbooks. Produced by the American Textbook Council, the report claims to detail a systematic "sanitizing" of Islamic history and practices.

"One man's jihad can be another man's mission of distortion," syndicated columnist Suzanne Fields says. Jihad is used to justify the bombing of schools and



Islamic hajj, the pilgrimage to Mecca

schoolchildren, as well as buses, stores, and other public places, she writes. Although the destruction and mass murder at the World Trade Center was a 'jihad,' according to the perpetrators, American students might never see that word in connection with the terrorist killings.

A blind eye to the less-benign aspects of political Islam is attributed by *Islam and the Textbooks* to the Council on Islamic Education. The council is a self-declared liaison between public schools, textbook publishers, and the Islamic world. As a result of the council's threats of racism and bias, American publishers of history texts have "circumvent[ed] unsavory facts that might cast Islam past or present in anything but a positive light," according to the report.

Textbooks explain jihad

The American Textbook Council report examines seven textbooks, all widely adopted in the U.S., for content on Islamic life and beliefs. Web-based materials on Islam, especially those designed for the classroom, are included in their review. For comparison, the authors reference Islamic scholars, historians, articles, essays, bulletins, and standard sources such as the Koran.

Three of the texts examined are adoptions aimed at the seventh to ninth grades. They are *Human Heritage*, from Glencoe, *Across the Centuries*, from Houghton Mifflin, and *A Global Mosaic* from Prentice Hall.

High school texts include *Patterns of Interaction*, from McDougal Littell, *Connections to Today*, from Prentice Hall, *The Human Experience*, from Glencoe, and *Continuity and Change*, from Holt, Rinehart, and Winston.

Traditional sources identify jihad as a concept that "embodies the element of friction that exists between many Muslims and nonbelievers – Christian, Jewish, Hindu, and Buddhist – enmity grounded in Islamic desire for political and territorial power."

Bernard Lewis, a Middle East scholar, said the jihad was historically "perceived as unlimited" and "a religious obligation that would continue until all the world either adopted the Muslim faith or submitted to Muslim rule."

Students read schoolbook definitions of jihad, however, that range from "a struggle in the cause of God," which can include trying to quit smoking, or controlling one's temper, to "a struggle to introduce Islam into other lands." Textbook publishers, under the advice of the Council on Islamic Education, have adopted a presentation that paints jihad as virtually any personal struggle. They have "defanged and oversimplified" a serious objective of Islamic culture, the report states.

Islamic law for American students

Other aspects of Islam receive similarly 'rosy' treatment in world history and culture texts. Sharia, Islamic law, is discussed as though it represents an alternative legal system or lifestyle. Bernard Lewis said sharia is the whole of the law in Islam. "There is...no distinction between canon and civil law," he said. Religious and civil law are one and the same, and regulate every aspect of commercial, legal, and personal life. No group or activity is exempt from that law, Lewis said.

The version of sharia adopted by textbooks at the behest of the Council on Islamic

Education veils the power of sharia over Islamic life. *Connections to Today* says that sharia "provides guidance on all aspects of life." *Continuity and Change* says sharia "guided the personal conduct of all Muslims," in explaining its historical role. *Human Experience* summarizes sharia as "the way legal scholars organized Islamic moral principles into a body of law."

The American Textbook Council calls these explanations "textbook happy talk." They emphasize that sharia is not a variation on law as it is understood in the West. Sharia, they explain, can justify "religion-based behavioral control" in society. Under sharia, "certain crimes are punishable by stoning, flogging, amputation, and beheading."

Western legal systems emphasize adjudication of disputes, establishment and enforcement of rights, and punishment when necessary. The Islamic system of sharia enforces punishments "intended to inspire subjection and fear." Nothing suggesting this appears before students in textbook discussions of Islamic law.

Cultural equivalence

Islamic states engaged in slavery and slave trade, but in an effort to establish cultural equivalence, *Islam and the Textbooks* argues, slavery in the Muslim world is usually mentioned in the same breath with Greek, Roman, or American practices of slavery.

The report gives examples of textbooks that portray enslavement by Muslims as a step up in the social and cultural ladder. *Connections to Today* mentions living in wealthy households, and possibly gaining freedom, by marrying the master. A female slave might gain freedom for her children, if not for herself, by bearing children for her master.

Patterns of Interaction gives some detail

about the number of slaves imprisoned, sold, and traded by Muslims.

It also glosses over the involuntary nature of slavery by emphasizing that "slaves had some legal rights and opportunity for social mobility." Numbers of Muslim-enslaved captives and prisoners of war range as high as 14 million between the seventh

and 19th centuries. And Ronald Segal, in *Islam's Black Slaves*, describes Mecca and Medina as "strongholds of slavery and the slave trade throughout the nineteenth century."

Islam and the Textbooks argues that world history texts "contort themselves" to offer positive examples of

women's accomplishments inside Islam, while ignoring "inconvenient details" about the treatment of ordinary women in that society. Quotes from various texts highlight women with exceptional power, knowledge, or freedom. The point is, according to the American Textbook Council, they are amplified and exaggerated, and notable because they are most definitely exceptions in Islamic society.

Ordinary women, even today, are viewed by many men in Islamic society as servants and breeders, according to the authors. *Connections to Today* offers praise for the "spiritual equality of women and men." They also mention traditional cultural disparities. Wives and daughters inherited less than men from their families, had more difficulty exercising legal rights such as divorce, and traded the additional freedom from veiling and seclusion for the right to work as a peasant in the economy.

In exploring the question of what life in a Muslim world would be like, textbook publishers broadly misrepresent the traditions of Islam, the American Textbook Council states, arguing that publishers have been cowed by threatened charges of racism and intolerance from the Council on Islamic Education.

"In the American classroom, it is complacency, not anti-Americanism, that is ascendant. Students and teachers alike are sedated by textbook happy talk," they say. □



A jihad in progress at the World Trade Center

Source: Woodstock Electronic Magazine

American publishers of history texts have circumvented unsavory facts that might cast Islam...in anything but a positive light.

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Course of the Month

More activism for credit

Once again CM goes to the University of North Carolina at Chapel Hill to bestow its honor. This time the recipient is not a single course but a fairly new minor.

New "minor" offerings being the latest rage at colleges and especially UNC-CH for peddling politicized hokum, this minor stands out. It's the "social and economic justice" minor that was implemented in 2000.

According to *The Daily Tar Heel* of Oct. 22, 2002, the "SEJ minor" grew from just 10 students in 2000 to 74 by spring 2001. The DTH also stated the following:

The minor is an opportunity for students to learn about justice issues in the classroom and discover how to apply the perspectives they learn about to the pursuit of justice in their daily lives. Students in this minor learn about human rights, economic justice, equality, diversity, sustainable development, democratic participation and peace issues.

Among that litany of Marxist code words, the big ones are "economic justice," which means everyone earning the same thing across the board or it's "not fair," and "sustainable development," which is the environment sophistry by which boobs believe they have so solved the mystery of economic growth that they can micromanage it from the cloistered halls of government. There's also "human rights," in which rights are not evenly distributed by a Creator or Nature to individuals (else the U.S. Constitution would be just fine) but instead are recognized as determined by membership in a particular group (membership determined by race, gender, preferred sexual act, class, and in some instances, creed). "Equality" and "diversity" are, of course, determined by the same group consideration. "Democratic participation" in general refers to "choosing socialism," at which point further democracy becomes unnecessary. "Peace issues" refers to denouncing military retaliation by democracies such as the United States and Israel.

The SEJ minor offers another way for students to earn college credit for doing exceptionally little course work — another trend of late. As the DTH reported, students can take a "three-credit internship that counts as a course" or they can take a "Spring Break course in the special studies program in which students spend their vacation participating in intensive volunteer projects."

Another trend is student-run and -taught courses for college credit. It's got that, too. As the DTH reports, the minor also requires "participat[ing] in a service-learning project through APPLES [an acronym for Assisting People in Planning Learning Experiences in Service], a student-run service-learning group on campus." Last spring, APPLES offered the following for the "Spring Break course," according to an Oct. 23 DTH letter by Chair Ellen Stanley: "address urban poverty and education" in Atlanta; "work specifically with the Hispanic population" in Wilmington; and "perform trail maintenance while spending the week hiking through the Cumberland Gap" in Tennessee. *CT*

A 'magnet for Islamic terrorist suspects who enroll on student visas'?

Surprisingly, North Carolina Universities Appear on the Path to Jihad and Terrorism

By JON SANDERS

Assistant Editor

RALEIGH

The war on terrorism is being waged abroad, and for North Carolinians some of its biggest news strikes surprisingly close to home. Several arrests were of suspects who attended college in North Carolina, including two of the most important ones in the war on terror: the head of Palestinian Islamic Jihad in the United States and al Qaeda's No. 3 operative, considered "the brain."

In February, *WorldNetDaily* speculated that the "confluence of Islamic radicals" on one North Carolina campus "suggests the Sept. 11 conspiracy traces its roots to North Carolina, not Florida, and goes all the way back to the 1980s."

The campus WND referred to is North Carolina Agricultural & Technical State University of Greensboro, which "continues to be a magnet for Islamic terrorist suspects who enroll on student visas," reporter Paul Sperry writes in a Feb. 27 article (www.worldnetdaily.com/news/article.asp?ARTICLE_ID=31256).

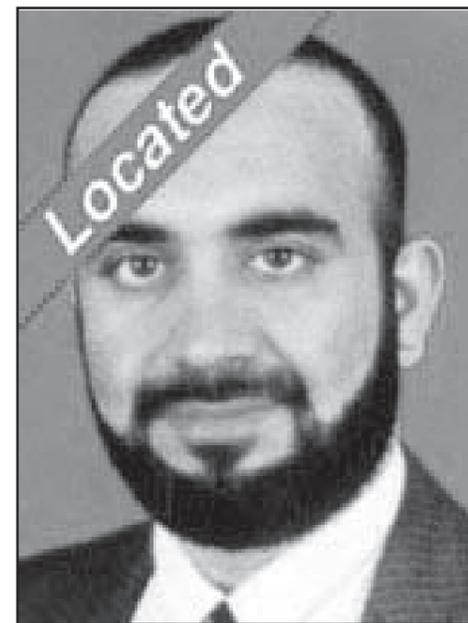
Of course, while there is "speculation that Greensboro was a terrorist seedbed," as Tim Whitmire of the Associate Press wrote March 9, no one is suggesting that NC A&T or Greensboro ever encouraged such activity. Whitmire points out that A&T's 40,000 alumni include civil-rights sit-in activists, astronaut Ronald McNair, and other prominent community members and contributors to society. Complicity by the North Carolina schools or cities is not the issue, just the unsettling proximity of budding terrorists to Tar Heel soil.

Actively targeting the U.S.

Khalid Shaikh Mohammed, terrorist mastermind and al Qaeda's third-highest-ranking official, studied engineering at Chowan College and NC A&T in the 1980s. After a stint in Afghanistan taking part in the jihad against the Soviets, Mohammed and his nephew, Ramzi Yousef, organized the first bombing of the World Trade Center, in 1993 (Yousef is now serving a life sentence for that attack). They also were conspiring in the Philippines to coordinate the destruction of 11 American airliners over the Pacific until an associate blew himself up in his apartment in Manila.

Federal officials link Mohammed to several al Qaeda operations, including the U.S. embassy bombings in Tanzania and Kenya in 1998, the 2000 attack on the USS Cole in Yemen, Richard Reid's thwarted "shoe-bombing" attempt on an airliner in 2001; the April attack on the El Ghriba synagogue in Djerba, Tunisia, and the October nightclub bombing in Bali. He is believed not only to have been involved in planning the Sept. 11 attacks, but also to have been at Osama bin Laden's side on Sept. 11, 2001.

Newsweek magazine reported that an intelligence report Feb. 26 warned that Mohammed "is actively involved in al Qaeda attack planning in CONUS [continental United States]. He has directed operatives to target bridges, gas stations, and power plants in a number of locations, including New York City."



Two pictures of Khalid Shaikh Mohammed, one of the FBI's 22 Most Wanted terrorists. He attended two North Carolina universities during the 1980s.

Mohammed's capture has given U.S. intelligence vital clues to al Qaeda hideouts, including the whereabouts of bin Laden. Among the evidence found were handwritten letters believed to have been from bin Laden, bank ledgers, and related evidence of al Qaeda money transfers that took place in the United States after Sept. 11, names matching those under investigation in the United States, and other items.

'Jihad is our path'

University of South Florida Prof. Sami al-Arian, indicted by the Justice Department as the secret head of the terror network Palestinian Islamic Jihad in the United States and secretary of its worldwide coordinating council, received undergraduate and master's degrees from N.C. State University in the 1980s. The 50-count indictment against al-Arian and seven other de-

fendants on racketeering charges calls the Palestinian Islamic Jihad "a criminal organizations whose members engaged in acts of violence including murder, extortion, money laundering, fraud, and the misuse of visas."

Among the evidence cited in the indictment are records of phone conversations al-Arian had with other defendants discussing in detail terrorist attacks carried out by PIJ, videotapes of al-Arian declaring "Jihad is our path" and "Death to Israel," a manifesto by PIJ opposing "any peaceful solution to the Palestinian cause" and declaring "the Jihad solution and the martyrdom style [is] the only choice for liberation," faxes, and proof of wire transfers purported to finance terrorist activities. It also said al-Arian was working to strengthen PIJ's ties with other terrorist groups, including Hamas and Hezbollah.

While at USF al-Arian cofounded the World and Islamic Studies Enterprise, which was raided by the FBI in 1995, and also was president of the Islamic Committee for Palestine in Tampa, Fla., whose former manager, Tarik Hamdi, was linked to al Qaeda.

Al-Arian's childhood friend and brother-in-law, Mazen al-Najjar, also attended N.C. A&T in the early 1980s. He may have even taught engineering there; N.C.

A&T faculty records during that time period are incomplete. In 1986 Najjar moved to Tampa to attend USF and later worked for WISE.

Al-Najjar was arrested in 1997 by the INS on an expired visa, and he was detained on the basis of secret government evidence linking him with Middle East terrorists. He was released in 2000, but in 2001 he was arrested and this time deported.

As WND's Sperry pointed out, al-Najjar attended NC A&T at the same time Mohammed was there and while Al-Arian was at N.C. State. "The overlap raises questions about the extent of al-Arian's ties to terrorist groups," Sperry wrote.

Other N.C. connections to Islamic terrorism include:

- In 2002, N.C. A&T student of engineering Mekki Hamed Mekki was arrested and later deported for immigration-fraud charges. Mekki is a pilot-trained Sudanese immigrant linked by federal authorities to al Qaeda and suspected of planning to attack a U.S. target with an airplane, reminiscent of the Sept. 11 attacks. He had attended classes at Guilford Technical Community College before enrolling at NC A&T.

- According to a June 10, 2002, *U.S. News & World Report* article, Jibreel al-Amreekee became a jihadist in 1997 while attending N.C. Central University. He died in Kashmir while fighting Indian troops on behalf of the terrorist group Lashkar-e-Taiba (the Righteous Army), an affiliate of al Qaeda blamed for the December 2001 terrorist attack on the Indian parliament.

- In Charlotte, Mohamad Youssef Hammoud of Lebanon was indicted along with 17 others this past summer in connection with an elaborate scheme to funnel hundreds of thousands of dollars to Hezbollah operatives in Lebanon. The scheme involved phony marriages to skirt immigration laws and smuggling cigarettes from North Carolina, which has a low tax rate on cigarettes, to high-tax Michigan. The AP reported July 24 that the Lebanese men were "drawn to North Carolina about a decade ago because of the education opportunities."

