



Protests, politics, and productivity: Margaret Spellings' UNC presidency

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CAROLINA JOURNAL

AN AWARD-WINNING JOURNAL OF NEWS, ANALYSIS, AND OPINION FROM THE JOHN LOCKE FOUNDATION CAROLINAJOURNAL.COM VOL. 27 • NO. 4 • APRIL 2018 • STATEWIDE EDITION



SCHOOL SAFETY

What are counties doing to protect schools?

BY LINDSAY MARCHELLO

The Parkland shooting isn't the first tragedy to kick-start legislative action. Legislators tackled the issue of school safety after the tragic massacre of 20 children and six adults at Sandy Hook Elementary in Newtown, Connecticut, in December 2012.

After the Sandy Hook shooting, the General Assembly passed the 2013 School Safety Act, which increased funding for school resource officers, school psychologists, social workers, and panic alarms.

The statute also allowed for school districts, along with local law enforcement, to create a volunteer SRO program. Counties struggling to staff every school with an SRO could open the door for retired law enforcement or military police to fill the role.

SEE GRAPHIC PAGE 13

The debate on ways of making schools safer is only beginning



LINDSAY MARCHELLO
ASSOCIATE EDITOR

COMMENTARY

PAGE 15: Mitch Kokai breaks down 'straw man' arguments

PAGE 20: A teachable moment missed with the national school walkout

The attack in Parkland, Florida, where 17 students and teachers were killed on Feb. 14, has revived a long-running debate.

On Feb. 14, a gunman killed 17 people at Marjory Stoneman Douglas High School in Parkland, Florida, sparking outrage and fear across the country. Students, teachers, and parents demanded that something be done to prevent a similar tragedy.

Although hundreds of miles away, the effects of the Parkland shooting reached

the halls of legislatures across the nation, including, of course, the General Assembly in Raleigh. Republicans and Democrats alike offered their condolences, but the public wanted something more concrete: a definitive plan to ensure students and teachers were safe at schools.

"It is an undeniable, fundamental right that I feel secure in my sanctuary of ed-

PAGE 18 INTERVIEW:
Discussion with Rockingham County Sheriff Sam Page

ucation. It is an undeniable, fundamental right that I do not have to fear or anticipate violence against my peers and I."

That's from Riley Barnes, a high school student speaking March 21 to the House Select Committee on School Safety.

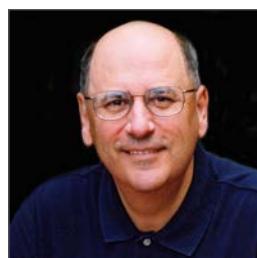
Barnes' interpretation of the U.S. Constitution is debatable, but the intentions are

clear. Barnes and students across the country want lawmakers to act, although many fail to consider the inherent weight of the Second Amendment.

Still, they're begging lawmakers to act.

Suggestions range from banning assault weapons to implementing age requirements to buy guns to expanding and enhancing background checks. From arming teachers to installing metal detectors in all schools to hir-

continued PAGE 13



Interview: F.H. "Frank" Buckley

Foundation professor at the Scalia Law School at George Mason University discusses the U.S. Constitution.

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CAROLINA JOURNAL
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RALEIGH, NC 27601

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Carolina Journal is a monthly journal of news, analysis, and commentary on state and local government and public policy issues in North Carolina.

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UNC Health Care – Atrium Health merger collapses

THE MEGA-DEAL combining daily operations at UNC Health Care and Atrium Health has collapsed, killing in the cradle what would have been one of the nation’s largest health systems.

Charlotte-based Atrium issued a statement March 2 about the development.

“Atrium Health has suspended discussions with UNC Health Care to form a joint operating company,” the statement said. Atrium Health board Chairman Ed Brown and President/Chief Executive Officer Gene Woods notified UNC Health Care officials about the decision.

UNC Health Care, headquartered

in Chapel Hill, released a statement about the proposal’s demise.

“After months of discussions and due diligence, UNC Health Care and Atrium Health have determined that we cannot satisfy our mutual organizational goals through a proposed partnership and joint operating company,” the UNC statement said.

“Though we will not form a joint operating company, UNC Health Care and Atrium Health will continue to partner on important issues such as improving rural health care and expanding medical education,” the statement said.

continued PAGE 3

Medicaid and education dominate state spending

JLF fiscal analyst explains intricate state expenditures with user-friendly charts and graphs

Medicaid is the largest spending item of the roughly \$53 billion flowing through state coffers this year, yet state policymakers have minimal control over the program.

Joseph Coletti, a senior fellow at the John Locke Foundation, noted the major role of Medicaid and other health and human services spending during a March 12 presentation on North Carolina’s fiscal state. It was part of JLF’s weekly Shaftesbury Society meeting.

Coletti used a series of graphs and charts to explain the characteristics of the General Fund, other state revenue, and how money is appropriated each year.

Coletti’s work — based on data provided by the Office of State Budget and Management and the General Assembly’s Fiscal Research Division — soon will become an online guide at JLF’s website (johnlocke.org), which people can use to make the detailed and often dense material easier to understand and simpler to track over time.

The total General Fund budget for fiscal 2017-18 is about \$23 bil-



VISUAL BUDGET: Joseph Coletti, senior fellow at the John Locke Foundation, used graphs and charts compiled from state budget materials at a March 12 presentation to depict N.C. government spending trends.

lion, an increase of roughly 2.5 percent over the past year. It’s the largest source of state funding.

The State Highway Fund and State Highway Trust Fund generate a combined \$3.7 billion.

Adding federal tax dollars and other revenue sources, including college tuition and other grants, state spending totals roughly \$53 billion annually.

The federal government funds two-thirds of North Carolina’s \$14 billion Medicaid program, with \$3.6 billion coming from state taxes.

By looking at the numbers, Co-

letti determined the state’s spending priorities are geared toward health, education, and welfare services. The bulk of state funding goes to education with 57 percent of the General Fund, or \$13 billion, allocated for K-12 education, community colleges, and the UNC system.

Of that 57 percent, K-12 education receives 39 percent of appropriated state funds. The UNC system gets 13 percent, and the community college system gets only 5 percent.

“Flagship” campuses like the University of North Carolina-Chapel Hill and N.C. State University receive

40 percent or more of their funding from tuition, grants, and other unappropriated receipts.

Meanwhile, lower-profile campuses, including Elizabeth City State University and the University of North Carolina at Asheville, rely more on state funding and have budgets of less than \$100 million each.

While a significant amount of funding goes to education, the Medicaid program is the most expensive. Coletti said Medicaid is the item to watch in future budget discussions because it will probably change.

“For one, it is the largest area of spending outside of education, and two it is a place where growth can happen,” Coletti explained.

Many Medicaid programs are tied to federal regulations, leaving state policymakers with few options to spend money more efficiently unless Washington bureaucrats grant waivers.

Coletti said states seeking Medicaid flexibility typically have had to expand coverage to include more able-bodied, working adults, which would raise spending for the program even faster.

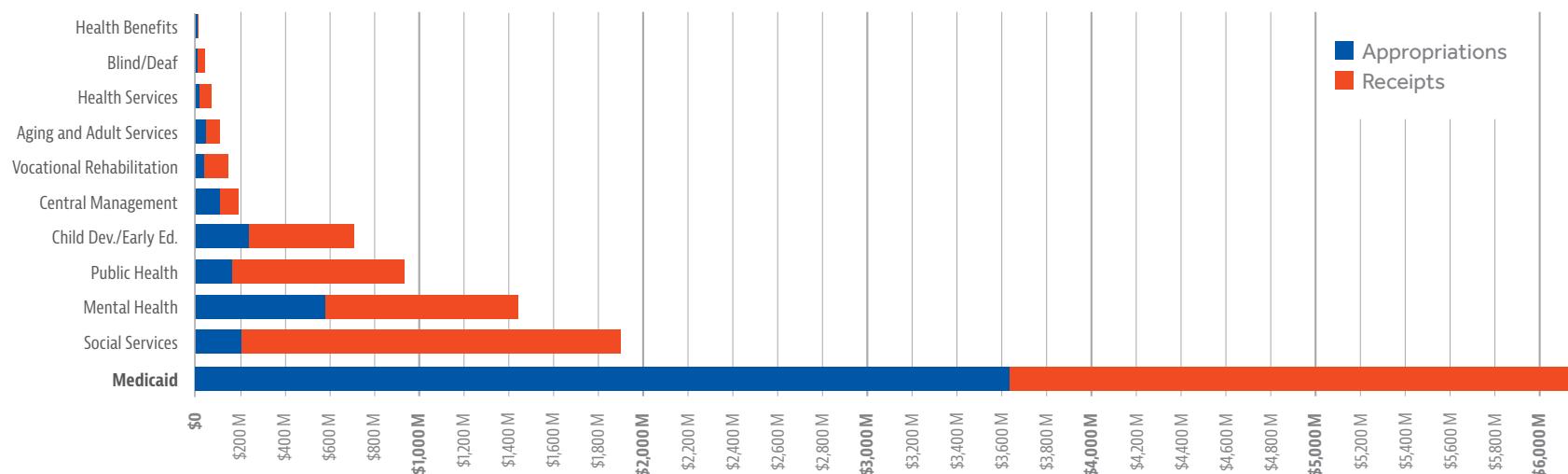
As the state continues to grow, spending has remained relatively in line with population and inflation.

At the same time, the rainy day fund, which includes funds set aside if spending commitments exceed tax collections, has reached an all-time high of nearly \$2 billion.

From Staff Reports

Health & Human Services Funding - With Medicaid

Receipts, mostly from the federal government, far exceed state appropriations in health and human services. Medicaid dwarfs the rest of the Department of HHS in spending and funding.



QUICK TAKES

Cultural Resources fires two division heads, offers no explanation

Gov. Roy Cooper's administration abruptly terminated two senior employees in the Department of Natural and Cultural Resources on Feb. 28. The agency, run by Secretary Susi Hamilton, offered no explanation for the firings.

State Parks Director Michael Murphy and Director of State Historical Sites Keith Hardison lost their jobs.

Reached by phone, Hardison confirmed to *Carolina Journal* that he was terminated, but said he didn't want to discuss the situation.

A state parks employee confirmed to *CJ* that, as of Wednesday, Murphy was no longer employed in that office. The employee referred *CJ* to the department's director of communications, Neel Lattimore, for additional information.

Lattimore initially told *CJ* he

didn't know why the two were terminated, but he promised to get an answer. Lattimore later sent an email referring *CJ* to the State of North Carolina Public Information Individual Employee record.

Murphy and Hardison were in positions classified as exempt from the protections of the State Personnel Act. They served at Cooper's pleasure. *CJ* was unable to determine who ordered the firings.

Murphy is a former science teacher and financial consultant. He had served as director since 2014, and his salary was \$121,597. Hardison had served in his position since 2006, and his salary was \$104,624.

Murphy and Hardison no longer appear on the agency's website in the leadership section.

From Staff Reports



FIRED. In January 2017, Gov. Roy Cooper (center) announced Rep. Susi Hamilton (right) as his natural and cultural resources secretary and Reid Wilson (left) as the department's chief deputy secretary.

CJ PHOTO BY BARRY SMITH

NC teacher survey looks for insight into teaching profession

THE NC TEACHER Working Conditions Survey gives educators the chance to be heard.

Every two years, the Department of Public Instruction conducts a comprehensive survey to learn more about teaching and learning conditions in the state's public schools, including charter schools.

The N.C. Professional Teaching Standards Commission was first administered in 2002. The survey is an online, anonymous way for teachers to share their perspectives while also providing suggestions for improving school and classroom practices.

"Knowing how to support you starts with listening to you," State Superintendent Mark Johnson told teachers in a video. "The reason we conduct these surveys is to know what you think."

The survey asks teachers about

professional development, teaching and learning conditions, community engagement and support, and use of time.

In 2016, the NC TWCS showed, 71 percent of teachers said they were able to focus on teaching with minimal interruptions. Seventy-two percent said they have sufficient instructional time to meet the needs of all their students; 66 percent said efforts were made to minimize the amount of required routine paperwork.

Teachers said community engagement was high in 2016, with 90 percent agreeing their school maintains a clear, two-way communication with the community. In a similar vein, 90 percent also said their school does a good job of encouraging parent or guardian involvement.

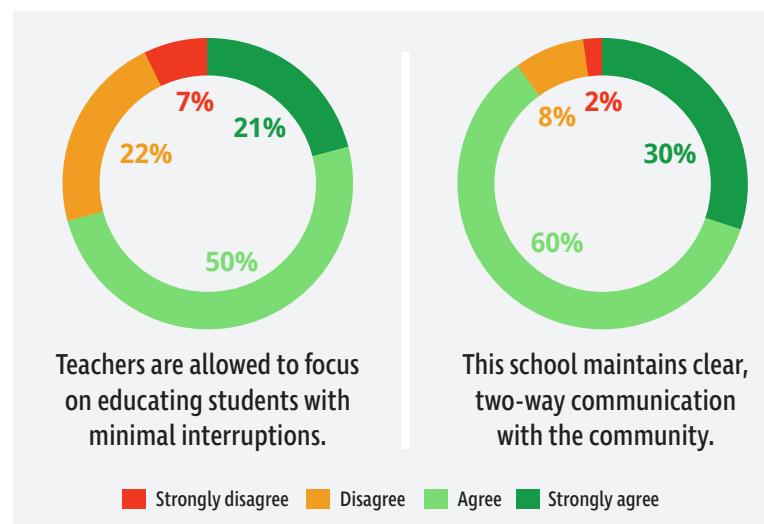
More than 80 percent of teach-

ers said they would continue teaching at their school, compared to 5 percent who said they would leave the education profession. Five percent said they would continue teaching in their district but would leave their school, and 3 percent said they would leave the district but still teach in the state.

Terry Stoops, vice president of research and director of education studies at the John Locke Foundation, said the survey provides good insight into what teachers think they need from their schools and community.

"We have an astonishing sample size and a tremendous amount of information from the district and school level," Stoops said. "Yet the use of that information seems very isolated and limited."

Teachers have until March 31 to



complete the survey. Results from the survey will be available online about five weeks after the end of March, with specific data available

for schools that reach a 40 percent teacher response rate.

From Staff Reports

UNC Health Care

continued from PAGE 2

The health systems have about \$14 billion in annual operating revenue and billions more in public assets between them. They operate more than 50 hospitals with some 92,000 employees. Upon signing a letter of intent and entering into partnership talks, officials said

the joint operating company would provide more comprehensive health care, help to control costs, and improve teaching, research, and rural medical services.

Yet the health systems' plans to join were panned early and often.

Blue Cross Blue Shield of North Carolina voiced opposition. UNC Board of Governors member Tom Fetzer, whose lobbying firm represents BCBSNC, raised issues with BOG Chairman Lou Bissette. Fetzer

said the UNC Health Care Board, whose members include UNC system President Margaret Spellings, kept the BOG in the dark for almost a year about partnership talks, possibly skirting statutory notification obligations.

Former federal antitrust regulators panned the partnership, saying it was likely to drive up state Medicaid and individual medical costs, root out competition, and provide little if any health care improve-

ments. State Attorney General Josh Stein's office said any deal between the health systems would be scrutinized for compliance with antitrust and nonprofit laws. Health care economists warned about potential perils of hospital mergers and joint partnerships.

State Treasurer Dale Folwell demanded the health care giants put up a \$1 billion performance bond with the State Health Plan to protect its 750,000 members against

medical cost spikes.

Folwell released a statement expressing relief the partnership fell through.

"I've consistently said that I am about 'k-n-o-w,' not 'n-o.' It's now obvious that many others agreed there was a lack of transparency surrounding the proposed UNC/Atrium merger," Folwell's statement said.

From Staff Reports



QUICK TAKES

State licensing board relents, lets makeup schools operate without a license

Stand-alone makeup schools can operate in North Carolina without a government-issued license, the N.C. Board of Cosmetic Art Examiners now says. The decision, resulting from court-ordered mediation, ends a federal lawsuit filed by Jasna Bukvic-Bhayani of Charlotte.

As *Carolina Journal* reported last year, Bukvic-Bhayani wanted to open a makeup artistry school, but the state cosmetic board wouldn't allow it unless she agreed to teach esthetics and to spend thousands of dollars on unrelated equipment.

Before the lawsuit and mediation, no school could teach makeup in North Carolina without getting a cosmetic art school license, which would require the school to teach a 600-hour esthetics curriculum, even though makeup artists aren't estheticians.

Bukvic-Bhayani, along with the Institute for Justice, sued in August, citing violations of the First Amendment. The federal lawsuit continued for about six months, an IJ news release said.

"The board wanted me to open up an esthetics school, and I would have to have a building, zoning, and have it in the right place," she said.

Bukvic-Bhayani actually attended esthetics school in North Carolina. Esthetics school, she told *CJ*, "covers parts of makeup artistry, but it was just not enough for me to learn all of the tricks and trade."

Esthetics school, she said, was basically about the skin and skin care — waxing, facials, chemical peels, microdermabrasion, oxygen facials.

Nothing having to do with makeup.

"There is a part that covers it, but that's just basic colors and anatomy of the face. ... You can't match it. You don't learn how to do eye-brows. It just didn't cover enough."

Simply put, she wanted to specialize in makeup artistry, not esthetics and all that goes with it.

"Every room would need a sink which requires plumbing," she said of the esthetics schools. "A lot of times it is hard to find a space where you can have a sink in every room. The requirements include equipment like stables — we use chairs for [a] makeup artist — it would include lamps, steamers, and just basic equipment, which would require a lot of money."

No one should need a license just to talk about makeup, she says in the news release.

From Staff Reports



MAKEUP SCHOOL. Esthetician Jasna Bukvic-Bhayani sued the N.C. Board of Cosmetic Examiners because it wouldn't let her open a school to teach hobbyists how to apply makeup.

INSTITUTE FOR JUSTICE

Court rules State Board of Education must stay in *Leandro* case

SUPERIOR COURT Judge David Lee has rejected the State Board of Education's request to be removed as a defendant in the long-standing *Leandro* case.

The *Leandro* case started in 1994, when five rural school districts sued the state, arguing they couldn't raise enough tax revenue to provide a quality education, while their wealthier neighbors could.

In 1997, the N.C. Supreme Court held that every child has a right to "a sound, basic education" under the state constitution. The court ruled again in 2004 that the state had not lived up to the *Leandro* standards set by the previous ruling.

SBE argued Feb. 15 that the education landscape has changed in North Carolina and that the board has implemented new policies and programs to ensure access to a sound, basic education.

Lee didn't buy the board's line of reasoning.

"The SBE has failed to present convincing evidence that either the impact or effect of these changes and reforms have moved the state nearer to providing children the fundamental right guaranteed by our state constitution," Lee wrote in the court order.

Lee said the state board also failed to provide sufficient evidence that the *Leandro* standards were being met.



"These state defendants have the burden of proving that remedial efforts have afforded substantial compliance with the constitutional directives of our Supreme Court," Lee wrote. "To date, neither defendant has met this burden."

Lee also said there is an ongoing constitutional violation of every child's right to receive the opportunity for a sound, basic education, and so the court maintains jurisdiction to address the violations.

"Both state defendants have been proper parties to this litigation since its inception, and each remain so," Lee wrote.

Bill Cobey, the chairman of the state board, disagreed with the court's decision.

"I'm not going to have any public comment until we have a chance for the board to confer," Cobey said.

Scott Bayzle, one of the attorneys representing the *Leandro* plaintiffs, said the court's decision is extremely important to the "hundreds of thousands of schoolchildren across North Carolina."

From Staff Reports

Charter operator picked to run troubled Robeson County school

With Board of Education's OK, Achievement for All Children will try to boost performance at Southside Ashpole Elementary School

Southside Ashpole Elementary is one step closer to having an Innovative School District operator.