- A different and sadder link is that of Duke University and UNC-Chapel Hill graduate Dina Carter. Working at the Jewish National and University Library on the Edmond J. Safra Campus at Givat Ram, Carter was one of seven people killed by a terrorist's bomb in July 2002 at Hebrew University. *CT*

'There's a bunch of dirty business going on at Shaw'

Shaw University Fires Prof, Evicts Student Who Decried Its 'Atmosphere of... Distrust'

By JON SANDERS

Assistant Editor

Last fall Shaw University fired a professor for "disloyalty" and evicted a student from campus housing over a faculty resolution criticizing Shaw President Talbert O. Shaw and the Board of Trustees.

Dr. Gale Isaacs, head of the Department of Allied Health, admitted to helping write a resolution criticizing the university on several grounds. Dated Oct. 24, 2002, the resolution called for an assessment of the Board of Trustees' performance and for Shaw to step down by Dec. 31, as he had earlier indicated he would do. The resolution cited the "present atmosphere of contention and distrust of the Faculty and Staff... with regard to The Shaw University Board of Trustees, the Academic Administration and the sitting President," accused Shaw of "failure to maintain the academic integrity of this University (and this with the sanction of the Board of Trustees), and Shaw "ceased to lead this University two years ago when he allowed the office of the Vice President for Academic Affairs to become a travesty, ...has distanced himself from current academic policy and faculty governance, and... no longer has the respect and confidence of the faculty."

Isaacs's employment at Shaw, where she had been since 1986 after receiving her doctorate from the University of North Carolina at Chapel Hill, was terminated Nov. 16, and she was banned from campus. In her termination letter, Shaw wrote, "The 'Resolution' demonstrated faithlessness in and disloyalty to the University and exhibited an unwillingness to work for the common good of the University."

The American Association of University Professors sent a letter to President Shaw on behalf of Isaacs seeking her reinstatement.

The student, Shaniqua Bizzell, was originally expelled from the university, but her expulsion was repealed because she was near graduation (December 2002) and had a clean record. Bizzell, a member of student government, had distributed and read aloud Isaac's resolution in the student center. For that she was kicked out of campus housing effective Nov. 15.

In a letter announcing the eviction, Vice President for Student Affairs Vaughan Witten said Bizzell was responsible for "causing damage to the reputation of those falsely exposed to the scurrilous accusations [in the resolution], and creating an unstable and disruptive element in the university's fabric of academic integrity and general expression of its mission."

"Though your actions of verbally reading the unsigned-false allegations in public and later copying and

RALEIGH

A 'shocking discrepancy between Shaw University's actions here and the customary practice of virtually every other university.'

distributing said document were misguided and supported by your belief in your unfettered Constitutional First Amendment Right of free speech, you apparently did not consider that the right to free speech, is not absolute and must be restrained in the context of possible harm to the target of said speech, for instance, you can't yell 'Fire' in a crowded theater and claim first amendment privileges," Witten said. "In fact, Ms. Bizzell, no freedoms are absolute, for an individual's freedom only extends to the point that it infringes upon, or harms another."

Bizzell has hired a lawyer and is pursuing redress against the university for breach of contract and causing her mental anguish by denying her room and meals. "As a student body leader, it was my duty to tell the students" of the resolution, Bizzell told *The News & Observer* of Raleigh. "There's a bunch of dirty business going on at Shaw."

She also said, "I cannot tell you the hurt that is in my heart, because I love Shaw University dearly."

'Resembling a dictatorship'

In January the Foundation for Individual Rights in Education, a nonprofit education foundation devoted to individual liberty on college campuses, also sent President Shaw a letter over the controversy. In a letter dated Jan. 13, 2003, Greg Lukianoff, FIRE's director of legal and public advocacy, wrote, "Terminating a professor for such criticism shows utter contempt for the foundational principles of democracy and transforms a university into something more resembling a dictatorship than a place of learning in society."

Lukianoff said Shaw University failed to uphold its own principles, reciting the university's promises that "Shaw University endorses the concept of academic freedom" and promises unfettered "Participation in Political Activity." "The right to criticize the administration and the sitting president of a university is well within the customary understanding of what free speech and academic freedom mean in this country," Lukianoff wrote. Lukianoff expressed shock over the "discrepancy between Shaw University's actions here and the customary practice of virtually every other university in the nation."

Lukianoff also wrote that the matter "undoubtedly will become a public scandal unless Shaw University takes immediate and comprehensive corrective action. If we do not hear back from you within one week of the date of this letter, FIRE will use its full media and legal resources to support Gale Isaacs and, ultimately, to see this matter through to a just conclusion."

On Jan. 15, 2003, Shaw, citing that last statement, wrote in response: "In light of your statement, we have been advised by our attorneys not to respond to your letter." CJ

'Free Expression' and Tunnel Vision

Marye Anne Fox, chancellor of North Carolina State University, issued a statement on tolerance in *Technician*. "Several students have told me about highly offensive, hurtful and disrespectful graffiti that appeared on the wall of our Free Expression Tunnel on Monday night," Fox wrote. "The offensive graffiti has been removed, and I have asked our Campus Police to investigate this incident," she wrote later.

It seems necessary at this time to reiterate that the location of the offensive graffiti is called the "Free Expression Tunnel" — a cherished N.C. State tradition providing a unique model of what free speech looks like. Tunnel expressions range from the thoughtful to the inane, and there's such a glut of them that it's just as easy to get lost trying to read them all as it is to ignore them altogether. A student who isn't offended by something in the tunnel is taking the latter tack. Neither the longevity of one's work nor its sanctity are guaranteed. Other students have the right to paint in the tunnel whatever they want wherever they want, and that's part of the assumed risk. As a student told *The (Raleigh) News & Observer*, "Any time you write something on a wall, you better be prepared to have someone write over it." That includes offensive material and alternative slogans.

Recently students painted antiwar slogans in the tunnel, but those sentiments were immediately painted over with prowar statements as well as Confederate banners and racial epithets about Arabs. No questions the statements were "highly offensive, hurtful and disrespectful." Rather than retaliating in paint, however, offended students high-tailed it to the administration "to demand that the administration of N.C. State denounce the environment of hatred and violence that faces its students every day."

"This is not an issue of freedom of speech," wrote one of the antiwar students in a letter in *Technician*. "Individuals who assaulted us with these messages clearly felt quite free to express themselves. This is an issue of safety and justice."

Building on the idea of "assault through messages" — which has a solid First Amendment foundation and don't you dare cold-cock someone by saying otherwise — he continued: "If these individuals feel 'free' enough to threaten us with violence, we have very little trust they will not, in fact, follow through on their threats. If anyone's speech is being threatened, it is ours."

Frighteningly unaware that graffiti is "violence," the offending students apparently had gotten the idea that they could paint whatever they please in the Free Expression Tunnel. Sources close to this author place the blame squarely on the tunnel's name. Regardless of its origin, that notion is something university officials are now working — with the *campus police* — to disabuse. Why? Because apparently the administration bought into this expression-is-assault malarkey.

"It's good to have a place to have free expression," Fox told *The News & Observer*. "First Amendment speech is valued on campus." At this point one should expect a sentence beginning with "But." Here it is: "But when it goes beyond the boundaries and advocates violence or is just inappropriate behavior among civilized people, that's too much."

Vice Chancellor for Student Affairs Tom Stafford told *Technician*, "Of all the years I've been here, [the Free Expression Tunnel] is the one spot on campus where this happens." Well, yes. That's why it's there.

"Chancellor Fox and I and the other administrators stand for freedom of speech and a climate that welcomes and supports every person regardless of your race, your gender, your sexual orientation, your disabilities, your ethnic background — whatever," Stafford said. *Whatever?* What about "your opinions"? I.e., "Free Expression"?

No, no, no. That's just "too much." Call the campus constabulary. CJ



Jon Sanders

Bats in the Belltower

Oppressed by the Cookies
of Conservatives

Conservatives at the University of California at Los Angeles infuriated the hair-trigger leftists on campus with an illustrative bake sale. According to *The Daily Bruin*, the UCLA conservatives sold cookies at prices that varied according to prospective buyers' race and gender. They also spoofed the rhetorical excesses built in supporting race and gender preferences, wearing name tags depicting themselves as "Uncle Tom," "The White Oppressor," and "Self-Hating Hispanic Race Traitor."

Cookie prices ranged from 25 cents for black, Hispanic, or American Indian females; 50 cents for black, Hispanic, or American Indian males; \$1 for white females; and \$2 for white males and all Asian-Americans.

The president of the Democratic Law Students Association, Juan Carlos-Orellana, was among the indignant. He told the *Bruin*, "By reducing the complexity of this issue into dollars and cents and cookies they are working to stop discourse."

That's one banner-worthy rallying cry. All that's left is to sign up TV's *The Cookie Monster* for the Celebrity Spokesman De Rigueur.

Seminar broccoli

A recent news article in *The Daily Tar Heel* began thus:

Strains of Marvin Gaye's song "Sexual Healing" could be heard coming from inside the Tate-Turner-Kuralt Building auditorium.

On a table next to the door lay safe sex packets stuffed with information about HIV testing, contraceptive methods and a free condom.

"Is this going to be another safe sex lecture?" asked a girl walking in.

As it turned out, it was the "Body Languages of Love" seminar sponsored by the University of North Carolina at Chapel Hill Center for Healthy Student Behaviors, in which attendees would be taught how to interpret nonverbal cues as to whether someone is physically attracted to them.

The girl's comment, however, was priceless, seemingly bearing all the resigned exhaustion of "Are we having broccoli and meatloaf again?"

What's in a name? part 1

The fun-sounding antiwar group "Naked People for Peace" advertised a march in Chapel Hill to take place March 4. While they did hold their procession, they did so wearing towels, sheets, undergarments, etc. — all written with the appropriate slogans, of course, but not quite living up to the promise of the rally.

One supposes that the rally's name was simply a good marketing strategy. A more accurate description of the rally would probably have drawn fewer gawkers and less of that all-important

media attention.

After all, who'd come to see the "Toweled Toadies for Tyrants"?

What's in a name? part 2

After much ado (as discussed in last month's "Bats in the Belltower"), U.S. Capitol bomber Laura "I'm not a terrorist" Whitehorn spoke at Duke University. Duke, in response to several inquiries over the upcoming Whitehorn speech, had issued a press release reassuring the concerned that "Ms. Whitehorn was invited to speak about HIV/AIDS in prison."



Inexplicably, and in a quite unfortunate coincidence, the two newspapers covering the speech gave it the following headlines: "Whitehorn defends past actions" (the *Duke Chronicle*) and also "Duke speaker defends bombing Capitol" (*The Herald-Sun*).

In the speech, Whitehorn made the case for how she couldn't possibly be a terrorist under her definition of "terrorist": "I was taught that terrorism is the purposeful targeting of civilians to force government to do something." Whitehorn purposefully targeted no one, saying she took care to make sure no one would be hurt by the bombing (but of course, if they had been hurt, they would have been members of the U.S. government and not "civilians"). Also, she said she was just trying to make a point and didn't think the bombing would change U.S. policy. She didn't (a) purposefully target civilians or (b) try to force government to do something, therefore, according to her definition, she is not a terrorist despite having detonated a bomb in the U.S. Capitol.

What was she, then? Prepare yourself for a jewel of blame-shifting to the usual recipients of leftist intolerance: "middle class and white and didn't have the elasticity of soul to rise above suffering."

She's not too fond of others' definition of terrorist, by the way. "I don't really even care that much whether people think I'm a terrorist or not," she told the *Chronicle*. "These labels have everything to do with your own politics and not much with what the people do." Which is why the *Wall Street Journal*, the Duke Conservative Union, et al. justified their calling her a "convicted terrorist" on the basis of her being an HIV/AIDS speaker.

Whitehorn also praised Duke for letting her speak, saying, "It's a test of whether you really want to see democracy if you support people who are really marginalized, and that means people on the far left."

Of course, if you set a bomb in the primary hall of democracy in the United States, that's not a test of whether you really want democracy — but it just might be indicative of your race, class, and soul's elasticity. CJ

Federal Commission Urges
Changes to Title IX Enforcement

By JON SANDERS

Assistant Editor

RALEIGH

In late February a federal commission released its final report on recommendations on reforming the enforcement of Title IX of the Education Amendments of 1972. Entitled "'Open to All': Title IX at Thirty," the Secretary of Education's Commission on Opportunity in Athletics praises the legislation for expanding athletic opportunities for women but criticizes how enforcement has led to the elimination of opportunities for men.

The Office for Civil Rights is criticized heavily in the report. The report faults OCR for being unclear in its 1979 policy interpretation of Title IX (which created the three-prong test for compliance), for its field offices' giving conflicting information regarding compliance, and for not enforcing the legislation strongly enough. The OCR also does not use a definition of sports to assess participation opportunities, thus missing "emerging sports" such as cheerleading and bowling among others. "There is great confusion about Title IX requirements caused by a lack of clarity in guidance from the Office for Civil Rights," the report said.

The report also found that the OCR doesn't properly enforce its three-prong test, but instead has let it be known it favors the "substantially proportionate" test (i.e., the male/female ratio of athletes is similar to the male/female ratio of enrollment) as the only "safe harbor" standard to meet to avoid further OCR scrutiny. "If a school claims it is in compliance under one of the other tests" — i.e., either showing it has a "continuing practice of program expansion" for members of the under-represented sex or is "fully and effectively" accommodating their interests and abilities — "the Office will scrutinize that claim more carefully since compliance under either of these parts is not a safe harbor."

Given the confusion and the overemphasis placed by OCR on the "substantially proportionate" test, the report found, an unintended consequence of Title IX has been the elimination of men's athletics teams and opportunities, especially nonrevenue or Olympic sports.

"[T]he Commission was told that when faced with a complaint regarding its athletics programs, an institution may feel that cutting a team or capping opportunities is an easy way to gain compliance," and "all agree that there has been a troubling decrease in athletic opportunities for boys and men."

The report also proposed expanding opportunities for women (and men) by schools lifting artificial limits on walk-on opportunities and the NCAA allowing more scholarships for women's teams.

The report makes 23 recommendations regarding enforcing Title IX (see accompanying box). Among them are the commission's recommendation that OCR "provide clear, consistent, and understandable written guidelines for implementation of Title IX and make every effort to ensure that the guidelines are understood."

The commission recommended ensuring changes by OCR would not "threaten any progress in creating athletic opportunities for women," but also OCR should "make clear that cutting teams in order to demonstrate compliance with Title IX is a disfavored practice."

The report also proposes several recommendations to deal with the test for compliance, its "substantially proportionate" prong, and ways to expand the test.

Summary of Recommendations

Four themes — commitment, clarity, fairness, and enforcement — frame the Commission's recommendations.

Commitment

- The Department of Education should reaffirm its strong commitment to equal opportunity and the elimination of discrimination for girls and boys, women and men.

Clarity

- Any clarification or policy interpretation should consider the recommendations that are approved by this Commission, and substantive adjustments to current enforcement of Title IX should be developed through the normal federal rulemaking process.

- The Department of Education's Office for Civil Rights should provide clear, consistent and understandable written guidelines for implementation of Title IX and make every effort to ensure that the guidelines are understood, through a national education effort. The Office for Civil Rights should ensure that enforcement of and education about Title IX is consistent across all regional offices.

- The Office for Civil Rights should educate educational institutions about the standards governing private funding of particular sports aimed at preventing those sports from being dropped or adding specific teams.

Fairness

- The Office for Civil Rights should not, directly or indirectly, change current policies in ways that would undermine Title IX enforcement regarding nondiscriminatory treatment in participation, support services and scholarships.

- The Office for Civil Rights should make clear that cutting teams in order to demonstrate compliance with Title IX is a disfavored practice.

- The Department of Education should encourage the NCAA to review its scholarship and other guidelines to determine if they adequately promote or hinder athletic participation opportunities.

- The Department of Education should encourage educational institutions and national athletic governance organizations to address the issue of reducing excessive expenditures in intercollegiate athletics. Possible areas to explore might include an antitrust exemption for college athletics.

Enforcement

- The Office for Civil Rights should aggressively enforce Title IX standards, including implementing sanctions for institutions that do not comply. The Department of Education should also explore ways to encourage compliance with Title IX, rather than merely threatening sanctions.

- The Commission made a series of recommendations on new ways in which Title IX compliance can be measured.

- The Office for Civil Rights should allow institutions to conduct interest surveys on a regular basis as a way of (1) demonstrating compliance with the three-part test, (2) allowing schools to accurately predict and reflect men's and women's interest in athletics over time, and (3) stimulating student interest in varsity sports. The Office should specify the criteria necessary for conducting such a survey in a way that is clear and understandable.

Source: "'Open to All': Title IX at Thirty"

"We just want to make a good thing better," Secretary of Education Rod Paige said of the report and Title IX. "We want something to help all Americans." CJ

Issues in Higher Education: University holdings in the War on Terror

Conservatives Press N.C. State, Duke to Drop Stock to Help Fight Terror

By JON SANDERS
Assistant Editor

RALEIGH
Movements are under way on college campuses nationwide to cause them to "divest" in holdings that support causes promoters find odious. The campaigns hearken to those in the 1980s where colleges refused to do business with South Africa because of its policy of apartheid. The most well-known current campaign is the one seeking universities to divest in Israel, but there is another campaign under way to have universities divest in terror.

Concerning Israel, that divestiture campaign got its start by University of Illinois at Urbana-Champaign Professor Francis A. Boyle. Boyle likens Israel's treatment of the Palestinians to apartheid in South Africa. Its most notable supporters are Massachusetts Institute of Technology Professor Noam Chomsky

Boyle wrote a letter to *The Daily Tar Heel*, published Oct. 14, 2002, supporting the effort at the University of North Carolina at Chapel Hill. "A worldwide divestment/disinvestments campaign against Israel will play a critical role in dismantling its criminal apartheid regime against the Palestinian people living in occupied Palestine as well as in Israel itself," he wrote. Faculty, staff, and students collected signatures on a petition calling for UNC-CH to divest. Similar petitions have been signed at colleges nationwide, and there is also a

large movement in Europe calling to end support of Israeli researchers. UNC-CH Chancellor James Moeser, however, would not back the proposal.

UNC-CH anthropology Professor Donald Nonini wrote in favor of divestiture in the *DTH* Oct. 14, citing examples:

Over the last seven years, U.S. weapons manufacturers such as Boeing and Lockheed Martin have supplied Israel annually with an average of more than \$1 billion in weapons (paid for by the U.S. government and, indirectly, by U.S. citizens) that support the occupation: American-made F-16 jets and Apache helicopters send missiles into Palestinian homes, and American-made Caterpillar bulldozers demolish Palestinian dwellings. Other corporations have benefited directly or actively from the occupation. For instance, Intel has recently signed an agreement with the Israeli government to construct a \$1.6 billion fabrication plant in Kiryat Gat, on lands that were owned by Palestinians before 1967. University endowments holding these corporations' stocks or bonds receive part of their profits.

Harvard University President Lawrence H. Summers publicly criticized the campaign in a Sept. 17, 2002, campus address at morning prayers. Summers cited



"disturbing evidence of an upturn in anti-Semitism globally," then turned to academe, decrying that "where anti-Semitism and views that are profoundly anti-Israeli have traditionally been the primary preserve of poorly educated right-wing populists, profoundly anti-Israel views are increasingly finding support in progressive intellectual communities. Serious and thoughtful people are advocating and taking actions that are anti-Semitic in their effect if not their intent."

First on his list were the "Hundreds of European academics [who] have called for an end of support to Israeli researchers," and finally, "some here at Harvard and some at universities across the country have called for the University to single out Israel among all nations as the lone country where it is inappropriate for any part of the university's endowment to be invested. I hasten to say the university has categorically rejected this suggestion."

Campaign at N.C. State, Duke

Meanwhile, *Broadside* magazine, published by conservative students at North Carolina State University, has launched a

divestiture campaign of its own. The March 2003 issue of *Broadside* calls on the university to drop stock in "companies that support unsavory governments." The *Broadside* campaign also cites the South African divestiture campaign as a model. It has set up a website for its campaign: www.theBroadside.org/divestment.

"N.C. State owns stock in Conoco and GE, two U.S. based companies that the Global Security Risk Monitor [an investor research outfit] cites as having assets in countries that are state-sponsors of terrorism," writes *Broadside* Publisher Mark Hofer. "At the end of the 2002 calendar year, the university had over \$1.3 million in those two companies alone. But this only includes the U.S. based companies. Over seventy percent of the Risk Monitor consists of foreign companies."

Hofer told *CAROLINA JOURNAL* that students at other universities, including Duke University and Oklahoma University, have started similar campaigns.

Hofer was also asked how the divest-in-terror campaign compared with the divest-in-Israel campaign. This campaign is "in another league" than the divest-in-Israel campaign, he said.

"The State Department identifies each of the targeted countries as sponsors of terrorism. Israel is not among them," Hofer said. "Israel has also not called for its citizens to attack U.S. interests. The countries targeted in the Terror Divestment campaign have directly threatened U.S. citizens." *cj*

CAROLINA JOURNAL Publisher John Hood Garners Praise for His Most Recent Book:

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Look for *Investor Politics* in bookstores or at www.TempletonPress.org.



A New Web Site Providing a State Perspective on 9/11 and the Current International Crisis From the John Locke Foundation

Recent Articles and Columns Spotlighted on NCAatWar.com Include:

¥ Cato Institute scholar and *Carolina Journal* contributor Doug Bandow makes the case against war in Iraq, with retired Army officer Lane Toomey of Southern Pines argues for American intervention in the region.

¥ Moderate Muslim clerics preach peace in Durham and Greensboro while a former Black Panther leader calls First Lady Laura Bush a murderer at Duke.

¥ North Carolina's economy is hurt further by wartime deployments.

¥ Dr Andrew Taylor, NCSU Political Scientist, on the likely impact of the war on North Carolina politics.

¥ More than 14,000 troops from Fort Bragg are deployed in the Iraq theater, with thousands more NC-based forces fighting in Iraq and Afghanistan.

¥ Gov. William Yarborough, former head of Special Warfare Center at Ft. Bragg, distinguishes terrorism from legitimate armed resistance.

¥ Locke Foundation President John Hood writes about the historical road to Baghdad paved with good intentions and unforeseen dangers.

For the latest news, analysis, and commentary on the war on terrorism, visit what National Review once named its *Cool Web Site of the Day* located at www.NorthCarolinaAtWar.com or www.NCAatWar.com.

Town and Country

Eden to annex neighborhoods

The city of Eden has outlined plans to expand in the coming months by annexing Indian Hills and several other areas just outside the city limit, the *News-Record* of Greensboro reports.

The annexations could bring the city tens of thousands of dollars a year in tax revenue. For residents of the Indian Hills, Parkdale plant, and North Ridge areas of the city, annexation means paying city taxes. Indian Hills, a community of about 35 upscale, single-family homes, already has the water and sewer lines that Eden would be forced to provide in the other areas — making annexation a good investment for the city.

Parcels in the subdivision are valued at about \$200,000, making city property taxes for a house about \$1,100. Indian Hills abuts both the city limit and the city industrial park, along N.C. 135 and Harrington Highway outside the city. The city may annex the park. Property must touch the city limit for it to be involuntarily annexed.

Residents of the three areas would get city water and sewer services, reduced fire insurance rates, and eventually lower water and sewer bills, Eden Mayor Phil Price said. The city planning department has recommended annexing the three neighborhoods by July 1. The City Council will consider the issue and hold public hearings in the coming months.

Road project's impact debated

A major selling point Gov. Mike Easley is using to garner support for his N.C. Moving Ahead highway project has been its potential economic benefits, which are two-fold, the *Triangle Business Journal* reports.

First, according to the North Carolina Department of Transportation, hiring contractors to make repairs and upgrades will create additional jobs.

Citing data from The Road Information Program, the DOT says 42,000 jobs are created by every \$1 billion spent in road construction. It also says that every \$1 in highway spending has a \$5.70 impact on the economy. So, based on those figures, DOT officials think that over the next two years N.C. Moving Ahead will create nearly 30,000 jobs and have a \$4 billion impact on the state's economy.

Part of that job creation would be directly tied to road projects, said Ernie Seneca, Easley's deputy press secretary. "Jobs would be created in actual road building and also in the design of these projects," he says.

But Berry Jenkins, the North Carolina director for the Carolinas Associated General Contractors' heavy highway division, questions the actual impact these projects will have if they are largely aimed at improving and maintaining existing roads. "There might be more work like paving projects," he said.

Whether the DOT gets the funds to even begin any projects depends on passage of House Bill 48. Jenkins, who is a lobbyist for CAGC, said, "We are not in a position right now to endorse the bill. As the legislature begins to debate the bill, maybe some of our questions will be answered." CJ

Homeland Security: Bracing for Terrorism

State officials confident but local rescue workers say preparations are incomplete

By DONNA MARTINEZ

Associate Editor

RALEIGH

While thousands of North Carolinians are deployed to the Persian Gulf to disarm Saddam Hussein and destroy his weapons of mass destruction, state and local emergency management professionals are waging a war on terrorism at home as the nation's terror alert rises and citizens brace for potential terrorist attacks in response to military action.

Receiving direction and funding from the U.S. Department of Homeland Security and its Secretary Tom Ridge, North Carolina planners, police officers, firefighters, and medical personnel are engaged in a deadly serious effort to deter, detect, and respond to potential calamities once considered unthinkable on American soil.

Plans for general disasters such as hurricanes and workplace shootings have been in place for years, but terrorism introduces new threats and scenarios that demand special training, new equipment, and additional money, those responsible for securing the state say.

State, local views at odds

Is North Carolina ready to handle the worst that terrorists may inflict? It depends on whom you ask. State planners say much progress has been made, but first responders at the local level tell a different story.

"I think it's going quite well. Unless you're in emergency management careers, you might not see a lot of these things," said Don Needham, chief of the information and planning division of the state's Crime Control and Public Safety Department, which oversees North Carolina's interaction with federal Homeland Security officials and county emergency management offices.

That assessment is too rosy, said Dan Summers, director of emergency management for New Hanover County, a frequent target of hurricanes. "We are not braced for the new mass-casualty, mass-medical event," Summers said with frustration in his voice. "It used to be we'd plan on 50 medical problems" in plans for major disasters. "Now it's trying to find ways to deal with large numbers of casualties."

A veteran of nearly 20 years of service, Summers is proud of his area's readiness and said the county is better-prepared than most, since its rescue workers have received more FEMA training than those in other communities. "With limited resources, we have an effective and operational emergency management plan," he said.

Not ready for catastrophe

Regardless, he contends those plans are vulnerable to terrorism and mass casualties, a lesson he learned from the Sept. 11, 2001 attacks on the United States. In the aftermath he learned of a phenomenon he calls "the worried well." Fewer than 200 major medical incidents stemmed from the World Trade Center collapse, a manageable number for emergency facilities, Summers said. But incredibly, at least an additional 3,000 victims, looking to use the phone, find loved ones, take showers, or be reassured they weren't hurt, showed up.

What if those people had been contaminated by chemical or biological agents, Summers wondered. What would that have meant for everyone with whom they came in contact? "This is what communities are not braced for. We're working at it, but nobody had thought pre 9/11 to even think about this," Summers said. "It's the num-



Bryan E. Beatty, secretary of North Carolina's Department of Crime Control and Public Safety, which oversees homeland security.

ber one impact for me."

Summers complains that Department of Homeland Security funds, distributed previously through the Department of Justice, are getting too slowly to counties, where much of the nuts-and-bolts preparations are made. The only money to arrive so far is a 2000 grant from the Department of Justice, Summers said. Summers used the \$64,000 to order protective masks and coveralls for 600 first-responders to an emergency. The items won't arrive until May or June, and that delay is unacceptable, Summers said.

"It should be a no-brainer to get this," he said. "We have been very disappointed in the way in which grants, brokered by the state, have come down to local governments. In my 18 years of emergency management, it has been the most cumbersome grant program I have ever worked with. Certainly, it's not all the state's fault."

Summers's funding concerns echo those of The Heritage Foundation's Michael Scardaville, a policy analyst specializing in homeland security. While he praises Ridge's efforts to coordinate efficiently with states and localities, he faults Congress. "They like to micromanage," he said, referring to the earmarking of funds for specific purposes, the resulting inflexibility to local officials, and the cumbersome grant process. "These guys (state and local officials) have to spend time learning how to manage their grants. They shouldn't have to do this. This should be one-grant process, not several. It should be for all hazards, not just for some," Scardaville said.

Despite the bureaucratic maze, Summers is thankful for progress, and confident in the planning of New Hanover County's Community Task Force, comprised of about 25 public safety, government, and health officials. The group focuses on threats possible in any community, but also on those specific to its coastline, including the port, nuclear plant, nuclear fuel facility, ammunition facility, and beaches.

In the mountains of Buncombe County, Summers' counterpart, Jerry VeHaun, agrees there have been accomplishments, but he said he wishes preparations were moving faster in the Asheville area as well.

VeHaun, director of emergency services for the county, has focused on terrorism since the late 1990s. He attended terrorism prevention school three years ago. The training proved valuable as he watched the events of Sept. 11 unfold, he said. "It was a good course. I realized the things I needed to be concerned with," VeHaun said of the new realities that emerged for his job. "It's a lot different now. I knew on September 11th it was never going to be the same."

Like Summers, VeHaun established a terrorism advisory committee and used a \$60,000 Department of Justice grant to purchase personal protection gear. The gas masks and body suits should arrive soon, and VeHaun is planning a training exercise at the airport in June. The session will likely simulate a bio-terrorist attack or explosion. But VeHaun said a key accomplishment is the purchase of a new radio system that allows fire, emergency-management services, and sheriff's personnel to talk to each other during an emergency. It solves a potentially deadly problem that investigators say plagued New York City's emergency workers at the World Trade Center. The \$3.2 million system, purchased with local dollars, will be in place July 1.

"There are so many unknowns: airborne, explosion, structure collapse. I feel good about being able to respond and secure an area," he said. However, when it comes to "an exotic thing like a dirty bomb (a crude radioactive device)," detection and response are more complex, he said.

While VeHaun, Summers, and other local officials take action in their communities, the state is responsible for planning and coordination that affects all North Carolinians. For example, the state created the Office of Public Health, Preparedness and Response to oversee seven teams around the state that train county health workers to spot and treat symptoms of biological contamination. One is in New Hanover County and Summers said representatives attend task force meetings there and offer the resources of an industrial hygienist.