On March 19 ISD Superintendent Eric Hall recommended Achievement for All Children — a charter management organization — to operate the low-performing school during a brief conference call. State Board of Education members will vote on the recommendation at their April monthly meeting.

The Robeson County school was chosen last November as the first school to join the ISD, formerly known as the Achievement School District. In 2016, lawmakers set up the new program. It places low-performing elementary schools under charter or education management for five years.

Only two groups applied for the ISD operator position: Achievement for All Children and the Romine Group, a charter school management group based in Michigan.

Hall was expected to make a recommendation during the February SBE meeting, but opted in-

stead to delay the decision and gather more information on the two applicants.

Schoolworks, an education consulting group, reviewed and evaluated the two applicants. The applications, five-year budget plans, third-party evaluations, and additional information on both AAC and TRG are available on the ISD website.

AAC is in Forest City and is closely linked to TeamCFA, a national network of public charter schools. TeamCFA currently operates 13 public charter schools in North Carolina and is AAC's proposed curriculum partner.

Hall also pointed out some lingering concerns with AAC, which include finalizing a contract between AAC and TeamCFA. Another concern is a lack of specificity in how AAC will serve at-risk students and deliver specialized programs. According to Schoolworks' evaluation, AAC didn't initially include money for psychological services. The revised budget includes contracted support services, but Schoolworks says it is unclear whether AAC set aside enough money to meet students' needs.

Hall said these areas need to be addressed before April, when the board will make its final decision.

From Staff Reports

QUICK TAKES

Lawmakers alerted of cyber attacks targeting K-12 schools

Hackers use emails and fake identities to infect school computer networks, personnel files

Cyber attackers are increasingly targeting K-12 schools, leading to an urgent need for more cyber security, says Phil Emer, director of Technology Planning and Policy at the N.C. State University Friday Institute.

Emer informed legislators on the growing threat during a March 6 Joint Legislative Education Oversight Committee meeting.

"Schools are actually getting

targeted specifically now," Emer said. "Not only have North Carolina schools been targeted, but a lot of municipalities and counties in the state have been targeted."

In December 2016, the Department of Public Instruction released a report on cyber security, which shows most school districts aren't prepared for a cyber attack. Smaller school districts and charter schools are particularly vulnerable.

The School Connectivity Initiative, which aimed to provide internet access to schools, was amended in the 2017 budget to include cyber security. The amendment tells the State Board of Education and DPI to work with the Friday Institute to assess cyber threats and provide cyber security training.

Emer said the expansion includes continuous monitoring and risk assessments, security advisory

81%

Percentage of hacking breaches that leveraged either stolen or weak passwords.

and consulting services, and security training. Funding for continuous monitoring and risk assessments adds up to \$200,000 for each year of the biennium.

"We have seen repeated malware attacks and continuous reinfections," Emer said. "A number of devices in a school district will become compromised, they'll detect them and clean them, and then immediately or almost immediately they will get reinfected."

Emer said dealing with malware

infections can be costly and take up a significant amount of time, but practicing better cyber hygiene could prevent these infections.

Cyber attacks come in many forms, including ransomware attacks, phishing email scams, and session hijacking.

Another form of attack, denial of service, happens when an attacker prevents the legitimate use of a website through a bombardment of fake requests.

"There are students in North Carolina who have gone on to websites and have bought a denial of service to attack their own school during a test day," Emer said. "But beyond all, the entry point for virtually all of the risk and all of the hacks tends to be email."

Emer said emails are primarily used because they are cheap, and it's relatively easy to get people to

click on a link in an email. Hackers use fake links to get behind corporate firewalls or other security measures to gain access to passwords and other devices in the system. Phishing emails can look like they are from Netflix, UPS, or Bank of America, when in fact they are a scam to gain sensitive information.

In North Carolina, CFOs and school accountants have been getting emails from people masquerading as superintendents. These hackers establish a conversation first and then ask for the federal W-2 forms for employees at certain schools. Emer said at least one school district fell for this ploy last year.

"They are getting very sophisticated," Emer warned. "This was a very targeted attack."

From Staff Reports

Delayed VW settlement may lead to new separation-of-powers spat

STATE REP. John Szoka, R-Cumberland, is worried \$92 million from a national Volkswagen consent decree over Clean Air Act violations might get tangled up in another separation-of-powers showdown between Gov. Roy Cooper and the General Assembly.

Like members of the Energy Policy Commission who shared their anxieties at a Nov. 8 meeting, Szoka is wary about potential impacts from the governor amending his lawsuit in the *Cooper v. Berger* case to include the VW money.

In the lawsuit, Cooper contends the General Assembly's insistence that the VW money pass through the normal legislative appropriations process is unconstitutional. He claims the General Assembly's move would prevent him from performing his core constitutional function "to take care that the laws be faithfully executed."

Volkswagen entered into a consent decree after admitting it installed illegal software equipment



SETTLEMENT. Owners of Volkswagen cars that are covered under a national consent decree between the automaker and the Environmental Protection Agency could have their vehicles replaced or engines modified to meet emission standards. Car dealerships such as Durham Volkswagen, pictured, would be affected.

on vehicles. The devices allowed vehicles to cheat on emission testing even though the vehicles actually put out up to 40 times the legal limit of nitrogen oxide.

Nearly 19,000 of those vehicles were licensed in North Carolina, entitling the state to some of the environmental mitigation fund to re-

duce air pollution.

Cooper named the state Department of Environmental Quality as the lead agency to develop and implement the state's VW environmental mitigation plan. The national trustee overseeing the \$2.7 billion settlement on Jan. 29 approved North Carolina as a benefi-

ciary and DEQ as the lead agency.

The VW case is not the only one in which the governor is seeking to assert a constitutional right for the governor's office to determine how some spending is decided.

When he amended the *Cooper v. Berger* suit, he also claimed constitutional authority over how to

spend various federal block grants. He challenged the General Assembly's authority to redirect those grants to purposes different from his plans.

More recently the General Assembly passed House Bill 90 to take over the Atlantic Coast Pipeline fund Cooper tried to create without the legislature's approval. Cooper could file suit to regain control of the money.

"I'm frankly tired of seeing everything end up in the court of law. I don't know the governor's mind, but he may be trying to tie things up," Szoka said, adding it would be counterproductive to bog down the VW settlement in court.

Szoka can't understand why Cooper isn't following a precedent on how to spend federal settlement money — the federal Master Settlement Agreement with tobacco companies that has pumped nearly \$3 billion into North Carolina.

From Staff Reports

State GOP wants feds to investigate Cooper's role in pipeline fund

The state Republican Party has asked for a federal investigation of the side deal struck between the Cooper administration and the utilities that will operate the \$5 billion Atlantic Coast Pipeline.

At a March 13 news conference at the federal courthouse in Raleigh, NCGOP Chairman Robin Hayes and Executive Director Dallas Woodhouse announced the complaint against Gov. Roy Cooper, a Democrat. The complaint asks

U.S. Attorney General Jeff Sessions to consider charging Cooper with extortion under the Hobbs Act, a federal anti-corruption law.

"It's an obvious pay-to-play situation," Hayes said of the pipeline deal, which Cooper insists is unrelated to any environmental permits state officials granted to pipeline operators.

Under the side deal, announced Jan. 26, the pipeline operators would place \$57.8 million into a discretionary fund directed by the gov-

ernor. The money would pay for unspecified environmental mitigation, economic development, and renewable energy projects in the eight N.C. counties through which the natural gas pipeline will run. In February, the General Assembly passed House Bill 90, a measure that, among other things, diverts that \$57.8 million to the school districts in the eight affected counties.

The complaint says nothing in the Mitigation Memorandum of Understanding between Cooper and

the pipeline operators suggests the governor or the state "had a lawful claim to the \$57.8 million the ACP had agreed to put into escrow." According to the memo, the money wasn't part of a settlement agreement based on any real or threatened lawsuit.

Instead, the complaint says the pipeline operator was fearful it would suffer some economic damage — by having its environmental permits denied, killing the project — unless it agreed to pay the

\$57.8 million to the fund controlled by the governor.

"With the Hobbs Act extortion, they [public officials] do not have to benefit personally," Woodhouse said, echoing several legal precedents cited in the complaint. The public official directing or issuing the threat can be considered an extortionist even if that person stands to gain no financial benefit from the arrangement.

From Staff Reports

ENERGY & ENVIRONMENT

Cooper brothers named new company after former tenant

Raleigh mailbox suggests governor's continued tie to solar farm

BY DON CARRINGTON

Tracing the ownership of the land hosting a Nash County solar farm built on a former cow pasture is complicated business.

On his Statement of Economic Interest covering 2014, then-Attorney General Roy Cooper, in November of that year, said he ended his ownership interest in Will Clark Properties LLC. The business entity, created in 2012, was leasing land to the solar farm.

But public records indicate Will Clark Properties continues to use a U.S. Postal Service mailbox at the Cameron Village station in Raleigh, which in some years also served as Cooper's personal mailbox.

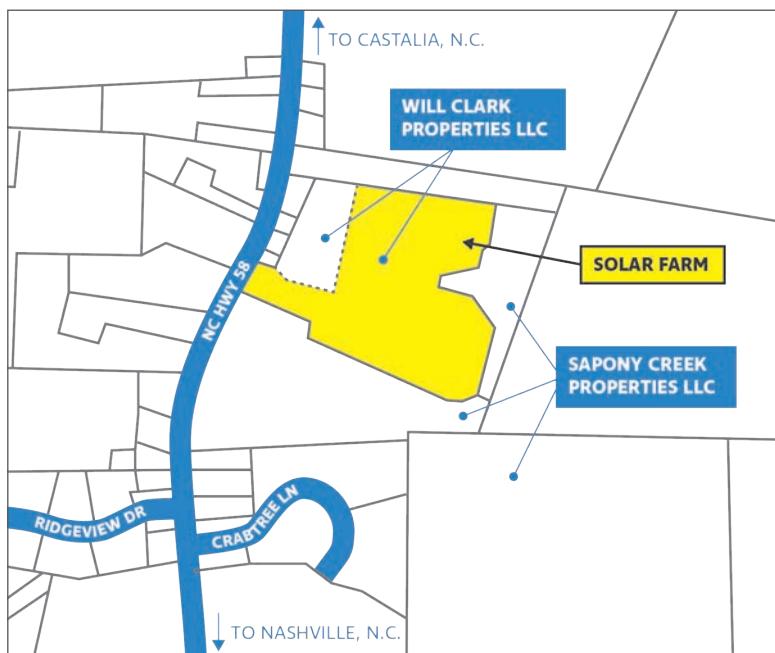
Cooper, elected governor in 2016, according to his economic interest filings, left his brother Pell as the only known principal of Will Clark Properties. Pell, a District Court judge, lives in Rocky Mount.

Carolina Journal has asked Gov. Cooper to explain the continued listing of the Raleigh post office box as the official mailing address for Will Clark Properties. He has offered no answer.

The mystery surrounding the post office box is one of several oddities surrounding Nash County landholdings of the Cooper brothers. The same mailing address — P.O. Box 12181, Raleigh, N.C. 27605 — was listed in 2015 with the secretary of state's office as the official address of York Investment Enterprises LLC, a company naming Pell Cooper as the only manager. Another is the Cooper brothers' decision to name a company after Will Clark, a Nash County resident who had grazed cattle on the property before the so-



SOLAR VIEW. Patricia Coggin, who lives across the road from the Strata Solar farm on Cooper family property, says Strata hasn't lived up to its promise to plant vegetation shielding the solar panels (in background) from her view.



PROPERTY MAP. Gov. Roy Cooper reported on financial disclosure documents he divested his interest in the parcel owned by Will Clark Properties LLC in November 2014. His brother, District Court Judge Pell Cooper, is the only named principal in Will Clark Properties.

lar farm was built.

On Jan. 4, 2013, Will Clark Properties signed a 20-year lease agreement, renewable for two five-year terms, with Nash 58 Farm, a subsidiary of Chapel Hill-based Strata Solar. Based on industry standards, the lease agreement may be worth more than \$1 million to the owners of Will Clark Properties.

The solar farm is a 4.9-megawatt facility covering 40 acres. Pub-

lic records don't indicate that the person Will Clark was, or is, an owner of Will Clark Properties. *CJ's* multiple attempts to talk with him were unsuccessful.

Statements of Economic Interest filed by Roy Cooper declare he was an owner of Will Clark Properties during 2012, 2013, and 2014.

He stated he received income from Will Clark Properties but didn't mention the income was from a

lease to a solar company.

While Roy Cooper says that after November 2014 he was no longer an owner of Will Clark Properties, the corporate mailing address for the company remains the same one Roy Cooper has listed as his personal address. Pell Cooper has served as a District Court judge since 1999.

Patricia Coggin lives across the road from the Cooper solar farm property. She can see the solar panels from her front porch.

She told *CJ* that a man named William Fenner Clark owned cattle that grazed on the Cooper solar farm property before construction began in 2013. Clark also had cattle on his own property nearby.

Coggin also told *CJ* that Strata representatives told her the company would plant vegetation to screen the solar panels from the road.

More than four years later, the company has installed a few bushes that provide no screening. "I am still hoping they are going to fix this situation," she said.

Property brothers

Through five different companies, the Cooper brothers together — or individually — own at least 20 parcels in Nash County totaling more than 500 acres.

The corporate names include Sunset Executive Building LLC; Will Clark Properties LLC; Sapony Creek Properties LLC; York Investment Enterprises LLC; and Barrel Rider Properties LLC. The *Raleigh News & Observer* first mentioned the Coopers' Nash County property holdings in a February news report about the Atlantic Coast Pipeline.

P.O. Box 12181, at Cameron Village, is slightly less than a mile from Roy Cooper's Raleigh home on Park Drive.

Every Will Clark Properties annual report filed with the N.C. secretary of state lists the Cameron Village box as the principal mailing address for the company.

On the same reports, Roy Cooper listed that post office box as his personal address as a manager of the company in 2014 and 2015.

Cooper's office acknowledged he had been involved with Will Clark

Properties, but it failed to answer several *CJ* questions involving the solar farm and how Cooper divested his interest in the property and income stream.

Another Cameron Village reference

In December 2014, John Williford, an attorney who has set up other companies for the Cooper brothers, filed papers with the secretary of state establishing York Investment Enterprises LLC.

The annual report for the company filed in April 2015 lists Pell Cooper as the manager, but it also lists P.O. Box 12181, Raleigh, N.C. 27605 as the principal office mailing address. Reports filed in 2016 and 2017 list a Rocky Mount post office box as the mailing address.

In June 2015, the Cooper brothers and their wives transferred by deed a 75-acre parcel they owned to York Investment Enterprises. No excise tax was reported on the transaction — indicating the owners were also the principals of York Investment Enterprises.

Roy Cooper's Statements of Economic Interest don't list York as one of the companies in which he has an interest.

The Statement of Economic Interest that senior government officials must file contains an affirmation page.

On it, the official must affirm his statement is true and acknowledge he is subject to criminal penalties for concealing information or providing false information.

The document states: "I affirm that the information provided in this Statement of Economic Interest and any attachments hereto are true, complete, and accurate to the best of my knowledge. I also certify I have not transferred, and will not transfer, any asset, interest, or property for the purposes of concealing it from disclosure while retaining an equitable interest."

Cooper checked "I agree" and signed each annual statement covering the years 2012 through 2016. In January 2017, he took the oath of office as North Carolina's 45th governor.



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NORTH CAROLINA

Primary ballots will include sales tax increases

Voters in at least a dozen counties will have tax on ballot; referendums have not fared well since option allowed in 2007

BY LINDSAY MARCHELLO

Voters in numerous North Carolina counties will vote for more than candidates in their districts. At least 12 counties feature ballots in the May 8 primary with an option to approve a one-quarter percent sales tax hike.

Bertie, Clay, Gaston, Jones, Lenoir, Lincoln, Pasquotank, Person, Rockingham, Rutherford, Washington, and Watauga counties are asking voters to choose whether to raise the sales tax. More counties could add a similar measure to their ballots.

In 2007, the General Assem-



bly passed legislation allowing counties to propose an additional one-quarter percent sales tax. Voters are asked to approve the taxes in a referendum, and while the counties can use the revenue for whatever they choose, they're prohibited by law to say on the ballot where that money would go.

Julie Tisdale, the John Locke Foundation's city and county policy

analyst, said most county governments say they plan to use the sales tax increase to fund education.

Thirty-one counties already have introduced the tax since the law passed. Tisdale said most sales tax referendums have failed on their first attempts, including in the 12 counties now holding a sales tax referendum for the upcoming election.

"This particular tax increase fails on the ballot far more often than it succeeds, so I expect a lot of them will fail," Tisdale said. "This is not a popular tax."

Tisdale said research suggests that when local taxes are raised and are higher than nearby counties, people will cross county lines to shop. Small decreases in employment and payroll, particularly in retail and manufacturing jobs, are also a possible consequence of sales tax hikes.

While the effects are most profound when the taxes are first implemented, Tisdale said they do tend to equalize a bit over time. Still, she recommends counties exercise caution before hiking the sales tax because the negative effects may outweigh the increased revenue.

Sara Mogilski, chief communications officer at the N.C. Association of County Commissioners, said it is up to each county and its voters to decide whether to increase resources to meet the demand for services.

"The association promotes strengthening local decision-making to respond to local needs, including paying for state-mandated services they provide," Mogilski said.

"Supporting efforts to preserve and expand the existing local revenue base of counties is one of NCACC's longstanding goals, as determined by our members."

The one-quarter percent sales tax increase isn't the only item on upcoming ballots. Some other ballot measures include:

- Dare County: Allow Hatteras Village Community Center District to expand the use of ad valorem taxes to include funding the construction and maintenance of multi-use pathways.
- Gaston: Authorize \$250 million in school bonds to fund school construction needs.
- Greene: To permit the sale of mixed drinks in hotels, restaurants, private clubs, community theaters, and convention centers.
- Jones: Authorize a tax for fire protection in the Maysville Fire Protection District.
- Moore: Approve a \$103 million school bond.
- Rowan: Approve the lease by the city of Salisbury of its Fibrant Communications system to Hotwire Communications Ltd.

Latest developments in the Atlantic Coast Pipeline controversy

BY LINDSAY MARCHELLO

The Atlantic Coast Pipeline, stretching more than 600 miles across West Virginia, Virginia, and North Carolina, has sparked a fight over a \$57.8 million escrow fund set up by Gov. Roy Cooper's administration. Republicans say the fund is an example of pay-to-play politics and worthy of a legislative investigation. Cooper contends the money is for environmental mitigation, economic development, and green-energy projects. Here's an updated timeline of events.

FEB. 9, 2018: *Carolina Journal* requests records relating to the Mitigation Project Memorandum of Understanding between Cooper and Atlantic Coast Pipeline, LLC.

FEB. 9, 2018: The Senate passes House Bill 90 with 37 senators voting yes and five voting no. The bill takes the \$57.8 million from Cooper's control and shifts the money to school districts in the eight counties impacted by the pipeline.

FEB. 12, 2018: Rep. David Lewis, R-Harnett, and Sen. Bill Rabon, R-Brunswick, chair-

men of their respective chambers' rules committees, send a list of 15 questions to Lee Lilley, Cooper's director of legislative affairs, demanding answers about the process used to create the fund and related issues. Lilley is given a 4 p.m. Feb. 15 deadline to respond.

FEB. 13, 2018: The House passes H.B. 90, with 104 representatives voting yes and 12 voting no.

FEB. 14, 2018: The Civitas Institute files a state ethics complaint against Cooper, calling for a ruling and possible investigation into his handling of the pipeline fund. The complaint alleges, among other things, the money could violate the State Government Ethics Act gift ban and is rife with potential for political abuse and partisan cronyism. Cooper orders the State Board of Elections and state Ethics Commission to refrain from taking any action on elections or ethics issues, pending a court ruling in his lawsuit challenging merger of the two agencies.