\$13.9 million for North Carolina

"We're doing the job we've always done," Needham said. "What has changed is Congress has allotted more money." The fiscal 2003 budget recently signed by President Bush included \$13.9 million in first-responder funds for North Carolina. Congress left little flexibility on its use, dictating amounts for equipment, exercise, training, and planning. The state must submit a grant proposal by April 22. If approved on schedule, the funds should head to North Carolina in late May, and then go to localities.

Summers and VeHaun are anxious to use the grants to whittle their wish lists. The amount each will receive will be determined soon, said Patty McQuillan, public information officer at Crime Control and Public Safety Department.

In the meantime, VeHaun's committee is developing a specific list for the state, which will probably include bomb suits for police officers and more communication equipment. Summers' needs are similar: respiratory protection gear for New Hanover County's police.

"We have lots to be concerned about," he said. CJ

"We have been very disappointed in the way in which grants, brokered by the state, have come down to local governments."

Population in the 12 largest North Carolina Cities, 1990-2000

City	Population		Population Growth		
	2000	1990	Total	Annex	Urban
Charlotte	540,828	395,934	144,894	83,985	60,909
Raleigh	276,093	212,092	64,001	39,250	24,751
Greensboro	223,891	183,894	39,997	16,456	23,541
Durham	187,035	136,612	50,423	20,106	30,317
Winston-Salem	185,776	143,485	42,291	26,443	15,848
Fayetteville	121,015	75,850	45,165	48,724	-3,559
Cary	94,536	44,397	50,139	19,545	30,594
High Point	85,839	69,428	16,411	5,796	10,615
Wilmington	75,838	55,530	20,308	11,746	8,562
Asheville	68,889	61,855	7,034	4,578	2,456
Jacksonville	66,715	30,398	36,317	36,428	-111
Gastonia	66,277	54,725	11,552	6,050	5,502

Note: Annex is growth through annexation, Urban is growth within existing borders.
Source: N.C. State Demographics office

Nearly 600,000 annexed in the 1990s

Cities Grow Through Annexation

By MICHAEL LOWREY
Associate Editor

CHARLOTTE

In 1990, the city of Charlotte had a population of just under 400,000. By 2000, its population had grown to about 540,000, a 35 percent increase over the decade. While rapid, the city's growth did not come from 145,000 additional people moving into its existing borders. Actually, about 61,000 people moved into the city *per se*; most of the city's growth came from annexing 68 square miles of land and 84,000 people in the 1990s.

Under North Carolina law, Charlotte did so with ease and without the consent of those annexed.

In addition to the state's largest city, many other North Carolina municipalities regularly make use of annexation. Raleigh, Jacksonville, and Fayetteville each added at least 35,000 to their populations during the 1990s by overtaking nearby areas.

Overall, the state's 189 largest cities and towns added 360,000 people within their borders between 1990 and 2000. They added 580,000 in population through mainly involuntary annexation during the same period.

Nor is the power and appeal of annexation limited to the state's largest cities. The town of Carolina Shores, for example, is planning to forcibly annex the Village at Calabash neighborhood. The move would increase the town's population by nearly 50 percent from its current 1,482.

The annexation process

Under North Carolina law, it is relatively simple for a municipality to annex. State law sets out a specific process that must be followed. The municipality must pass a resolution of intent, adopt an annexation report, and hold an informational and public meeting by certain deadlines.

The annexation report must contain accurate maps of both the municipality and the area to be annexed. It also must include information about how the town or city will provide services to the area it is adding. Ten to 90 days after the public hearing, the municipality must enact an annexation ordinance. The annexation must take effect no sooner than one year after the annexation ordinance is adopted.

While municipalities may not annex purely agricultural land, the definitions of "urbanized land" are generous. One allows annexation if 60 percent of the lots in an area are used for residential, commercial, industrial, institutional, or governmental purposes and 60 percent of the total acreage,

not counting those used for commercial, industrial, governmental, or institutional purposes, consists of lots of three acres or less in size.

In addition, at least one-eighth of the external boundaries of the area to be annexed must be common with existing municipalities borders.

If the municipality follows the correct procedure, it will prevail. As Carolina Shores Mayor Jack Elliott recently put it to those opposed to his town's proposed annexation, "In the final analysis, you're going to lose it, unfortunately."

North Carolina's annexation laws are among the most liberal in the nation. In South Carolina, by contrast, at least 75 percent of property owners representing at least 75 percent of the property value of a proposed annexation must consent for annexation to occur.

Arguments for and against

The argument for forced annexation is best summarized by Fayetteville's position on the topic, as presented on the city's web page:

People often reap the benefits of living near or adjacent to a city or town without contributing to the tax base. They may work or shop in the city, use city-maintained streets to reach their destination, come under municipal police while in the city, take advantage of traffic improvements, street lights, sports facilities, cultural facilities, parks and festivals, all without bearing financial responsibility for those services. These people also add to the problems of traffic congestion and litter. Annexing those areas ensures that the areas both receive the benefits of city services and bear the costs of those services. Economists call these people free riders who vehemently object when their free ride is endangered by annexation. Municipal dwellers, therefore, subsidize the quality of life of the urbanites living just outside the municipal boundaries.

Opponents of forced annexation note that the ultimate issue is people's right to participate in and consent to government actions that effect them, not governmental efficiency and free ridership.

"Citizens of an area facing annexation should have the right to vote," said Jonathan Hill, director of Citizens for a Sound Economy North Carolina.

"Involuntary annexation turns the idea of democracy on its head and should be stopped." CJ

Local Innovation Bulletin Board

Project Labor Agreements

Project Labor Agreements are collective bargaining agreements that often set the terms of employment on large publicly financed construction projects. Supporters of PLAs, most notably construction unions, argue that such agreements ensure labor harmony, and, in the long term, save taxpayer dollars. Under PLAs, contractors must hire all workers, including workers who are not members of the union, through union halls and submit to union working rules in exchange for pledges not to strike or initiate any job actions.

Critics, mostly nonunion contractors, have argued that PLAs nullify their key competitive advantages, particularly those governing worker flexibility. In addition to raising costs by requiring firms to follow union rules, the smaller pool of bidders for public contracts that require a PLA reduces competition, raising bid prices further still.

A new study by the Beacon Hill Institute shows that PLAs, which effectively limit municipalities to union-only contracts, add millions to the cost of building new schools.

Reviewing construction expenditures of 52 schools in the Boston area, economists have found that PLAs add \$31.74 per square foot to the cost of school construction. Cities and towns that sign PLAs spend, on average, 17.3 percent more than they would under a more competitive open-bid process.

The potential saving from not using a PLA ranges from \$1.6 million for a 50,000-square-foot structure to \$7.9 million for a 250,000-square-foot structure. A typical structure of 130,000 square feet would save \$4.1 million. If the 15 schools built under PLAs were built under an open competitive bidding system, state and local government would have saved a total of \$62.8 million.

The BHI study is the first attempt to provide formal statistical evidence on the cost of PLAs to cities and towns.

Researched by Jonathan Haughton, Darlene C. Chisholm and Paul Bachman, "The Effects of Project Labor Agreements in Massachusetts," January 2003, Beacon Hill Institute at Suffolk University.

Senior citizen police

Senior citizens across the country

are volunteering for police forces in record numbers, says the Senior Corps, a federal service program. The trend is particularly evident in Florida. They are aiming radar guns, taking fingerprints, and watching for terrorists.

In Boynton Beach, Fla., for example, 1,537 seniors now volunteer, up 260 percent since 1998 — and last year they put in 45,993 hours on the Citizen Observer patrol. Their services free up regular officers for more crucial duties — and officials there say they have become indispensable. The senior volunteers, both male and female, say the activity is good for them and helps keep them alive.

They do not have arrest powers and seldom carry a gun — but they have been known to participate in successful sting operations against car thieves and other miscreants.

So police departments give them lessons in "verbal judo" — assertive communication techniques to interact with belligerent citizens. Some drive around looking for wandering Alzheimer's patients, while others may focus on people who abuse handicapped parking spaces.

Recruiting small firms

When a city or a town snags a huge new auto plant or a corporate headquarters, local politicians and the media trumpet the good news. But today, local economic-development commissions are turning their sights to smaller companies and asking how they can help, the *Wall Street Journal* notes.

Attracting employers from other locales takes up about 15 percent of economic-development officials' time, according to experts. The other 85 percent is spent trying to retain local employers.

The new emphasis on smaller firms is prompted by the realization that they create most of the jobs local economies depend upon. About half of the private-sector work force is employed at firms with 500 or fewer employees.

Of the 7,610 corporate expansion projects costing more than \$1 million last year, only 123 of them involved more than 500 jobs. The average expansion project added 53.4 jobs. Companies tend to move to find lower labor costs, lower electricity costs, to follow a major customer, or to find lower taxes. CJ

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See what *Spectator* magazine called "Matt Drudge with Class" And Get Informed About Your State — At CarolinaJournal.com

'Smart Growth' and Transit: An Example From Utah

Around the nation, the current in-vogue urban planning strategy is "smart growth." Smart growth seeks to stop the expansion of urbanization (so-called "urban sprawl") by forcing more development into developed areas, while discouraging automobile use and building new rail transit systems.

Here, Envision Utah prides itself on seeking to implement smart-growth strategies through voluntarily instead of mandatory measures. This is surely commendable, especially when compared to Portland, Ore., which has imposed an urban growth boundary, beyond which no development can occur.

In Portland, smart-growth strategies are already reaping the consequences of densification — more traffic congestion, more air pollution, and a housing affordability crisis.

European-style congestion

This should not be surprising. For half a century, European cities have placed serious restrictions on suburban development. The result is that, while suburban development has occurred (virtually all European urban growth has been in the suburbs), it has been at much higher densities. This has not kept people from purchasing cars and using them to get most everywhere except the core city areas, where transit systems provide effective mobility. As a result, the average European urban area has a concentration of traffic that is more than double that of the Wasatch Front, and greater than that of Los Angeles, the nation's most congested urban area.

And it doesn't stop there. European urban areas have typically not developed effective high-capacity roadway systems, which when combined with their greater traffic volumes, means that there is more stop-and-start operation, and generally slower speeds. This means more air pollution. European urban areas typically produce double the air pollution concentrations of U.S. cities.

Envision Utah and Portland

All of this should give great pause with respect to efforts, voluntary or mandatory, that would increase population densities in the Salt Lake City area. Envision Utah's prescription for urban development is likely to land the Wasatch Front in virtually the same situation as Portland. Envision Utah seeks to accommodate nearly 75 percent more households in an area that expands by only 40 percent. As a result, traffic volumes are projected to be more than 25 percent more concentrated. This might be acceptable if there were a plan to spend billions of dollars to greatly expand roadway systems throughout the region. But

neighborhoods will not stand for the arterial widenings that would be necessary to keep today's already problematic traffic situation from deteriorating. As a result, the Wasatch Front could emerge world class in a new category — traffic congestion. And with it will come air pollution more intense than would be the case if densification had not occurred.



Wendell Cox

Some expect transit to play a greater role, failing to recognize that UTA's sometimes full trains and nearly empty buses carry an imperceptibly small percentage of trips. It is true that the projections call for a tripling of transit's market share. But with such a small base, this is of little consequence, as fewer than

3 percent of trips will be made by transit by 2020 and less than 15 percent of residents will be within walking distance of a light-rail and commuter system that provides effective mobility only to downtown.

Home prices skyrocket

Perhaps the most serious impact of smart growth's densification is the loss of housing affordability. Any time that development is steered by the whims of planners instead of market forces, housing costs can be expected to rise. This occurs because, as when OPEC gasoline rationing raises prices, when planners ration land prices also go up, while larger, more efficient projects simply cannot be built. In Portland this has manifested itself in a 56 percent reduction in housing affordability over the last decade (percentage of households that can afford the median price house) — the worst out of the nation's 84 largest urban areas.

The Denver area, which has adopted voluntary smart-growth initiatives, has seen its housing affordability drop 31 percent over the same period. Salt Lake City already has a problem in this regard, with housing affordability having declined 21 percent in the last 10 years, more than all but 77 of the 84 largest areas. Further, Envision Utah foresees at least 150,000 fewer people in single-family houses by 2020 than would be the case if normal development were to take place.

And so, Envision Utah's future is about fewer people living the American Dream of the single-family house, everyone breathing more air pollution, and a Wasatch Front entangled in greater traffic congestion. There has to be a better way. CJ

Cox was recently in Raleigh to speak on transit issues. He is the principal of Wendell Cox Consultancy, an international public policy firm specializing in urban policy, transport, and demographics, and a senior fellow of the Heartland Institute.

From Cherokee to Currituck

Haywood Residents Unfairly Taxed, See No Solution in Sight

By MICHAEL LOWREY

Associate Editor

CHARLOTTE

Haywood County officials are working to correct a major error in property revaluation. Unfortunately, it may be some time before taxpayers get a refund.

When the new assessments were figured last year, the county calculated in a \$3,500 valuation if a house had a well and septic system. This extra value, however, was also assigned to hundreds, or perhaps thousands, of homes connected to municipal water systems.

While the error was simple enough, correcting it has proven to be anything but simple.

The N.C. Department of Revenue interpretation of state law is that it would be illegal to issue a refund unless a property's assessed value is actually shown to be out of line with its fair market value. Merely using incorrect data would not be enough to justify a refund.

This policy may prevent a blanket refund, which could mean some properties effectively would be valued at below market value.

The Department of Revenue also has ruled that the county should consider the extra value of a municipal water and sewer hookup in calculating correct property values.

The county has asked for a ruling from the state attorney general's office to clarify the matter.

County Attorney Chip Killian told to *The Mountaineer* newspaper that the attorney general's staff is having a hard time providing an answer, given that there is no precedent for the situation.

In the meantime, many county residents are angry.

"We don't really think the attorney general should be bothered with making this decision," said Earl Lanning at a recent county commission meeting. "You're certainly qualified to put on this tax. Why can't you take it off?"

Charlotte rezoning decision

In a decision defining the amount of development that will be allowed around Charlotte's Interstate 485 outer beltway, the City Council has rejected a plan for large-scale retail development near a major interchange.

I-485 will be a 65-mile freeway around Charlotte. While construction on parts of the beltway began in the late 1980s, many segments are scheduled for completion over the next few years. Among the segments is a stretch on Charlotte's eastside that should open this summer. While the new portion of I-485 will have numerous interchanges, the most significant is at Albemarle Road (NC 24/NC27).

Charlotte's zoning plan adopted three years ago calls for limits on the amount of development along I-485. No more than 100,000 square feet of retail space are envisioned in a 1,600-acre area around the Albemarle Road interchange.

In the past, however, such restrictions have often been theoretical, for Charlotte City Council has proven itself willing to approve large-scale retail development de-

spite its own zoning plans, citing other needs or conclusions about the impact of development on transportation and other key city-provided services.

This time, however, the council sided with the city's planning department when presented with a proposal to allow an unspecified amount of mixed-use development near the interchange.

A market study showed the area could support 800,000 square feet of retail. A compromise limit of 300,000 square feet was also rejected.

"This sends a signal" said Charlotte Planning Director Martin Crampton to *The Charlotte Observer*.

"It indicates that we're going to make decisions that recognize the importance of the outer belt as a regional transportation facility and not as a facility to simply support and stimulate development, which strangles the outer belt."

Winston-Salem bids street work

Winston-Salem will conduct a managed-competition process to possibly contract out street maintenance operations.

Under managed competition, the city's existing operation will compete against private contractors. The contract will go to the low bidder, provided the bid meets city standards.

The street maintenance department's activities include street curbs, gutter repairs, paving of dirt roads, pavement preparation for resurfacing street cleaning, and snow and ice removal.