FEB. 14, 2018: Senate leader Phil Berger, R-Rockingham, and House Speaker Tim Moore, R-Cleveland, call on Cooper to recuse himself from taking any action on H.B. 90.

FEB. 14, 2018: Cooper holds a news conference,



ATLANTIC COAST PIPELINE. From left, Robin Hayes, chairman of the N.C. Republican Party, and Dallas Woodhouse, the party's executive director, address a legal complaint filed with the U.S. attorney's office regarding Gov. Roy Cooper's handling of the Atlantic Coast Pipeline agreement.

during which he accuses the General Assembly of hijacking the escrow fund he intended to create. During the conference, Cooper fails to explain who originated the idea for a mitigation fund. The governor says he will allow H.B. 90 to become law without his signature.

FEB. 14, 2018 (20 minutes later): Berger holds a news conference immediately after Cooper's. Berger says the mitigation fund is either an exam-

ple of pay-to-play politics or a slush fund, neither of which is good.

FEB. 15, 2018: Kristi Jones, Cooper's chief of staff, sends a partial set of answers to the list of questions sent to Lilley by Rabon and Lewis.

FEB. 16, 2018: Rabon and Lewis resubmit their list of questions to the governor's office, saying they were dissatisfied with the lack of information provided in a re-

sponse the previous day. They add more questions.

FEB. 19, 2018: Jones sends a letter to Rabon and Lewis saying no further details would be forthcoming to their list of questions. Jones said because the General Assembly redirected the money, the questions were moot and purely political.

FEB. 20, 2018: Rabon and Lewis issue a news release criticizing Jones' response to their request for answers and raising the possibility they could subpoena records. They call the governor's responses "evasive, incomplete, and insolent" and cite a *Carolina Journal* story questioning missing economic interest reports from Cooper related to his property lease for a solar farm in Nash County.

FEB. 27, 2018: The Department of Environmental Quality issues a permit for the Northampton Compressor Station, one of many permits required for the ACP project.

MARCH 6, 2018: Rep. Dean Arp, R-Union, says during a meeting of the Joint Legislative Commission on Energy Policy that Cooper created a slush fund 10 times larger than actual mitigation costs. Arp said pipeline operators shouldn't pay into the discretionary fund. Sheila Hol-

man, DEQ assistant secretary for the environment, said Dominion Energy, Duke Energy, and their partners paid \$6 million in mitigation fees related to North Carolina's section of the ACP.

MARCH 7, 2018: Sen. Bill Rabon, R-Brunswick, co-chair of the Senate Rules Committee, issues a news release calling on legislators to open a formal investigation into the pipeline deal.

MARCH 13, 2018: NCGOP Chairman Robin Hayes and Executive Director Dallas Woodhouse hold a news conference in front of the federal courthouse in Raleigh to ask for a federal investigation of the pipeline deal. The state Republican Party sends a complaint to the U.S. Department of Justice alleging Cooper potentially violated the Hobbs Act.

MARCH 15, 2018: House Minority Leader Darren Jackson, D-Wake, holds a news conference with Reps. Garland Pierce, D-Scotland, and Bobbie Richardson, D-Franklin. They criticize Republicans for destroying Cooper's plan to create jobs. Jackson said Cooper was within his constitutional rights to create the deal, but Jackson also calls for the disclosure of public records showing how the deal came about.

CI PHOTO BY DON CARRINGTON

TECHNOLOGY

Legislature, local officials tackle 'digital divide'

League of Municipalities report tries to push public-private broadband partnerships while critic says government should get out of the way

BY DAN WAY

State laws and regulations prevent municipalities from collaborating with internet service providers in public-private partnerships that could bridge the urban-rural digital divide, the N.C. League of Municipalities says.

A group of municipal officials held a press conference March 21 with state Rep. John Szoka, R-Cumberland, to unveil a new report titled "Leaping the Digital Divide: Encouraging Policies and Partnerships to Improve Broadband Access Across North Carolina."

"We believe this report contains concrete proposals that can help close the gap in broadband access both in rural communities that still lack basic connections, and in the many areas of the state that do not have optimal internet service, and speeds that are required for businesses to thrive," said Jacksonville Mayor Pro Tem Michael Lazzara, League of Municipalities president.

But an expert who acknowledges an urban-rural gap between the quality of available online services says government investment often funds technologies that are outdated by the time they become functional. Removing regulations and enabling private investment, in his view, could close that gap faster and cheaper than creating hybrid government/private entities.

Szoka urged legislative colleagues to use the report's recommendations as guidance for action.

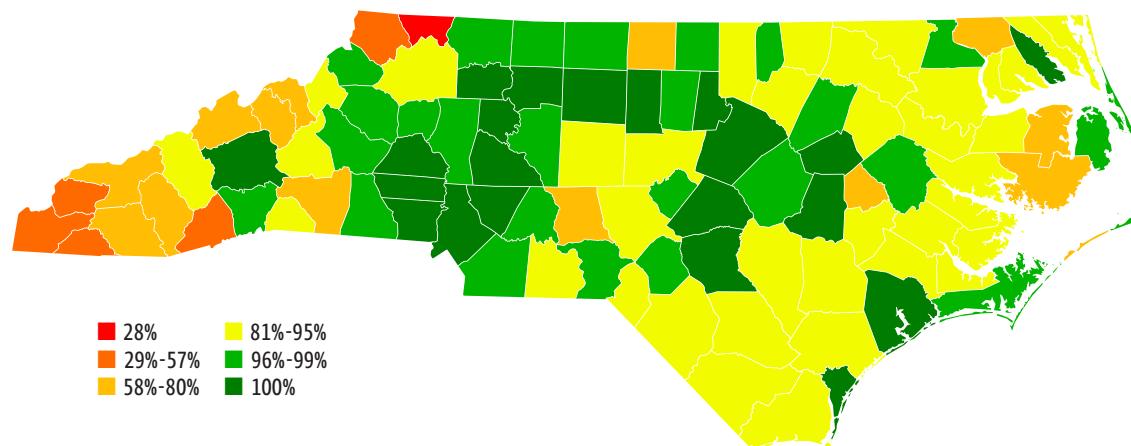
Among other things, the league's report cites three potential public-private partnership models with varying levels of local government involvement, financial risk, and control. The goal is to connect 637,671 North Carolina residents identified by the Federal Communications Commission as lacking high-speed internet to a broadband service.

Among those, 95 percent of them, or 607,431, live in rural areas. Officials with the league say the FCC's estimate of the number of underserved North Carolinians is



ACCESS. Erin Wynia, legislative counsel for the N.C. League of Municipalities, talks to reporters in the state Legislative Building after delivering remarks at a press conference encouraging greater broadband internet access in the state.

Broadband availability at 25 Mbps download speeds



SOURCE: North Carolina Broadband Infrastructure Office

too low.

In a telephone interview, David Williams, president of the Washington, D.C.-based Taxpayers Protection Alliance, agreed with the authors that connecting rural, isolated, and underserved areas to fast broadband internet access is vital. But he firmly opposes public-private partnerships, favoring greater free-market solutions.

"They just take way too long to build," Williams said of public-private systems. "They're way too expensive. They're overbudget. They're behind schedule, and taxpayers are left on the hook for this for nothing. At the end of the day, there's nothing to show for it except a failed system and the waste of dollars."

Szoka, a primary sponsor of House Bill 68, the BRIGHT Futures Act, was joined at the press conference by Rep. Kevin Corbin, R-Ma-

con, a co-sponsor.

"The purpose of that bill was to help people in rural and low-income areas connect to the economic development opportunities arising in the fastest-growing, emerging markets of the 21st century," Szoka said. The measure passed the House 109-8. It sits in the Senate Rules Committee.

Szoka said the Senate needs to act on his bill in the upcoming short session. He believes senators could use the report's recommendations to further strengthen H.B. 68.

"It's absolutely necessary that we have to take the actions required to connect to every last house on the last dirt road, from the mountains to the sea, in this state to afford our citizens the opportunity to fully participate in the global economy," Szoka said. "Without that we're not fulfilling our obligations as elected servants, and with-

out that our children are just going to fall further and further behind."

He said the urban-rural divide wouldn't be solved by throwing money at problems or viewing industrial recruitment to rural areas as a silver bullet.

"The answer in today's day and age is to get the whole state connected to high-speed broadband. Without that we lose a really valuable tool in luring companies to rural areas," Szoka said.

"Public partners are very adept at building infrastructure," said Erin Wynia, League of Municipalities general counsel.

The report, which she co-authored, casts broadband as a modern equivalent to legacy government infrastructure such as roads, water and sewer service, electricity, and natural gas.

Different types of technology are possible, along with differing

ways government could help connect unserved areas, she said. They include fiber strands, the poles that the fibers run between, plastic conduit pipes buried underground, or antennas and electronics that light up fibers carrying data from one point to another.

But before local governments can engage in public-private partnerships, they need legislation to raise money through taxes and bonds, to spend money on broadband infrastructure, and to lease infrastructure to private and nonprofit entities that would operate and profit from use of the infrastructure.

Williams counters that broadband isn't true infrastructure. Local governments characterize it as a utility, though, to open a floodgate of subsidies.

"We have found these systems to be awful and have failed miserably across the country at the waste of billions of taxpayers' dollars," he said. He cited KentuckyWired as an example of a failed public-private partnership. It is supposed to wire all Kentucky counties with 3,400 miles of cable. In two years it has completed only about 60 miles.

The private company in a Utah public-private partnership wanted the government to impose a \$20 fee on everyone's electric utility bills to recoup its investment, even if the utility customer wasn't using the broadband service, Williams said. A Wyoming partnership said it would break even in about 1,200 years.

Government involvement should be restricted to things such as temporary tax breaks for equipment purchases or rescinding regulations that impede broadband access, Williams said.

The private sector has invested trillions of dollars into development and deployment of internet technology over the past 20 years and is better suited to building out its networks than government is, Williams said.

He said government involvement doesn't keep pace with emerging technologies. Taxpayers might foot a bill over decades for technology that becomes obsolete long before then.

Indeed, he noted, on the FCC meeting agenda for March 22 was consideration of removing regulations on 5G internet, an emerging technology that's faster, less expensive, and easier to install.

"I think that a lot of these issues may actually be solved by what the FCC is doing, by selling the [broadband] spectrum, by reconfiguring the spectrum for 5G," Williams said.

"I think what we're seeing at the federal level could bear fruit very quickly, and I'm talking about within a couple of years, to address this digital divide."

CI PHOTO BY DAN WAY

HIGHER EDUCATION



A busy and chaotic climb

BY KARI TRAVIS

Two years after taking her seat as president of the University of North Carolina, Margaret Spellings is “pleased, but not satisfied” with her work so far.

It’s been a busy and chaotic climb. During her first year in office, Spellings, along with the UNC Board of Governors, developed a strategic plan to increase affordability and accessibility for students. It was a huge step, but more work remains, the former U.S. secretary of education told reporters during a March 1 news conference.

Spellings was elected in October 2015 amid board squabbles and controversy. John Fennebresque, the board’s former chairman, resigned abruptly after butting heads with his colleagues during the search for a new university leader.

Accusations of muddied dealings and a lack of transparency

plagued the board for months.

The problems soured Spellings’ welcome. She faced intense protests from faculty and students before she even settled into her Chapel Hill office.

Some protests were respectful; others were disruptive and even violent. It was a tumultuous period, but suspicion and distrust seem to be long gone, Spellings told reporters.

“These folks are my friends. I don’t see anybody around here protesting,” she joked.

System leaders and staff are finally hitting their stride, she said. Relationships with the legislature are strong, and the university budget is the best it has been in 10 years. A major accomplishment is N.C. Promise, a program dropping in-state tuition to \$500 a semester at three UNC schools. The system is also restructuring how it collects data for the sake of transparency and accountability, Spellings said.

PROTESTS, POLITICS, AND PRODUCTIVITY

A Timeline of Margaret Spellings’ UNC Presidency

Jan. 16, 2015

The UNC Board of Governors announces the firing of system President Tom Ross. Ross is offered a one-year contract to serve until a new president is elected. The search for UNC’s next leader gets under way.

Sept. 29, 2015

The N.C. General Assembly passes Senate Bill 670, a law requiring the UNC Board of Governors’ presidential selection committee to bring forward at least three candidates to the full board for consideration. The law is set to take effect Oct. 31.

Oct. 15, 2015

Former board Chairman John Fennebresque calls an “emergency meeting” of the board so members can interview one candidate for UNC president. In a series of emails, board members accuse Fennebresque of rushing the search to dodge the onset of S.B. 670. The chairman repeatedly excluded the board while making several crucial decisions — including the firing of Ross, some say.

Oct. 16, 2015

The board interviews former U.S. Secretary of Education Margaret Spellings for UNC system president.



Fennebresque

Oct. 22, 2015

UNC faculty members fire criticism at the board, saying they should be involved in the presidential search process. Stephen Leonard, UNC-Chapel Hill professor and chairman of the UNC Faculty Assembly, calls the selection unfair.

“It just makes sense to consult those who do the work of the university, if they’re going to govern the place.”

Oct. 23, 2015

Spellings is unanimously elected president of the UNC system. Her salary is \$775,000, \$175,000 more than Ross’.

“I would ask [the faculty] to give me a chance,” she says following the election. “I’m thrilled to be working with them. We have much more in common than we do things that separate us — including serving every single student and citizen in the state to the best of our ability.”

HIGHER EDUCATION

Oct. 26, 2015

Fennebresque resigns from the board.

Oct. 30, 2015

The board, already plagued by an image of secrecy, violates N.C. open-meetings law when it votes in closed session to raise pay for chancellors. The blunder fuels faculty and student opposition to the board — and to Spellings.

Nov. 18, 2015

After facing growing concerns from the N.C. legislature about the board's compliance with open-meetings laws, interim chairman Lou Bissette testifies before a meeting of the Joint Legislative Commission on Governmental Operations. The board unintentionally failed to comply with the law, Bissette said, promising to hold a board training session on open-meetings law.

Dec. 11, 2015

UNC faculty members disrupt a meeting of the board, shouting demands and calling for the resignation of President-elect Spellings. Ross gives his farewell speech. Bissette is elected the board's new chairman.



Bissette

Jan. 4, 2016

Ross steps down as president. Junius Gonzales, UNC's senior vice president of academic affairs, steps in as interim president.



Gonzales

Jan. 27, 2016

Chaos erupts as protesting students turn violent during a board meeting. Four students are arrested after physically resisting police. The incident fuels outrage over Spellings' election and impending presidency.



Protester

Feb. 12, 2016

At a board retreat before her first day in office, Spellings challenges university leaders to increase education access for low-income and minority groups.

"Historically in our country we've done a pretty good job of educating elites, and we still do. It's simply not enough."

Politics in question

BY KARI TRAVIS

Spellings' second year hasn't been devoid of conflicts. A months-long board battle over the UNC Center for Civil Rights drew criticism of university governance and politics. A nonclinical academic center shouldn't be allowed to sue state entities, some board members said. Spellings remained mostly silent on the issue.

In September 2017, the mostly Republican board voted to ban the left-leaning center from entering into lawsuits. That move didn't sit well with center supporters and liberal activists.

Some discord persists.

During September 2017, board members sent a letter to board Chairman Lou Bissette and Spellings complaining of failed communication and a lack of collaboration after the two leaders reached out to Gov.

Roy Cooper regarding a controversial Confederate statue at UNC-Chapel Hill.

The argument came to a head during a Sept. 7 meeting, when 15 members confronted Spellings and Bissette in person.

"If I'm going to be a governor of this institution, we're going to have to do a better job communicating," said board member Philip Byers.

In an editorial released late last year, Bissette wrote, "We must operate as a united board, focused on providing oversight, ensuring accountability, and setting system policy while allowing our President, chancellors, faculty, and staff to do their job."

The message didn't sit well with members such as former legislator Bob Rucho, who is running to return to the state Senate again this year.

The intent of the editorial was never to call the board "too

political," Bissette said.

The board isn't as divided as the public may think, Spellings told *Carolina Journal*.

"This is a board that's interested in operations. They're interested in how we use money. They're interested in how ... we really leverage the system platform. There are a lot of business people on the board, and they ask us tough questions, and we ring the bell and answer their good and justifiable questions. I'm looking forward to working with them."



Jan. 13, 2017

After months of deliberation, the board unanimously adopts a strategic plan — commissioned by Spellings — to increase affordability, access, efficiency, and student success, among other things, across the UNC system.



Spellings

March 3, 2017

Spellings gets a \$90,000 incentive bonus for "excellent performance in her first year of service."

March 30, 2017

N.C. lawmakers repeal House Bill 2.



April 14, 2017

The U.S. Justice Department drops its lawsuit against UNC, citing the repeal of H.B. 2 as the reason for abandoning legal action.



May 11, 2017

In another blaze of political controversy, the board debates a proposal to bar UNC Law School's Center for Civil Rights from filing lawsuits as though it were a legal clinic. Republican board members wanted to close the left-leaning center, some say. Spellings remains largely silent on the issue.

Aug. 21, 2017

Spellings, along with two other prominent UNC leaders, sends a letter to Gov. Roy Cooper expressing fear of violent protests over "Silent Sam," a Confederate statue on the campus of UNC-Chapel Hill. The leaders ask Cooper to boost police presence during the demonstration and to convene the N.C. Historical Commission to decide the fate of the monument. Fifteen members of the board respond with a letter of protest, saying they were excluded from the correspondence, and calling the letter a "unilateral decision" made "without sufficient board knowledge or input."

Sept. 7, 2017

Republican board members take Spellings and Bissette to task during a special meeting, accusing both of making decisions not approved by the whole body. The squabble falls during a week of already controversial decisions regarding the UNC Center for Civil Rights.



Board members

HIGHER EDUCATION

March 2, 2016

Spellings, after taking office March 1, begins her presidency with a 100-day "listening tour," starting with a trip to Fayetteville State University, one of the system's five Historically Black Colleges and Universities. Spellings claims transparency and accountability as top priorities in the first days of her administration, and she enacts policies to hold public comment sessions and live stream every public board meeting via UNC-TV.

March 23, 2016

House Bill 2, the controversial "bathroom bill" mandating that transgender people use public facilities matching their biological sex, becomes law. Spellings and UNC are pushed into conflicts with the U.S. Department of Justice.

May 9, 2016

The DOJ files a lawsuit against UNC, alleging discrimination against transgender individuals in violation of federal law — if the university complies with N.C. law and enforces H.B. 2. UNC truly is caught in the middle, Spellings says, promising in a public statement to follow federal law, while also not refusing to follow H.B. 2.



N.C. lawmakers

July 1, 2016

N.C. lawmakers approve funding to cut in-state tuition at three UNC schools to \$500 a semester. Spellings applauds the legislature's effort to make college tuition more affordable.



UNC board meeting

July 29, 2016

In a controversial move, the UNC board votes to raise chancellor pay for the second time in under a year. The salary hikes move UNC leaders into a more competitive pay range, Spelling says.

Nov. 14, 2016

Spellings sits down with *Carolina Journal* to discuss events of her first months in office. Her inaugural year involved a lot of crisis management, she says.

"This job is a lot more like being at the White House [than the Department of Education] in some ways. Trying to stay focused on what you're trying to do, your own agenda, your own priorities, while also dealing with the NCAA, and murders, and students, and hurricanes. ... Sometimes it feels like you hardly have time to think about education because we're dealing with just about everything else."

What's next?

BY KARI TRAVIS

In the age of tablets and smartphones, Spellings is "really keen to figure out how we're going to leverage technology."

UNC has potential to launch an online degree program — it's just a matter of figuring out what courses are best made for a digital platform, she said.

Campus safety is another priority, especially in light of the number of mass shootings recorded this year.

"I expect it will be an issue in the legislative session."

Campus safety and emergency operations leaders are

taking a look at security precautions on all campuses, she said.

Overall, the university is in a good place, but Spellings said she won't be resting on any laurels.