The department's annual budget is \$4.5 million. The city of Winston-Salem has a total of 867 miles of municipally maintained streets.

Winston-Salem's city government has hired Lorick Associates Consulting, Inc. of El Segundo, California, to help in its latest managed-competition process. Lorick will study Winston-Salem's street maintenance operations and help the city department with its bid.

Winston-Salem officials are planning to consider bids from outside companies if they are at least \$200,000 lower than the city's own bid. The \$200,000 figure represents the city's cost to lay off or transfer city employees should an outside firm win the contract.

A request for bids is expected to go out this month. A contract will begin in January 2004.

Winston-Salem has used managed competition once before. In 1999, it put its fleet services operation, which maintains the city's 1,700 vehicles, out to bid. The winner was the city itself, with savings of \$500,000 the first year.

In its bid, the city restructured its fleet service operations. Twelve of the 50 positions in the department were eliminated, though some were vacant at the time.

Remaining fleet service employees are eligible for awards and bonuses once operations exceed budgetary and performance goals.

"It proves that we're effective and efficient," Assistant City Manager Lee Garrity told the *Winston-Salem Journal*. "We went up against the national companies, and we beat them." CJ

...Envision Utah's future is about fewer people living the American Dream... everyone breathing more air pollution...

Taking the Freedom Agenda to Court

Head of new North Carolina chapter of the Institute for Justice explains the law firm's philosophy

By JENNA ASHLEY
Editorial Intern

RALEIGH

The Institute for Justice recently opened its doors in Raleigh, making North Carolina the second state chapter of IJ, a nationally known public-interest law firm devoted to defending individual freedom, free markets, and economic opportunity through litigation.

The institute recently appointed Michael Byrne, a North Carolina lawyer, as its executive director for the new state chapter.

Q: What is Institute for Justice? How was it founded? What are its national objectives?

Byrne: The Institute for Justice was founded in 1991 by Chip Mellor and Clint Bolick as a public-interest law firm that litigates in four core mission areas: property rights, economic liberty, freedom of speech, and school choice.

In the state chapters, we have concentrated, particularly in this first case, on some tax incentives, but those four mission areas have been the traditional areas where we focus our efforts.

Q: Tell us about some of IJ's victories, particularly the Cleveland charter schools case.

Byrne: The Zellman case was decided by the Supreme Court last summer. It was the culmination of 12 years of litigation efforts by IJ, particularly by Clint Bolick, defending parental choice in school assignments. It was a very small program, heavily litigated by the teachers' unions and the usual suspects, so to speak.

What the case did was it settled largely once and for all the question of whether a choice program like that was permitted under the federal constitution.

Q: Tell us about your background. How did you come to work with IJ?

Byrne: I'm from Raleigh, went to NC State. Went to law school at Campbell. Graduated from Millbrook High School many years ago now.

I have spent the past six years doing commercial and civil litigation in Western North Carolina. Before law school, I was an intern here [at the John Locke Foundation] and worked for the Media Research Center in D.C. for about a year.

Q: North Carolina has only the second state chapter of IJ. Why was North Carolina chosen?

Byrne: Several reasons. First and foremost was the existence of our state constitution in North Carolina, probably the most liberty-protective state constitution in the country, starting with Article I, section I, the "inalienable right to enjoy the fruits of your own labor."

The second criteria was a strong state-based think tank and, of course the Locke Foundation served admirably in that respect.

[The Locke Foundation] has given us a tremendous amount of help, for which we are very grateful.

The third issue was a judiciary that will give us a fair hearing and I think the present Supreme Court, the way it is set up, will give us a very fair, very nice reception.

We've got a state government that is generally more liberal in terms of policy than the populace as a whole on one hand and the judiciary as a whole on the other side regarding the proper and constitutional role of government in the state of North Carolina.

Q: How exactly have North Carolina's policies over the years differed from the intentions of the North Carolina Constitution?

Byrne: One of the biggest areas is the subsidies issue, the subject of our first lawsuit. For over 100 years, it was the strong position of the Supreme Court that you cannot accomplish a private purpose, according to Article V of the constitution, with government money.

If [the government] is going to tax and spend, it has to be for a public purpose. It held for a long time that it could not be done, no matter how benevolent the purpose, through aid from government to private, particularly for-profit entities.

Article V was designed to prevent the very thing that is going on today, the state picking out favored business entities and saying they'll give out money to you and you and you, but not you, and you're on your own and we're not paying attention to

you at all. That is exactly what is happening now.

Q: Tell me more about your first case in North Carolina.

Byrne: We filed an action to declare unconstitutional the Film Industry Development Account.

That is a statute that was passed last year by the General Assembly that provides that any film production company spending a million dollars in North Carolina can get 15 percent of the film budget, capped at \$200,000 back in taxpayer money.

The statute, as written, does not require that they hire North Carolinians, does not require that they purchase North Carolina

products, does not require that they interact with North Carolina businesses.

We've asked the court to order an injunction that funds cannot be spent under that program.

We are not asking for any kind of damages. We're not seeking money.

The plaintiff is a small businessman named Edward Jones with a company called Surfa-Shield.



Michael Byrne

His position is very simple: He's been in business here for years and no one gave him \$200,000 to get started.

Again, we think this is what the public-purpose doctrine was designed to prevent. This is not about whether incentives are good or bad.

The real issue is: Do we have limits by Article V of the Constitution or don't we? Is the General Assembly totally free to allocate money to whom they wish and ignore that constitutional provision? That's what this lawsuit is about.

Q: What other issues will IJ pursue in the future?

Byrne: We're looking at a couple of things. People contact us with various issues, but we haven't made any decisions on what the next case will be yet. It's too soon to speculate.

Q: How have North Carolinians responded to IJ so far?

Byrne: It's generally been very positive. We had our opening reception last week, where we had a very enthusiastic crowd. It was very enjoyable.

We've received emails, phone calls, and notes of support from all over the state. I am honored and touched by the goodwill that's coming from folks all over the state. We're very grateful for it.

National Review Ad

John
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FOUNDATION

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From the Liberty Library

• In *Useful Idiots: How Liberals Got it Wrong in the Cold War and Still Blame America First*, syndicated columnist Mona Charen reveals the "horrifying crimes" that well-known liberals have helped defend and cover up for the communists. She cites Jane Fonda, Dan Rather, Al Gore, Ted Kennedy, Jimmy Carter, Jesse Jackson, as some who were always willing to blame America first and defend its enemies as simply "misunderstood." Charen says these are the liberals who flocked to Castro's Cuba and called it paradise, just as a previous generation of liberals visited the Soviet Union and proclaimed its glorious future. Published by Regnery, at www.regnery.com.

• Peter Schweizer delves into the origins of Ronald Reagan's vision of America in *Reagan's War: The Epic Story of his Forty Year Struggle and Final Triumph Over Communism*, and documents his consistent, aggressive belief in confronting the Soviet Union. Drawing on private diaries dating from Reagan's days as an actor and extending through his presidency, Schweizer, a well-known historian of the Cold War, shows how the former president's fervent anti-communism marked every era of his life and was the driving force behind his policies as president. Learn more at www.randomhouse.com/doubleday.

• Our conceptions of human nature affect every aspect of our lives, from child-rearing to politics to morality to the arts. Yet many fear that scientific discoveries about innate patterns of thinking and feeling may be used to justify inequality, to subvert social change, and to dissolve personal responsibility. In *The Blank Slate: The Modern Denial of Human Nature*, Steven Pinker explores the idea of human nature and its moral, emotional, and political colorings. He shows how many intellectuals have denied the existence of human nature and instead have embraced three dogmas: The Blank Slate (the mind has no innate traits), The Noble Savage (people are born good and corrupted by society), and The Ghost in the Machine (each of us has a soul that makes choices free from biology). Each dogma carries a moral burden, so their defenders have engaged in desperate tactics to discredit the scientists who are now challenging them. See www.penguininput.com for more information.

• It is no coincidence, says Peter Brimelow, that the 30-year decline in U.S. K-12 education and the simultaneous surge in education spending began at the same time that the modern teacher unions were created. In *The Worm in the Apple: How the Teachers Unions Are Destroying American Education*, Brimelow exposes the teacher unions for what they are: a political and economic monopoly that is choking the education system, like the "trusts" that put a stranglehold on U.S. business 100 years ago. Until unions are held accountable, Brimelow says, and public schools opened to market forces, no education reform will succeed. He says it's time to bust the Teacher Trust. More at www.harper.collins.com. CJ

Book Review

Authentically Black: Embracing Personal Initiative

• John McWhorter: *Authentically Black: Essays for the Black Silent Majority*; Gotham Books; 2003; 264 pp.

By KORY SWANSON
Contributing Editor

RALEIGH
Authentically Black: *Essays for the Black Silent Majority* is John McWhorter's follow-up to his controversial book, *Losing Race: Self-Sabotage in Black America*. In *Losing Race*, McWhorter argued that since the 1960s black Americans have been encouraged to work under the misperception that residual racism is an obstacle to advancement.

At least this is the "public" face of black America, which in McWhorter's view, promotes a "cult of victimology" and a "cult of separatism." In *Authentically Black*, McWhorter argues that privately, black Americans do not think like this.

McWhorter calls this the "new black double consciousness." The metaphor of the "black double consciousness," was first put forward by W.E.B. DuBois in his classic 1903 book, *The Soul of Black Folk*. As DuBois observed, black Americans were caught between a self-conception as an American and as a person of African descent.

McWhorter argues that DuBois's conception remains relevant, but only in what McWhorter calls "an evolved reflex of the one he [DuBois] describes." And that evolution has brought forth a new double consciousness in which the "'authentic' black person stresses personal initiative and strength in private, but dutifully takes on the mantle of victimhood as a public face."

The theme of this new double consciousness unifies the essays in *Authentically Black*. In essays on racial profiling and black incarceration rates, the reparations movement, blacks on television, language, "affirmative action" in higher education, and the current state of black leadership, McWhorter demonstrates how shallow the mantle of victimhood is becoming, but yet remains a powerful force in the public perceptions of both blacks and whites.

McWhorter, like Shelby Steele before him, has become the darling of conservatives. And, like Steele, McWhorter argues that the right has an agenda that serves black America better than the policies of the left that appear "superficially humane" but "deny African-Americans the incentive to strive for the best within us."

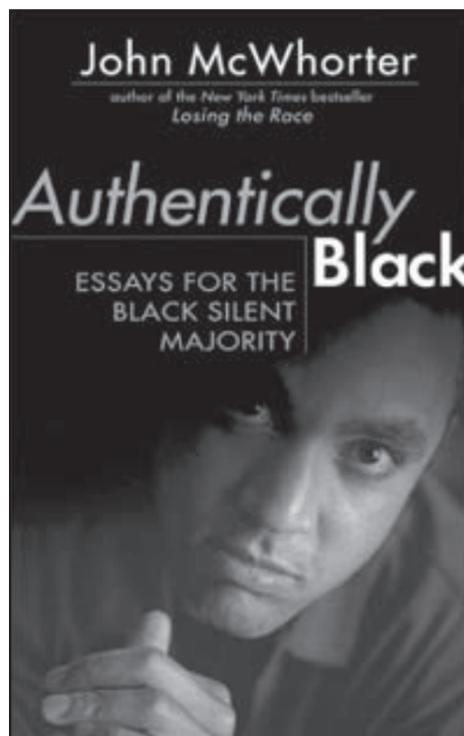
However, McWhorter is more centrist than conservative. And it is important that if the right is to be a force in resolving the race relation stalemate, it must thoroughly understand and take to heart the complexity and logic of McWhorter's metaphor of the new double consciousness rather than merely parrot him as another black conservative on their minority wall of fame.

Racial profiling and victimization

This point is nowhere better illustrated than in McWhorter's essay on racial profiling and black incarceration, problems that conservatives tend to dismiss.

McWhorter argues that "profiling and black incarceration rates are the last support for the victimologist position as a prevalent current in black thought." He asserts that we can break the hold of the victimologist position if we can "make it so that a generation — just one — of African-American people grow up without experiences leading them to process the police as blacks' enemy." It is the charge of blacks and whites alike to make this happen.

As McWhorter explains, racial profiling is interpreted by many in the black



community as form of lynching and as a covert way of "expressing a deep-seated fear of black masculinity."

However, McWhorter also recognizes that profiling is a necessary component of good policing. The police must focus on individuals "who exhibit clusters of traits and behaviors that reasonably suggest involvement" in criminal activity. And, indeed, McWhorter notes, this is what the black community wants and expects. It does not want to be under attack by the criminal element, no matter what the skin color of that element is. But getting criminals off the street must be a combined effort of the community and the police.

We must, McWhorter counsels, be able to "profile intelligently, in a way that does not leave black America persecuted by marauding gangs of white men with guns."

He points to the city of Boston where cooperation between police officers and local residents has led to a decrease in drug traffic and other street crimes without an attendant rise in black opposition to an increased police presence. But here is the rub: The Boston experience has not been touted by the black leadership nor the liberal press. Why? Because the Boston experience flies in the face of the cult of victimology. The Boston experience must be made a national story if we are to gain a leg-up on the stranglehold of victimology.

The effects of racial profiling, however, go far beyond the overt product of high black incarceration rates. And this is something that the right must understand if the racial stalemate is to come to an end, and if progress on race relations is to be made. Racial profiling is not "just one more issue" regarding race. It is the linchpin issue that the right must address and solve. Until we solve it, we will not have a generation of African-Americans unscathed by the cult of victimology. And here is why:

McWhorter asserts that an indirect and insidious consequence of racial profiling is found in our educational system. Specifically, racial profiling helps drive the achievement gap.

McWhorter's argument is that the psychological effects of racial profiling "nurtures in blacks a self-conception of being strangers in their own land and this leads to a sense of school and learning as the lore of

the oppressor." Address the psychological effects of racial profiling, and you will go a long way to solving the achievement gap.

In the 1960s, schools of education at colleges and universities came under the influence of leftist ideology. The modus operandi of leftist education theory is that we must seek to bolster student's "self-esteem" against the traditional learning of the demonized "Establishment" by encouraging students to "express themselves" rather than learn facts and be trained in careful reasoning and concrete skills.

Our schools of education teach a professional underdog ideology, an ideology that, coincidentally, coincides with the public persona of the new black double consciousness's mantle of victimology.

This can be seen clearly in the issue of school choice. Privately, black parents clamor for school choice options if they are in place — witness Cleveland, Milwaukee, and other communities with school choice initiatives. As any parents do, they want their children to succeed. In public, the black leadership of these communities dismiss school-choice initiatives. Programs that do not promote blacks as victims are suspect. And what does this mean for generation after generation of black youth? It means academic failure.

And why is this in a field that is well represented by blacks in administrative and teaching positions? In McWhorter's view, black students are hit with a double whammy. The very people who should be role models are themselves co-opted by the convictions of the education establishment and also "by their membership in a race taught that authenticity means nurturing a leeriness of white hegemony."

This "professional underdog ideology" is amplified indirectly, but powerfully, by the victimology of racial profiling. "As such," McWhorter concludes, "profiling, seemingly 'just one more issue' regarding race, actually helps leave black children educationally handicapped."

So, what does it mean to be authentically black in America today? In McWhorter's view it means shedding the mantle of victimology and embracing personal initiative and strength as black America's public face. It means understanding that yes, racism still exists in America, but it is a residual racism that is not an obstacle to personal success. It is, to be sure, unfair and it must be overcome.

But today's racism can be defeated by taking responsibility for its demise. It means understanding and acknowledging that although leftist policies appear humane, they are ultimately destructive, and promote racial strife.