"This is a mighty, mighty system. It's why I came. We're all very proud of it. It's a treasure. Period. But does it need to improve? Is it under pressure in a time of change? Do we need to deploy technology? Do we need to be more efficient, more effective? Can we always be smarter? Do we need more access for more people, more cost-effectively and quicker than ever before?"

"Hell, yeah."



Sept. 8, 2017

The board bans the Center for Civil Rights from filing lawsuits. UNC leaders are accused of undermining civil rights. Spellings diplomatically skirts the issue, saying the center might eventually become a legal clinic in UNC's Law School. The N.C. State Bar later announces the center illegally operated as a law clinic for 15 years, and the entity moves out from under the UNC umbrella to become a nonprofit law firm.

Sept. 26, 2017

During a conference at UNC-Chapel Hill, Spellings looks back at her work as U.S. secretary of education for the George W. Bush administration. Higher education and its challenges haven't changed all that much, and much work remains, she says.

"We really haven't made as much progress as I think many of us would have hoped. We've sold college as the golden ticket to middle-class opportunity, then priced average families out of the market."

Oct. 17, 2017

Spellings, along with leaders of the N.C. Community College System and public schools, announces My Future NC, a "commission on educational attainment." The group brings together business, education, philanthropy, faith-based, and nonprofit groups to discuss student education and training needs.

"The goal of this effort is simple but by no means easy: to develop a multiyear education plan that recommends a robust attainment goal for the state and a broad-based agenda for a stronger and more competitive North Carolina," Spellings says.

Dec. 15, 2017

The board approves a free-speech policy to protect First Amendment rights on all UNC campuses. The policy is a direct result of a 2017 law passed by N.C. lawmakers. Republicans support the new standard. Democrats — who believe the measure will actually stifle speech — don't. Spellings shows moderate approval.

"We're not going to see anything that causes major heartburn on campuses relative to free speech or protests."

January 24, 2018

UNC General Administration, under Spellings' direction, announces that it's rebranding as the University of North Carolina System. The name change and logo redesign cost \$250,000. The new image will help the system better market itself, unifying all 17 campuses with a modern, fresh, and clean look, Spellings says.

March 1, 2018

Spellings hosts a news conference to reflect on her first 24 months in office. She is "pleased, but not satisfied," with her work so far. Campus safety, technology, and data transparency top her priority list. Relationships with faculty and students have changed drastically since her first days in office, she says.

"These folks are my friends. I don't see anybody around here protesting."

HIGHER EDUCATION

Take a 'serious' look at pay, BOG says

BY KARI TRAVIS

The University of North Carolina's Board of Governors should take a serious look at how it awards bonuses and pay raises for university administrators, Bob Rucho, a former state senator and current board member, told *Carolina Journal*.

On March 23, the board approved a \$95,000 bonus for UNC President Margaret Spellings, roughly 12 percent of her \$775,000 annual salary.

The money will be released in split amounts, with \$50,000 paid directly to Spellings, and the remaining \$45,000 deposited into her retirement account.

Three board members, Thom Goolsby, Tom Fetzer, and Rucho, opposed the decision. Goolsby and Fetzer are also former elected officials, the former a state senator and the latter the mayor of Raleigh.

In today's economy, it's just not fair to pay that large a bonus to a public servant, Rucho said.

"It's unacceptable, and for \$775,000, do the job right to begin with."

Some areas of Spellings' management and communications need improvement, Rucho said, pointing to an incident last year when the president, along with board Chairman Lou Bissette, excluded some



SPELLINGS GETS BONUS. On Friday, March 23, the UNC Board of Governors approved a \$95,000 bonus for UNC President Margaret Spellings, roughly 12 percent of her \$775,000 annual salary.

board members from communications with Gov. Roy Cooper over a controversial Confederate monument on UNC-Chapel Hill's campus.

But 24 of the board's 28 voting members disagreed with Rucho, voting for the bonus. Marty Kotis, an outspoken board member who frequently opposes spending bumps, was not present for the vote.

Spellings earned every dollar, and then some, Bissette told *CJ*.

"The board concluded that President Spellings' performance met or exceeded expectations in these five categories: leadership, governance, strategic plan, legislative advocacy, and special projects," he said.

The president's contract doesn't include a yearly raise, Bissette said. Bonus incentives compensate for that. The board considered Spellings' work against percentages attached to each of her five performance categories.

\$4,004,617

Wake Forest University president Nathan Hatch's total compensation. He is the highest-paid executive of a private university.

For example, implementation of the university's strategic plan accounted for 30 percent of her bonus.

Spellings is eligible to receive a maximum bonus of \$125,000. Her award this year was 76 percent of that amount, a modest sum when compared to her accomplishments, Bissette said.

The president has negotiated the largest ever budget from the state legislature, rebranded the university, and enacted a more efficient budget for system employees, he said.

"She is a very effective advocate for the university both in the state and nationally. She has so many incredible national connections."

In 2017, the board paid Spellings a bonus of \$90,000. The former U.S. secretary of education is two years into her five-year presidential term.

Rep. John Fraley, chairman of the N.C. House Committee on Education/Universities, said he is "supportive of all of these things and in agreement with the actions of the Board of Governors."

"[Spellings] is doing an amazing job throughout the university, throughout all of education in North Carolina," the Iredell County Republican said.

"You can take a look at the fact that she has been a big driver behind the My Future NC commission, and by virtue of the fact that she drove the initiation of a strategic plan [for UNC]. She has been

very realistic in talking about accountability within the university system, and also very responsible in the appropriation requests that UNC is making of the legislature and North Carolina taxpayers."

My Future NC is a task force of K-12, community college, and public university officials, as well as community leaders, designed to study education and training needs — and make recommendations to the state legislature.

In 2016, the legislature approved N.C. Promise, a program offering in-state tuition of \$500 a semester at three UNC schools. Spellings was a key player during the implementation process, Fraley said.

However, in a state where the median household income hovers around \$50,000, there is no justification for big bonuses, Rucho said.

Spellings' salary is more than 15 times the median household income.

The board plans to look at lowering student fees and tuition, but also should consider reforming administrative pay — and revise Spellings' contract, Rucho said.

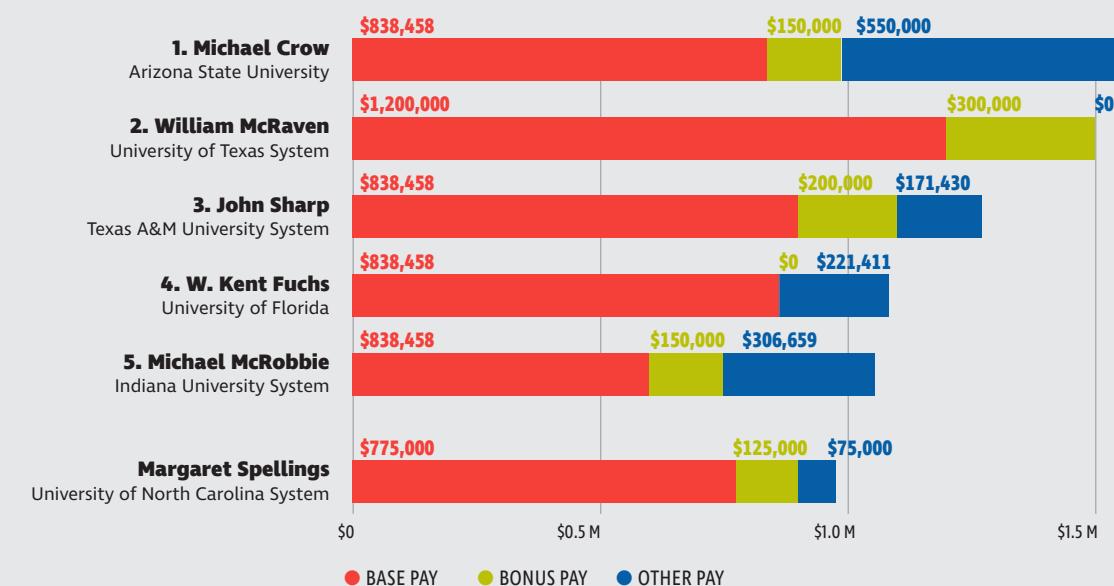
But UNC must offer competitive compensation in the education market, Bissette said. The system plays against schools like Duke University and Wake Forest University, where presidential salaries exceed \$1 million.

Rucho concluded the board is rewarding Spellings for merely doing her job.

"How can you justify giving a salary of \$775,000, and a bonus almost twice what is median income, and say we're being good stewards of the money?" he asked.

"I should not be paying them a bonus to do a job that I'm paying them to do to begin with. I paid a salary for that."

Top five executive salaries, public universities



Crow



McRaven



Sharp



Fuchs



McRobbie

SOURCE: Chronicle of Higher Education, Executive Compensation at Private and Public Colleges, 2017

NOTE: President Spellings' information was taken directly from her UNC employment contract. Under the contract's terms, the president resides in UNC's presidential mansion and receives funding for transportation and work-related expenses. Spellings' maximum potential bonus pay is \$125,000.

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SCHOOL SAFETY

The debate on how to make schools safer is only beginning

continued from PAGE 1

ing more armed deputies to patrol the hallways to placing trained yet armed volunteers in schools, an idea devised and perpetuated by Rockingham County Sheriff Sam Page.

N.C. House Speaker Tim Moore, R-Cleveland, created a committee, with the stated purpose of improving school safety, just days after the Parkland tragedy.

“Our first mission is to provide data, reports, and expert input from state and local officials who are trained and experienced in school safety to the committee members,” Moore said in a news release. “Next, we can consider new policy recommendations, hear innovative ideas, and review which current procedures are effectively protecting students and educators.”

The first committee meeting was a daylong event, featuring numerous speakers flashing PowerPoint and an array of statistics and polling data. The message of the day: Be proactive, and take steps to intervene before a tragedy can occur.

North Carolina has never seen a Columbine-style school shooting, although an Aug. 30, 2006, incident at Orange High School came close when 22-year-old Alvaro Castillo opened fire on students. Two students were injured before school personnel tackled and subdued Castillo.