Conversely, conservative America must realize that racism remains a systemic problem that must be acknowledged, and must be defeated. It must strive to understand the power and subtleties of the cult of victimology. The right must be proactive. It must come to terms with issues like racial profiling and its consequences if progress is to be made.

McWhorter's collection of essays is a powerful call to action to black America and to the conservative right. Most important of all, it is a call to use our intelligence to help us realize our common humanity.

Kory Swanson is vice president and director of administration of the John Locke Foundation.

McWhorter asserts that an indirect and insidious consequence of racial profiling is found in our educational system.

Book Review

Vouchers Within Reason: A Trojan Horse to Control Private Schools

• James G. Dwyer: *Vouchers Within Reason: A Child-Centered Approach to Education Reform*; Cornell University Press; 2002; 248 pp.; \$32.50

By CATHY DUFFY

Guest Contributor

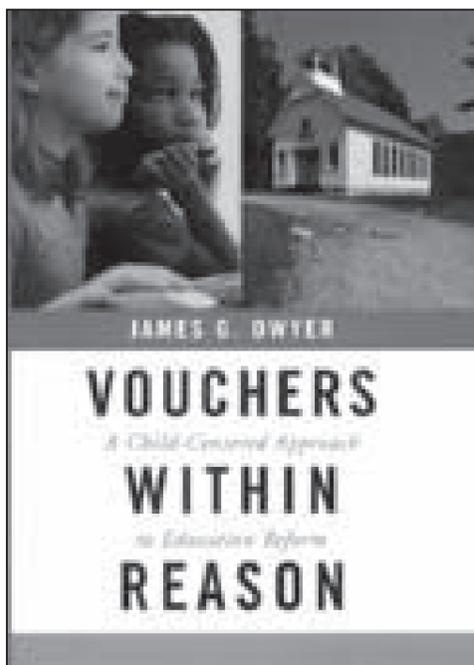
WASHINGTON

Finally, someone on the Left has presented a thoughtful rationale for why leftists should favor vouchers: They can use vouchers to push religion out of private schools and further reduce the ability of parents to inculcate their values into their children.

In *Vouchers Within Reason*, James Dwyer tells us, "The great promise of school vouchers is that they provide a mechanism for accomplishing what some states once tried to do but ultimately found required more effort and resolve than they were willing to expend — namely, to rein in the practices of the worst religious schools, whose operators and parent clients vehemently and forcefully resist involuntary imposition of regulations."

An animus toward religious schooling and parental influence over their children's education resides at the heart of Dwyer's argument. Those who share his animus are likely to find his arguments compelling, and others might give them serious consideration given Dwyer's position as an assistant professor of law at the College of William and Mary and his expertise in this area evidenced by his previous book, *Religious Schools v. Children's Rights*.

One of Dwyer's contentions is that most voucher arguments on both sides have been based upon adult-centered concerns rather than child-centered issues. In making his own proposal, he outlines requirements he



claims are child-centered. However, those requirements (e.g., non-sexist teaching, rejection of at least some religious instruction, and inculcation of state-approved viewpoints) are based upon his own adult belief system and liberal, statist view.

Dwyer totally misses the irony in his claim that what he advocates is child-centered rather than adult-centered, since his central concern seems the best interests of the state — which was under adult control last time I checked.

He writes, "...the state must ultimately decide what the interests of children, individually or collectively, are." This makes it acceptable to him to impose those beliefs upon children and to protect children from parental beliefs.

Dwyer believes that many parents will

keep their children in religious schools no matter what, so it is up to the state to look out for children's interests by using vouchers as a mechanism to force "improvement" in the secular education provided within such schools. Dwyer goes so far as to say that states should be compelled to offer vouchers to fund a "good secular education" within private schools.

Dwyer's argument rests upon his curious assumption that the majority of private schools presently offer a substandard academic education. However, a recent study from the National Center for Education Statistics shows private-school students consistently and significantly outscoring their government school counterparts at fourth-, eighth- and 12th- grade levels. Additionally, a higher percentage of private-school students go on to college.

Dwyer uses supposed academic deficiencies as an excuse to advance government control over private schools. Voucher-receiving schools would be required to compartmentalize religious education apart from other courses, allow children to opt-out of any religious activities or instruction, use tests that would force schools to teach state-approved content, and agree not to teach religious beliefs that the state deems harmful.

Since Dwyer is also concerned about "psychological harms children might incur in some schools," he suggests voucher-receiving schools might also be required to sign a pledge to avoid practices the state might deem harmful such as "confining students to individual work stations..., instilling intolerant and dogmatic attitudes, and threatening children's self-esteem and psychological well-being with constant reminders of their sinfulness and admoni-

tions about the tragic consequences of not conforming to religious precepts."

His argument rests on the assumption that education experts have the wisdom to determine what is good for all children, including not just academics, but also their psychological, social, and spiritual development.

Dwyer seems to view the state as the ultimate "grantor of rights"—the national "parent." He says: "...the state also bears responsibility for their [children] being in a religious school, because it is the state that gives parents the power to put them there." Following Dwyer's logic, if the state grants parents the option of enrolling their children in a private school, there should be no question about the state's right to control what goes on in private schools, whether or not it funds them.

While many of us might disagree with Dwyer's presuppositions, arguments, and conclusions, this book is important because it will likely provide the basis of a growing movement by the Left to co-opt the voucher movement. Those who, like Dwyer, yearn for greater government control of private schooling will unwittingly be aided by conservative voucher advocates who will take vouchers at any price.

But for people who oppose vouchers for fear of converting private schools into government-school look-alikes, this book is a fine exposé of how the Left sees vouchers — as the Trojan Horse that will give them power to control all schools. *CD*

Cathy Duffy is the author of numerous books and articles on education, owner of Grove Publishing, and a member of the board of the Alliance for the Separation of School and State.

Book Review

The Lochner Court: Phillips Separates Long-Held Myth From Reality

• Michael J. Phillips: *The Lochner Court, Myth and Reality*; Praeger, 2001, 199pp., \$72.95

By GEORGE C. LEEF

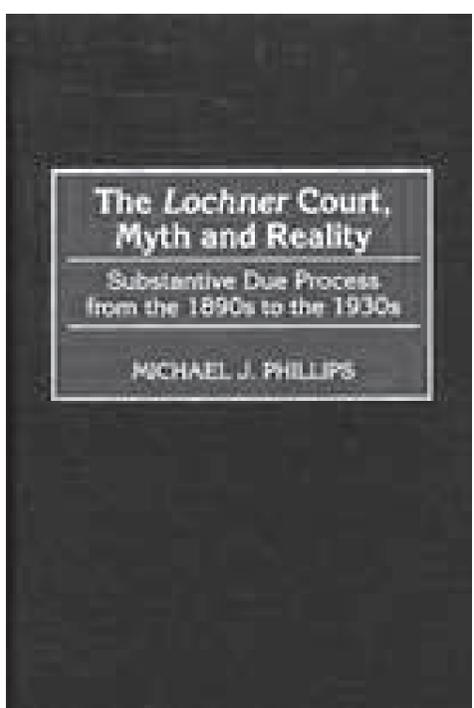
Contributing Editor

WASHINGTON

Lochner v. New York is an often-mentioned but misunderstood 1905 Supreme Court decision that lends its name to this excellent analysis of constitutional jurisprudence by Professor Michael J. Phillips. Phillips, professor emeritus of business administration at Indiana University, has written probably the best book by a nonlawyer on any aspect of constitutional law, and the best survey of the *Lochner* line of cases by anyone. This book is a penetrating revisionist history of a key period in our legal history.

Briefly, in *Lochner*, the Supreme Court struck down a statute that placed a limit on the number of hours a baker could work. The majority opinion held that the freedom to contract for as much work as a man chose was within the "liberty" protected by the 14th Amendment and that paternalistic health and safety rationales advanced by the government did not save the statute. The decision elicited a furious dissent from Justice Holmes, who argued that the court was usurping state prerogatives. "The 14th Amendment does not enact the Social Statics of Herbert Spencer," Holmes grumbled.

Lochner wasn't the first time the court had declared unconstitutional statutes that interfered with liberty and property, but that name has been applied to a line of cases



in which the court, employing an approach later dubbed "substantive due process," to defend individual rights against governmental encroachment. That philosophy ended during the New Deal, when the court, with an augmented number of "liberals," upheld coercive New Deal programs. Ever since, law students have heard that *Lochner* was a mistake. Justices such as Holmes and Brandeis have been elevated to constitutional deities, while the defenders of individual rights have been pilloried.

Phillips correctly notes that there is a lot of myth in the standard account of the

Lochner period. His study of the court's decisions leads him to conclude that there was nothing like the uniform obstruction of "progressive" legislation that most people believe occurred during that era. Interventionist legislation sometimes lost, but sometimes it was upheld. Thus, the court doesn't deserve as much blame or credit as it is customarily given, depending on your point of view.

More important, Phillips' analysis of the particular decisions leads him to conclude that "some of the cases in which (the court) did strike down governmental action were more justified than is generally believed." He demonstrates that these statutes were largely the sort of counterproductive special-interest legislation that we have come to expect from legislatures. In striking them down, the court was not acting against the common good, but for it.

One of the most valuable parts of the book is the author's demolition of the canard that in the "substantive due process" cases, the court was simply acting as an agent for business interests. Phillips refutes that bit of anticapitalist posturing by noting that in most if not all of the cases where legislation was struck down, the court was certainly not siding with business interests. For example, in *Louis K. Liggett Co. v. Baldridge*, the court invalidated an obviously anticompetitive statute. Phillips writes, "Pennsylvania's ostensible effort to protect the public health looked suspiciously like an effort by in-state pharmacists to block competition from chain stores."

In the course of his analysis, Phillips

produces a delightful by-product — a reassessment of the supposed brilliance and consistency of the court's famed dissenters Holmes and Brandeis. Brandeis especially has been revered by leftists for his dissents in cases such as *New State Ice v. Liebmann*. Read the chapter "What Motivated the Old Court?" and watch the lustrous Brandeis halo turn to junk before your eyes.

Also worthy of close attention is Phillips' chapter "The Question of Unequal Bargaining Power." The standard defense given by interventionists for minimum wage and other supposedly pro-labor statutes is that it is necessary for government to intervene to "equalize bargaining power" where one party is said to have an "unfair" advantage. Phillips takes a fairly sharp sword to that idea. He says that while an individual, whether a manual laborer or a Harvard Law School graduate, doesn't have much "bargaining power" regarding employment offers, competition among prospective employers ensures that workers are paid according to their productivity. The fact that the *Lochner* Court didn't bite on the "unequal bargaining power" sucker bait while the New Deal Court did, is a mark in favor of the former and against the latter.

Phillips concludes that the decisions of the *Lochner* era are best explained by a commitment, if imperfect, to the idea that freedom ought to be preserved unless there is a very compelling reason to interfere with it. I'd love to see law students confound their professors in constitutional law with the points raised by this book when they arrive at the "substantive due process" cases. *CD*

Universities Push Politics, Skip Writing

Two recent articles, one in the Jan. 3 *Chronicle of Higher Education* ("Why Johnny Can't Write, Even Though He Went to Princeton") and the second appearing on *National Review Online* Feb. 19 ("College Students Can't Write?") raise troubling questions about the courses in which college students should be honing their writing skills.

Time was — a couple of generations ago — that students who graduated from high school were at least competent writers. Now, however, writing has been taken over by the same

sort of faddish nonsense that dominates in reading. Instead of teaching students how to use the language correctly, how to construct coherent paragraphs, and how to organize essays, in many schools writing is "taught" by leaving students alone so they can develop their "authentic voices."

The results are pathetic. In my own teaching experience, I used to have large numbers of college students who not only couldn't write an intelligible paragraph, but couldn't even correctly use "there" and "their." So you might think that colleges and universities, which now perform a great deal of remedial education, would be working especially hard to make sure that students master this most basic of skills. Wrong. They aren't.

When I emailed the two articles mentioned above to a friend who teaches English in the SUNY system, he replied that he had recently been in a departmental meeting in which the subject of teaching writing came up. One female professor sneered that "literacy is oppression." Alas, that demented opinion is widely shared among professors who are supposed to be teaching students how to write.

In many English departments, hiring decisions depend on whether candidates adhere to the right ideology. Departmental chairmen often want to hire not the most competent teacher, but ideological replicas of themselves, and that often means that consideration is given only to those who espouse Marxist and postmodernist views. To such people, teaching students how to write English well is "hegemony."

The degradation of the faculty in that fashion has been glaringly apparent at Duke. In his *National Review Online* article, Stanley Ridgley, a Duke student in the late 1980s, writes, "(former English Department Chairman) Stanley Fish was destroying the English Department with his dubious and expensive radical faculty hires and recruitment of substandard graduate students steeped in bizarre postmodernist theory." Professors hired to ensure that the English Department remained true to the Fish philosophy have ignored the manifest writing weakness of their students because clear writing (and I'd add, clear thinking) just aren't a part of the leftist design for America.

Duke isn't an isolated case. The malfeasance of college writing programs is a national problem. A common complaint among employers from Maine to California is that college graduates they interview and hire can't write well.

All of this suggests that a highly beneficial project would be to test college students writing ability before they graduate. Naturally, such a test would have to be created and administered by atavistic traditionalists who believe that clear and correct writing has nothing to do with ideology and that enabling students to write well is not "oppression" but instead empowerment. If such a test could be devised, those colleges and universities that have not caved in to the dumbing down of writing would have a big selling point in their favor. *CJ*

George C. Leef is director of the Pope Center for Higher Education Policy.



George Leef

Editorials

DROP OFF THE KEY

North Carolina on a roll with vehicle taxes

Among the strangely popular songs of the 1970s was Paul Simon's 1975 hit "Fifty Ways to Leave Your Lover." While the song is now generally relegated to greatest-hits albums and '70s-themed radio stations, it still seems to have a strange thematic hold on state and local government officials in North Carolina. Of course, pols being pols, when it comes to your car, they've taken to heart Simon's line "just drop off the key, Lee" and let them take you for a ride down revenue road.

A never-ending string of taxes and fees

Consider the array of levies, existing and proposed, on motorists:

- The \$20-per-year license plate fee.
 - The cost of obtaining a driver's license.
 - The cost of state-mandated liability insurance.
 - The up to \$30 motorists pay to have their cars inspected each year. The fee is higher in the ever-growing list of counties subject to emissions control testing (see next page).
 - Property taxes on vehicles. If motorists live in incorporated areas, they will pay both the counties and the municipalities in which their cars are registered.
 - In Charlotte, it's an extra \$20 on top of that.
 - Mecklenburg County is trying to generate support for regional automobile taxes, probably to include an additional \$20 fee and perhaps an additional penny-a-gallon gas tax, to fund efforts to reduce air pollution.
 - In the Triangle, motorists can expect additional automobile-related taxes as well for local road projects and transit. The exact projects and mix of taxes haven't been worked out yet. Options being considered include extra property fees and a higher gasoline tax.
 - The Highway Use Tax when motorists register their cars in North Carolina. The tax is 3 percent of the value of a car, and it has a \$40 minimum and \$1,500 maximum.
 - An additional \$35 for a certificate of title. Most of the revenue from the fee goes to the Highway Trust Fund.
 - The state tax on gasoline for highway use, which varies with the price of gas. Perversely, the tax goes up as the price of gasoline goes up. The tax currently is 23.4 cents per gallon. One-fourth of that amount goes to the Highway Trust Fund until all of its projects are completed, when the extra levy will end.
 - There is, of course, a federal tax on gasoline as well.
 - Toll roads are coming to North Carolina within the next decade.
- Drivers face an increasingly heavy tax burden in North

Carolina. State and local governments in recent years have increased, both directly and indirectly, the already substantial cost of operating a car.

Despite what the urban-planning, antigrowth crowd wishes to be true, the automobile remains the chariot of the American way of life. The reason is simple enough: It offers personal mobility and freedom — the ability to go where motorists want, when they want.

Cars have an additional virtue that the anti-urban growth crowd seems to ignore: It allows individuals to easily move items with them. Going grocery shopping is never fun, especially if a consumer is shopping for more than one or two individuals. Yet shopping is a lot simpler having a personal vehicle to transport the goods.

The tradeoff

Automobiles, as our society's form of personal transportation for the foreseeable future, do require dedicated infrastructure. Certainly, drivers should cover the cost of the roads they use. Anything else distorts the economy and is unfair. The system of taxes and fees to build and maintain roads should be both simple and fair.

In exchange for reasonable levies, motorists should have access to an adequate, well-maintained, and safe road system throughout the state. Highway tax dollars should never be put to other uses, such as for transit or for closing the state budget gap. If planners want mass transit, especially rail-based transit, then it should pay its own way. Or communities could fund the projects through a general levy, because mass transit is essentially an urban redevelopment and public assistance scheme.

Unfortunately, state leaders have been trying to "slip out the back, Jack" for years by failing to address systematic problems in the way the state's highway dollars have been and continue to be allocated.

Rolling down the pork-barrel highway

Highway spending in North Carolina is not based upon need or some measure of where dollars will do the most good. Such are measurable concepts. Instead in this state for too many years, good roads have been considered a form of pork to be brought home by legislators for their districts.

The ultimate example of this is the Highway Trust Fund, which relies upon a variety of new taxes for the construction of 31 intrastate road projects and seven urban loops. The project list was an exercise in political deal-making that assured that virtually every county in the state got something. The allocation formula assured that the relatively lightly populated eastern and western parts of the state got more road construction money early in the process than their populations alone would justify.

North Carolina faces many challenges in the 21st century. Most involve elements that are beyond its control. The state and its municipalities, however, do have substantial control over the state's highway program. It would behoove state leaders to "Make a new plan, Stan." *CJ*

In exchange for reasonable taxes, motorists should have access to an adequate, well-maintained, and safe road system...

MORE TAX TALK

Officials debating how, not whether, to hike

Your politicians in Raleigh are already talking about which of your taxes to increase. This is not a good sign. North Carolina is heading into its fourth straight year of budget deficits. As before, the fiscal pressure will certainly lead state and local governments to adopt commendable proposals to save money through reorganization, administrative tightening, entitlement reform, and some program eliminations.

Gov. Mike Easley, for example, has recommended welcome savings in his 2003-'05 budget in such areas as Medicaid and nonteaching education expenditures. And he has decided to champion some worthwhile reforms of the budget process, such as the instigation of a line-item veto and an annual cap on state spending growth.

Unfortunately, he and his counterparts in the General Assembly and local governments seem unwilling to make the difficult decisions needed to right North Carolina's ship of state. Since 2001, they have resorted to tax increases to help make up the difference. These hikes have boosted the annual tax burden on North Carolina citizens by more than \$1 billion.

It is now 2003, and again the talk in Raleigh — egged on by politicians in many local governments looking for political cover — is turning to taxes. The governor's budget would cast aside a previous promise that 2001 increases in income and sales taxes would only be "temporary." Easley is proposing to extend them until 2006, which could well mutate into permanence. This would mean nearly \$500 million in higher taxes next year and about \$600 million in 2004-'05. Of course, you would be "dead wrong" if you called this a tax increase, the governor has said.

Okay, call us dead wrong. We're still alive and right.

On the governor's left flank

Easley's tax push is meeting with resistance in your state capital — from those who think he's being too conservative.

Some state lawmakers are proposing a \$450 million increase in cigarette taxes. Other lobbies are pushing a similar increase in the excise tax on alcohol. Liberal members and interest groups continue to push for higher taxes on banks, utilities, manufacturers, and other North Carolina businesses that are obviously just making too much money right now.

And self-styled "tax reformers," abetted by newspaper editorialists and others, are advocating an expansion of the retail sales tax to include services, which could cost state consumers hundreds of millions of dollars depending on how it is done.

The proposition that North Carolina state and local agencies need more of your hard-earned money to spend is predicated on the idea that without additional tax revenue, basic public services will be decimated by budget cuts. It's nonsense.

The problem has been and continues to be runaway spending growth. Meanwhile, North Carolina's growing tax burden and extremely high marginal tax rates on personal and corporate income are major contributors to our economic malaise and the deterioration of our competitive position.

Here are some facts to keep in mind:

- *North Carolina's tax burden grew during the 1990s — it didn't shrink as some politicians and commentators are suggesting.* The legislature enacted major tax increases throughout the 1980s, then jacked up sales and income taxes again during the 1990-'91 budget crisis. After some modest reductions in the mid-1990s that didn't repeal the previous hikes, our politicians again passed tax increases at the local level in the late 1990s and at the state level in 2001 and 2002. Over the past two decades, state and local taxes per person in North Carolina have nearly doubled after adjusting for inflation.

- *North Carolina's tax system is crimping our economic recovery.* Our overall tax burden used to be low by national standards. We now have the highest burden in our region, and have reached the national average for the first time in history. What's worse, all taxes are not created equal. North Carolina imposes some of the highest tax rates in the United States on entrepreneurs and investors — the very folks whose efforts and dollars we need to rebuild our industrial base and employ our jobless workers. They've got other options. The rest of us don't.

- *Higher taxes won't save core public services.* They are not in danger. Easley's budget includes hundreds of mil-

lions of dollars in new programs, program expansions, and items far beyond the core services of state government. There is no need for tax increases to protect the jobs of schoolteachers or police officers. Holding the line on taxes won't dump thousands of pitiful welfare recipients into the streets. It's the failure to distinguish between wants and needs that explains how North Carolina (and most other state governments, to be fair) got into the current fiscal mess in the first place.

The taxpayers of North Carolina don't want to get hit, again. But unless they make their voices heard in Raleigh, and soon, they might as well reach for their wallets.

BLOWING SMOKE

Good idea, bad execution, on inspections

North Carolina has just decided to end its tailpipe-emissions testing. Good idea, bad execution. As numerous environmental analysts and public policy organizations have noted, programs that require most cars and light trucks to undergo annual emissions testing are costly, poorly targeted, and unlikely to generate significant environmental benefits.

Environmental scientist Kenneth Green, for example, has written for the Reason Public Policy Institute that because a small number of poorly maintained, and often older, cars generate a disproportionate share of the pollution linked to mobile sources, states should put their emphasis on detecting and repairing or replacing these vehicles.

Instead, North Carolina and others have used a blunderbuss approach, testing millions of cars that are highly unlikely ever to fail. These tests jack up the price of annual safety inspections, creating some business for garages and testing sites. But they don't provide much of a boost to air quality.

So here's the good news. North Carolina is poised to become the first state in the Southeast to put an end to its traditional tailpipe-testing regime.

The bad news is that it is replacing the system not with a targeted plan, using remote sensing and other means of screening for the likely perpetrators, but a new high-tech, computer-based system that won't be available for cars made before 1996.

Enviros get one right

As a result, these older vehicles will now go untested. Environmentalists are complaining that this will leave the foulest-polluting cars on the road. On this one, they're right. This new policy appears to be precisely the reverse of the correct policy, if the goal is to generate the greatest possible gains in air quality at the most efficient cost.

Not all categories of older cars contribute disproportionately to smog, but the cars that contribute most to smog are disproportionately older cars. It is foolish to embrace a new testing regime that leaves them out.

Moreover, we will now be more aggressively (and expensively) testing brand-new cars that, due to the engineering innovations of the past couple of decades, burn gasoline cleanly.

If only these cars were on the road, the modest urban-ozone problems in North Carolina — and they are modest, despite what you may have heard or read — would recede over time, with or without testing.

These are empirical matters over which there can perhaps be some debate, but not a lot. We've been wasting time and money on the current emissions tests. The new round promises to be even more wasteful.

Unfortunately, the political reality is that elected officials feel little incentive to get these policies right — they won't get credit from the public, while the environmental extremists will cry foul and get largely uncritical coverage.

Most North Carolinians today probably believe that our air quality is worsening because of growth and more autos on the road, and are primed to accept new regulations to address the problem.

This is false. The facts are that air quality isn't getting worse, that in many ways it's been getting better for a long time, and that new automobiles are highly unlikely to fail any emissions test unless they are heavily used delivery trucks — which, it turns out, is fairly easily checked at the DMV.

It's not too late for North Carolina policymakers to rescue a good impulse from the jaws of confusion. We should change our emissions testing, preserving air-quality protection while saving time and money. *CJ*

The Real Story on Teacher Turnover

I know I'm going to get in trouble saying this, but here goes: Much of what North Carolinians think they know about our teacher retention "crisis" is untrue and politically motivated.

According to the National Commission on Teaching and America's Future, one of every three teachers leaves the profession after three years. Surely, many argue, this huge amount of teacher turnover reflects poor pay and working conditions and poses a real challenge to improving education.

In late January, the commission — headed by former Gov. Jim Hunt — restated these conclusions and called for dramatic action to, among other things, spend more tax money. Teacher attrition is so high, the report argued, that "it is as if we were pouring teachers into a bucket with a fist-sized hole in the bottom."

North Carolina's experience mirrors the national trend, according to reporting by *The News & Observer*. More than a third of the 8,150 teachers new to state classrooms in 1997 had left their jobs before the third year, with 45 percent exiting by year four.

A close reading of these statistics identifies why the spin that Hunt and others are putting out is incorrect. Notice that the number of new teachers being tracked is relatively small — 8,150, or only about 11 percent of the roughly 76,500 teaching positions in 1997. Even massive attrition among new teachers will obviously have only a small impact on the amount of attrition for all teachers.

University of Idaho economist Jack Wenders points out that between 92 percent and 96 percent of public school teachers are retained each year. The "turnover" rate in North Carolina and other states is somewhat larger, often roughly double, but that includes teachers who merely leave one school for a teaching position at another.

Moreover, attrition and turnover among public-school teachers are actually low when compared with other professions. In 2000-'01, the national "separation" rate for public-school teachers — including both attrition and transfers — was 15.1 percent. The rate for private schools was 19.7 percent. For the private sector as a whole, the rate was nearly three times as large: 42.8 percent.

Yes, many starting teachers do leave within a few years. Some find teaching to be a different experience than expected, or get weeded out during the pre-tenure period. Others never intended to make it a lifelong career. Still others marry, have children, and spend some years out of the workforce; some 40 percent of teaching hires in a given year are actually returning to the profession.

This issue illustrates a "stock and flow problem." Imagine you are in a room with 19 other people. During the course of the day, 19 of the 20 occupants stay in the room, but every 24 minutes the 20th person leaves and is replaced. At any one time, the room is mostly full of daylong occupants. But during the course of the day, 39 people will have spent at least some time in the room, and a majority of these will be short-timers. So, was your room dominated by "veterans" or by "newcomers"?

In the case of public-school teachers, most who make it to the tenure stage appear to stay in the profession until retirement, though they may spend some time away or change jobs. The real problem is that the probability of teacher retention is not equally distributed. The best teachers, who will likely earn the same income and inhabit similar working conditions as their mediocre counterparts, have strong incentives to find something else to do. Abolishing tenure, junking rigid pay scales, and creating more competitive options would be real responses to this real problem. *CJ*

Hood is publisher of Carolina Journal.

John Hood

Editorial Briefs

Federal money available for high-risk pools

The Trade Act legislation passed by the 107th Congress and signed by President Bush on Aug. 6, 2002 provides up to \$100 million in federal funding for states to create high-risk pools or fund existing ones. The legislation is a good first step toward offering uninsured people with pre-existing conditions access to affordable coverage.

But the states have only two years to acquire these funds, and state legislators as well as the general public are largely unaware of how high-risk pools work, what the legislation provides, and what states must do to implement the programs.

Currently, 30 states have enacted legislation establishing high-risk pools that provide comprehensive health coverage to individuals who cannot otherwise obtain medical insurance because of pre-existing medical conditions. State-based high-risk pools appeared 25 years ago and now cover about 153,000 people.

In most states with high-risk pools, applicants have a choice among PPOs or indemnity plans offering a range of deductibles and copayments. In other words, applicants can choose what best fits their needs and budgets. States with well-functioning high-risk pools have largely solved the problem of access for their medically uninsurable residents.

Heartland Institute, *Intellectual Ammunition*, Winter 2003.

Federal spending — and pork — up

The 3,000-page omnibus spending bill recently passed by Congress sets new records for pork, according to Citizens Against Government Waste. The \$791.5 billion bill raises federal spending by 7.8 percent over last year, for a 22 percent increase over the past two years. It will also increase discretionary spending at the second-fastest rate since 1985. CAGW says the weight of pork in the 30-pound bill may pass the record amount of \$20.1 billion set last year.

In this bill, lawmakers set aside millions of dollars for projects ranging from the renovation of Carnegie Hall in New York to the expansion of Big Bear Zoo in San Bernardino, Calif. to the renovation of an airport hangar in Roswell, N.M.

They also slipped into the spending package big favors for influential industries — for example, adding a provision favored by real estate agents to make it more difficult for the banking industry to enter their business, overturning a key reform of the Gramm-Leach-Bliley Act of 1999.

Reported by *The Hill*.

Taxes take larger bite out of Social Security

Until 1983, health, disability, survivor, and retirement benefits were tax-free. That is no longer true. In 1983, Congress decided to tax some retirement benefits, and the result is that a growing percentage of moderate-income Social Security beneficiaries face tax rates of 50 percent or more.

Here's how it works:

If the combination of half of your Social Security income plus your adjusted gross income from other sources plus your tax-free income from municipal bonds exceeds \$25,000 for singles or \$32,000 for couples, a portion of your Social Security benefits will be taxed.

In 1993, the portion of Social Security benefits that is counted was raised from 50 percent to 85 percent, creating some of the highest marginal tax rates in America. Those \$25,000 and \$32,000 tax points have been the same since 1983, not indexed to inflation. The so-called Social Security benefits tax is hitting an increasing number of seniors, and a growing amount of Social Security benefits are being reported as income.

In 1985, just two years after the passage of the tax, 3 million tax returns showed \$9.6 billion of Social Security income in their adjusted gross incomes. By 2000, the figures had ballooned to 10.6 million returns showing \$90 billion of Social Security income.

This means that millions of people who plowed money into tax-deferred accounts to save 27 percent in taxes will take out dollars taxed at 50 percent.

Reported in the *Dallas Morning News*. CJ

State's Good News Trumps Bad News

By MICHAEL L. WALDEN

Contributing Editor

RALEIGH

Clouds have covered the North Carolina economy for most of the past two years. However, the national economy has been in a recession, or slowdown, so it's expected the North Carolina economy would struggle along with the economies of other states.

But recessions are the exception, rather than the rule, in our economy. Before the recent recession hit, North Carolina's economy was prospering by any reasonable standard. Let me chronicle some key prerecessionary trends in our state.

Economic Growth: From the late 1980s to 2000, North Carolina's economy was the 10th fastest growing in the nation. Our output of goods and services increased 72 percent. Even production from manufacturing rose 34 percent. But because service output jumped 88 percent, the share of our economy based on manufacturing fell from 30 percent in 1987 to 23 percent in 2000.

Although the state's factories, in aggregate, produced more in the years before the recession, the composition of this production dramatically changed. Traditional manufacturing (tobacco products, textiles and apparel, and furniture) output dropped, but output from nontraditional manufacturing rose.

Some of the manufacturing shifts were huge. While the output of tobacco products was falling 74 percent from 1987 to 2000, the state's output of electronic equipment soared 421 percent and industrial machinery output jumped 316 percent.

Work: Certainly a trend in our state, and the nation, has been the growth of jobs in service industries and the reduction of employment in manufacturing. During the 1990s in North Carolina, service industry jobs increased 30 percent, while 13 percent of manufacturing jobs were lost. Factory output still rose because output per worker rose through the use of better machinery and technology. Some see the trend toward service industry jobs detrimental because they associate service jobs with low pay. But what matters more in determining salary is not the industry in which a person works, but the person's occupation.

The most prominent occupational change in North Carolina in the decade before the recession was the 40 percent increase in professional and management jobs. This is significant because these are the highest-paying occupations.

Income: What have all these economic trends meant for average personal income in North Carolina? On this count, there have been two positive developments. First, average personal income in North Carolina has been rising faster than the cost-of-living in each of the past three decades. In the 1970s the increase was 18 percent, in the '80s it was 33 percent, and an 18 percent gain was registered in the '90s.

Also noteworthy is that these rapid income gains have moved the state's average personal income closer to the national average. In 1970, average personal income in North Carolina was only 80 percent of the national average. By 1990, we had moved to 88 percent of the national average, and in 2000, we stood at 91 percent of the national average.

These income changes have created one disturbing

trend in North Carolina — increasing income inequality. Because many of the factors affecting the state's economy in recent decades have favored workers with education and skills, income has become less equally distributed over the past 20 years. One measure shows income inequality increasing 7 percent in the 1980s and 8 percent in the '90s. We still have many counties struggling with high unemployment even when the national economy is prosperous.

Challenges: This documentation of favorable economic trends in North Carolina is not to ignore economic challenges facing the state. I see these challenges in three categories. First is successfully moving workers displaced by the decline in traditional manufacturing into other fruitful employment. This will take a combination of individual motivation as well as educational opportunities. However, the state should resist targeting or directing individuals to specific occupational categories.

Second is putting North Carolina's budget and tax systems on sound footing for the future. To accomplish this, I recommend limiting annual increases in state spending to some factor accounting for inflation and population growth. This would allow accumulation of a "business cycle reserve," or "rainy day fund," during years of strong economic growth. The reserve or fund could then be tapped during recessionary years or used to avoid spending cuts or tax increases.

For the tax system, I suggest state policymakers consider a simple, easily understood "flat" income tax to replace the current taxes in the General Fund. In an earlier issue of *Carolina Journal*, I estimated a flat rate of 9 percent on household and business taxable income could supply the same revenue as the current individual and corporate income taxes, the sales tax, and other smaller taxes. Then, the state could leave the sales tax for exclusive use by counties.

Third, North Carolina needs a sound way of funding public infrastructure (roads, schools, etc.) that keeps pace with growth. There is no reason why this can't be done. What is required, however, is reserving earmarked funds, such as the highway funds, specifically for those functions. There have been many examples of highway funds being transferred for nonhighway spending.

Also, because of long periods between revaluations, local property tax revenues will not necessarily keep pace with economic growth without constant tax rate increases. The state and counties should consider revamping the property tax or replacing it with a broader based tax, such as the sales tax.

North Carolina's economy has made remarkable progress over recent decades, and this progress will likely continue in the years ahead. Yet economies never grow in a straight line. There will be periodic dips, or recessions. Also, all industries do not grow at the same rate. Aggregate economic growth is generally associated with some industries declining while others expand. But, in total, the good news usually trumps the bad news, and we do move forward.

CJ

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Michael L. Walden

Easley and 'Smart Growth' Advocates Tempt Terrorists

By RICHARD WAGNER
Editor

Gov. Mike Easley, "smart growth" advocates, and other big-government lovers haven't gotten the word yet, but their crusade lies prostrate in the shadow of Sept. 11. Al Qaeda's handiwork that day and realistic fears of continuing attacks exploded environmentalists' dreams of throttling suburban growth and expanding mass transit.

Anyone who pushes smart growth in today's chaotic world might as well send a written invitation to terrorists — whose primary strategy is to destroy high-density targets and maximize body counts. Incessant terrorist attacks on public transit in Israel; a nightclub in Bali, Indonesia; airports; and numerous other places where people congregate all serve to underscore a proven battle plan: Fanatical Islamic groups will continue to prey on crowds.

For that reason, the Department of Homeland Security, in its most recent Code Orange alert, warned people who live in apartment complexes and who stay in hotels to be extra vigilant. The media reported that a key Democratic congresswoman cautioned her daughter to avoid New York City's subways.

President Bush warned us that there is no foreseeable end to terrorism and that our world was forever changed Sept. 11. It is a sobering fact of life today, he said, that terrorists have infiltrated our society and that Americans, especially those who live in big cities, will have to change their lifestyles.

RALEIGH



Richard Wagner

Randal O'Toole, a senior economist with the Thoreau Institute, wrote of the realities of our changed world. O'Toole cited historian Stephen Ambrose's view that the real lesson behind terrorist attacks was "Don't bunch up." "It is no longer necessary to pack so many people and offices into such small places as lower Manhattan," Ambrose wrote. "They can be scattered in neighboring regions and states, where they can work just as efficiently and in far more security."

Even though New York City and other metropolises will pursue plans for skyscrapers out of civic pride, smart-growth advocates such as James Howard Kunstler concede that the age of the skyscrapers is coming to an end, O'Toole wrote. As other smart-growth advocates point out, their vision of the future is low- to mid-rise mixed-use housing.

But even that may be too dense for comfort for many people, O'Toole notes. He quoted *San Jose Mercury-News* columnist Dan Gillmor: "The logic of decentralization has never been more clear. Safety once resided in large numbers. In tomorrow's world, there will be more safety in spreading out."

Easley's diversion of highway funds

Yet the density factor in North Carolina appears to be more persistent than initially feared: Easley and his allies continue to ignore the realities of the grave new world and unnecessarily expose a trusting public to potential danger.

The governor announced recently that he plans to divert \$700 million from the Highway Trust Fund toward highway maintenance, bridge replacement — and public

transit such as planned rail systems in Charlotte and the Triangle. There is one obstacle to Easley's plan: Current law stipulates that most money from the trust fund must be allocated to new-highway construction. No problem there, though. Easley is relying on a bill introduced by Rep. Jim Crawford, D-Oxford, and Sen. Wib Gulley, D-Durham, to change the law and allow the Department of Transportation to transfer the money from the trust fund.

Easley's unwise action comes at a time when North Carolinians want more, not fewer, highways. Recent changes in air-travel patterns show that, at least for short distances, more people are turning to highways as the preferred avenue of transportation. Because of fear of terrorism and increased security and delays associated with it, fewer travelers are flying on short-haul flights and instead are using other modes of transportation, including driving to nearby destinations. A recent survey by AAA showed that 22 percent fewer people are flying on routes of 200 to 400 miles. Other data from tourism agencies show that many travelers now prefer to drive to in-state destinations rather than to fly out of state.

Subsequent attacks by terrorists will intensify Americans' fears of mass transit and high-density housing and increase pressure on politicians to abandon smart-growth initiatives. North Carolina's lawmakers would be wise to heed the trend now and funnel more money — not less — into expansion of the state's highway system and other projects that accommodate suburban growth.

Already, through the marketplace, Americans are conveying a strong message to their elected representatives: Don't herd them into boxes for an easy slaughter.

But to politicians who insist on espousing the smart-growth cause, terrorists, no doubt, have a message for you: "Go ahead, make our day." *CJ*

Badgering Bush for their own atonement

The Misadventures of Former Presidents Jimmy Carter and Bill Clinton

By MARC ROTTERMAN
Contributing Editor

It seems that ex-Presidents Bill Clinton and Jimmy Carter can't seem to get out of the spotlight. To paraphrase Gen. Douglas MacArthur, they just won't "fade away." Every day Clinton and Carter seem to be carping about President Bush's foreign policy. Many historians think they are breaking a long-standing tradition of former presidents not publicly criticizing the commander in chief during a time of war or crisis. This was the case in the latter part of the 20th century, in most respects.

A prime example would be the Bay of Pigs fiasco during the Kennedy presidency. Both former President Dwight Eisenhower and former Vice President Richard Nixon privately gave their advice to President John Kennedy and never once criticized him publicly for one of the biggest foreign-policy blunders of the last century. It has been a tradition of most former presidents to honor the example of Nixon and Eisenhower.

Carter, Clinton try to atone for failures

Unfortunately, this is not the case with Clinton and Carter. Both men have been vociferous and, in some cases, are trying to rewrite history to protect their own individual legacies.

Most Americans now understand that Clinton's distraction created by his numerous personal scandals and impeachment trial had serious damaging effects on our foreign policy and national security. Consider this, Clinton, of his own admission, confirmed that Monica Lewinsky met privately with him more than a dozen times in the Oval Office. Conversely, James Woolsey, Clinton's first CIA director, has stated publicly that he never met privately with Clinton after his initial job interview.

According to a *USA Today* investigative report (Nov. 13, 2001), the head of the CIA could not get a single private meeting with Clinton even after the World Trade Center bombing of Feb. 26, 1993 or the killing of the 18 American soldiers in Mogadishu on Oct. 3, 1993.

This failure to take national security seriously resulted

in numerous missed opportunities. In 1996 an unofficial channel between the government of Sudan and the Clinton administration was facilitated by an American Muslim businessman and Clinton supporter, Mansoor Igaaz.

Also, at that time, the State Department was accusing Sudan of harboring terrorists. According to Mansoor, who met with Clinton and Sandy Burger, the president's national security advisor, President Bashir of Sudan wanted terrorist sanctions against the Sudan lifted and offered the arrest and extradition of Bin Laden. At that time the state department was describing Bin Laden as "the greatest single financier of terrorist projects in the world."

In February 1996 Bashir sent key intelligence officials to Washington and again offered to arrest Bin Laden and extradite him to Saudi Arabia or at the least to monitor all his activities and associates. Unfortunately, the Saudis didn't want him and instead in May 1996, the Sudanese gave in to U.S. pressure and asked Bin Laden to exit their country. Bin Laden departed for Afghanistan and took with him Ayman Awahiri, considered by the United States to be the chief architect and planner of the Sept. 11 attacks.

The *London Sunday Times* (Jan. 6, 2002) reported, based on a Clinton administration source, that responsibility for this decision went to the top of the White House. Shortly after the Sept. 11 tragedy, Clinton told a dinner companion that the decision to let Bin Laden go was probably "the biggest mistake of my presidency."

But also according to the *London Times* report, which was based on numerous interviews with intelligence officials, this was only one of three opportunities that the Clinton administration had to seize Bin Laden but failed to do so.

Let's briefly review Carter's presidency. I'll be blunt. Carter's presidency was a disaster. Domestically, he brought us double-digit interest rates and inflation, and humiliated the United States with his handling of the Iranian hostage crisis.

After being defeated by Ronald Reagan in 1980, Carter launched a mission to rehabilitate himself. Carter desper-

ately wants to be respected by his fellow citizens and more importantly by the Left in both the United States and the capitals of Europe. Since being defeated for office, Carter has visited with every despot and dictator he can find, and he usually takes the opportunity while he is in their country to slap America's foreign policy.

Problems in Cuba, North Korea

In 2002 Carter met with Castro insisting that he was a private citizen. Once a U.S. president, however, always a president, and former officeholders carry the residual dignity conferred by the office. Warned by Under Secretary of State John Bolton that Cuba's export of biotechnology could be used for weapons of mass destruction, Carter responded that the allegations were timed to undermine his trip to Cuba.

In October 2002 when accepting the Nobel Peace Prize, Carter said Congress was wrong to give President George W. Bush the power to go to war with Iraq (BBC News, Oct. 11, 2002).

Of course it was Clinton and Carter in 1994 who got us into the fix we are in with North Korea today by negotiating an agreement between North Korea and the United States. It was Carter who got Clinton to buy into the sham that North Korea would freeze the major elements of its nuclear program. We now know that North Korea never intended to honor that agreement and actually expanded its nuclear weapons program. Recently, CIA Director George Tenet testified in front of an open Senate Intelligence Committee hearing that North Korea can hit the West Coast of the United States with a nuclear missile.

It is easy to Monday-morning quarterback and to criticize President Bush. It would be my wish and that of many others in America that Carter and Clinton uphold the tradition of not criticizing a president in time of crisis or war. To be blunt, I would agree with Sen. John McCain that they should just "shut up."

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



Marc Rotterman

... Clinton told a dinner companion that the decision to let Bin Laden go was probably "the biggest mistake of my presidency."

'Trading Outdoor Spaces' Comes to Raleigh

Popular television show features Carolyn and Jim, tapes segment on the upper crust and the lower life

By PAIGE DAVIDSON
Home and Gardens Editor

RALEIGH

Paige: "Welcome to 'Trading Outdoor Spaces,' in which couples across the USA trade their yards for a day to create landscapes of surprising beauty.

"Today's show features two couples from North Carolina: Carolyn and Jim, formerly of Raleigh, and Jane and John of Everywhere County.

"Both of our couples must perform their work within a budget. Carolyn and Jim's budget is five dollars. Jane and John's budget is five million dollars.

"Let's meet our couples.

"Carolyn, now that you've seen Jane and John's yard, what do you think needs to be done?"

Carolyn: "You can't be serious. Five dollars? Who lives here, Ma and Pa Kettle?"

Paige: "Well, now. Five dollars is all that Jane and John had to spend on their yard the last few years. See what you can do."

Jim: "Carolyn and I were delighted to return to Raleigh to stand in for Mary and Mike on this wonderful project, but this is totally unacceptable. Where's the grass? Where are the flowers? Where are the brick walkways and ivy-covered gates?"

Paige: "Now, now, do your best. See you tomorrow.



Jane and John's house, before and after.



The governor's mansion, before and happily ever after.

"Jane, what will you do to the governor's yard?"

Jane: "Probably nothing. Have you seen their place? Good gawd, it's a palace. Does the International Croquet Club play here?"

Paige: "Whatever. Use your \$5 million wisely.

"Tomorrow we'll see what kind of surprises our enterprising couples have in store for us."

(The next day).

Paige: "Time's up. Jane and John, you can take your hands off your eyes now."

John: "Oooooohh. Wait, what's new? All I see that's different is somebody put some crummy hockey jerseys on our statues out front."

Jane: "What did you expect for five dollars, Paige?"

Paige: "Let's go see Carolyn and Jim, who are waiting to see the breathtaking alterations to the Executive Mansion's landscape.

"Carolyn, Jim, take your hands off your eyes."

Carolyn: "On the contrary. I never had them on my eyes. I knew those dreary people wouldn't change a thing."

Jim: "Ahem, we usually don't concern ourselves with such trifling matters, but where's the five million dollars?"

Paige: "John mentioned something about economic development, putting people to work at his house."

Carolyn: "Paige, when you called I had no idea you had this dreadful little show in mind. I thought you said the show was 'Trading Maces.'"

Paige: "Tune in next week when we go to Jones Street."



Host Tom Campbell Chris Fitzsimon Barry Saunders John Hood

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