Castillo’s father wasn’t so lucky. Police found Rafael Castillo dead, shot several times at the family’s home. Alvaro Castillo is now serving a life sentence without the possibility for parole.

Mass school shootings are actually declining, a point Jon Sanders, director of regulatory studies at the John Locke Foundation, makes in a column about the national school walkouts. (See page 20.)

Thousands of students across the country walked out of schools March 14 to protest gun violence. Sanders said schools missed an opportunity to teach students about a hot-button political issue with deep roots in history.

Researchers from Northwestern University found that mass school shootings peaked in the 1990s and have since been declining. Sanders argues that gun violence — both fatal and nonfatal incidents — also is trending down since the 1990s.

The Department of Public Instruction releases annual reports on school crime and violence. For the 2016-17 school year, the reportable crime rate for high schools decreased by nearly 5 percent.

Possession of a firearm or powerful explosive and possession of a weapon decreased from the previous school year, too, but the number of bomb threats dramatically increased — from 69 to 89 for the 2016-17 school year. Assaults, including those resulting in serious injury or committed with a weapon, also increased.

Elliott Smith, special agent in charge with the State Bureau of Investigation, told the school safety committee school-related threats have increased since the Parkland shooting. Smith said law enforcement is facing the difficult challenge of confronting rumors as they quickly spread over social media.

Kym Martin, director of the Center for Safer Schools, suggested a three-pronged approach to securing schools — focusing on physical security, mental health, and school climate.

“Keeping schools safe is not a one-size-fits-all proposition,” Martin said. “There’s not one single measure that you can put into place that will magically transform a school into the sanctuary of learning that our students deserve.”

While legislators expressed an interest in discussing a range of safety measures, presentations on mental health dominated the first meeting of the school safety committee.

“We have, I don’t think anybody would disagree, significant mental health issues in schools,” said Jim Deni, a professor at Appalachian



Police practice campus rescue during a mass-shooter training Feb. 1, 2018.

MARTIN KAINE, UNC GREENSBORO

State University and a past president of the N.C. School Psychology Association.

Deni wants to prevent fires from happening in the first place, instead of trying to extinguish raging conflagrations.

“If you have a child with a significant reading problem, would you wait until fifth grade to intervene?” Deni asked. “You would probably intervene in kindergarten or first grade, as soon as you identify them. It doesn’t work any different in the behavioral or mental health area.”

Deni said one in five children suffers from some kind of mental health disorder or substance-abuse problem. Within the current mental health system, 75 percent of students struggling with mental health disorders or substance abuse won’t receive treatment.

Part of the problem, Deni said, is a lack of resources. The NCSPA recommends every school have a 1:700 school-psychologist-to-student ratio. North Carolina public schools

have a ratio of 1:2,100.

Students are slipping through the cracks, said Deni. The state ranks 36th in the nation in prevalence of mental health disorders and access to care for youths.

“We have to have a balanced approach between psychological safety and physical safety,” Deni said.

Researchers from Northwestern University found that mass school shootings peaked in the 1990s and have since been declining.

“We can’t shift this discussion to only physical safety — that approach will not end the increase in mental health problems.”

Greta Metcalf, who chairs the Mental Health Committee of the Task Force for Safer Schools, echoed Deni. She pointed to the 55 percent of students living in poverty as further exacerbating the issue of mental health.

Metcalf called for legislators to consider trauma-sensitive schooling and integrating mental health services in an academic setting. Students may feel more inclined to seek help when it’s readily available on campus, instead of being taken out of class to see a therapist.

Some legislators worry about missing the point of the mental health discussion.

Rep. Nelson Dollar, R-Wake, said people with mental health problems are more likely to be victimized than commit violent acts. Rep. MaryAnn Black, D-Durham, said people with mental health issues aren’t more prone to violence, but, she argued, this is a reason to focus on gun reform.

“As we move forward, I hope we’re also going to have a discussion about what needs to be done to protect the schools from guns being brought,” Black said.

During the first committee meeting, Rep. Darren Jackson, D-Wake, and Rep. Pricey Harrison, D-Guilford, called for raising the age to buy assault rifles and banning bump stocks. Several other Democrats made it clear they were against arming teachers, even though no one brought it up during the presentations.

While Republicans have been reluctant to talk about gun reform, Democrats, including Gov. Roy Cooper, have called for stricter gun laws.

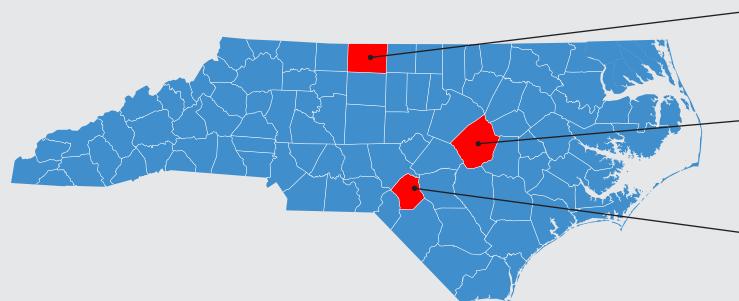
“When are we going to have the courage to put in background checks that work? We need to do what we can to keep guns out of the hands of criminals and those who are dangerously mentally ill,” Cooper said in an address to the N.C. Healthcare Association. “You can take steps to protect the Second Amendment while still working to protect these kids and our country.”

The school safety committee has no shortage of ideas to discuss, whether they involve gun control measures, mental health services, or bolstering schools’ physical security. While legislators may disagree on the method, the end goal is the same: keeping students and teachers safe.

“It is an undeniable, fundamental right that precautions are taken to ensure that I do not go through my schooling days in fear,” Barnes told legislators.

“My high school career should be spent worrying about the SAT, college applications, and what prom dress color I want, and juggling my AP classes.”

What are counties doing to protect schools?



Rockingham County Sheriff Sam Page announced Feb. 28 plans to start a volunteer SRO program in his county. The sheriff noted how many Rockingham elementary schools don’t have a dedicated SRO and often have to share them with each other. [SEE INTERVIEW, PAGE 18](#)

Johnston County is also considering armed SRO volunteers, while Stanly County already has approved such a plan for its schools. Henderson County, on the other hand, plans to hire more armed security guards to fill any gaps in security.

Hoke County Sheriff Hubert Peterkin wants to take a different approach to school safety and suggests teachers use the Rave Guardian app to alert law enforcement of an emergency. Peterkin also suggested installing electronic perimeter security devices at every school and enhancing his district’s video security camera system.

NORTH CAROLINA

Court of Appeals shuts down NCDOT again in Map Act cases

Appeals Court says NCDOT's actions in filing repeated challenges have led to 'confusion and delay' in compensating landowners

BY LINDSAY MARCHELLO

The N.C. Court of Appeals released three separate rulings in Map Act cases, dealing another blow to the state Department of Transportation.

On March 20, the Court of Appeals ruled in favor of landowners in *NCDOT v. Stimpson*, *NCDOT v. Chapman*, and *NCDOT v. MDC Investments*. Chief Judge Linda McGee wrote the opinions in all three cases. In each instance, Appeals Court judges Rick Elmore and Hunter Murphy concurred.

All three cases pertain to the Map Act, a 1987 statute allowing NCDOT to restrict private land in the path of future roadways. Hundreds of property owners were



stuck with land they couldn't use or sell, while NCDOT refused to buy the properties. Since 2009, nearly 500 property owners from various counties sued the state. In July 2016, the General Assembly effectively nullified the law.

In November 2016, the N.C. Supreme Court ruled for the landown-

ers and ordered NCDOT to start appraising properties and pay up. The transportation department instead opted to stall, filing several unsuccessful appeals and spending at least \$3.8 million in taxpayer dollars for outside legal fees.

In May of that year, landowners in Forsyth County filed complaints

arguing that NCDOT had essentially taken their property in November 2008 as part of the Northern Beltway project. The landowners filed for inverse condemnation to force the department to buy the land, but a few months later, NCDOT filed for direct condemnation of the properties.

By filing for a direct condemnation, the department argued it had tried to take the properties in December 2016 and not November 2008 as the landowners claimed. NCDOT would pay owners the December 2016 value of the property, instead of also paying damages, various fees, and interest incurred from taking the property eight years earlier.

In turn, the landowners filed motions to dismiss NCDOT's complaint, in effect arguing they had beaten the department to the punch. A trial court agreed, but NCDOT appealed.

The three cases reached the Court of Appeals in November 2017.

NCDOT's argument, as summarized by McGee in *NCDOT v. Stimpson*, claimed the department had the right to file a complaint and declaration for a property at any time, even if an ongoing condemnation action was under way for the same property.

Matthew Bryant, an attorney who has represented numerous landowners in Map Act cases, said he was very pleased with the court's decision.

"As the court noted, our clients — North Carolina citizens — have been waiting years for NCDOT to pay them just compensation," Bryant said. "The wait continues to the detriment of all North Carolina citizens. We need roads, the plaintiffs need just compensation, and the state needs to stop wasting taxpayer money in pointless legal fights."

Meanwhile, NCDOT released a report on possible means of protecting transportation corridors without infringing on property rights. The report provides five options for legislators to consider. The department recommended option C as the most equitable. It proposes a statute letting NCDOT file transportation maps placing no restrictions on the affected property with one exception: Property owners within a corridor would have to notify the department of any plans for zoning, subdivision, or building permits. In those cases, the department could purchase the property if the proposed development was likely to impede transportation work in the corridor.



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HOST:
TOM CAMPBELL

COMMENTARY

Attack school violence, not a straw man



MITCH KOKAI
SENIOR POLITICAL ANALYST
JOHN LOCKE FOUNDATION

Recent discussion about arming teachers in N.C. public schools offers a helpful reminder: Arguments based on straw men tend to go nowhere fast.

One who “attacks a straw man” sets about refuting a proposal that no one has made. Rather than winning the debate, he actually side-steps it. He’s unlikely to convince skeptics to support his cause.

Before turning to the straw man’s role in the controversy over armed teachers, it might help to review a more productive discussion of the topic. Two N.C. legislators offered competing assessments of the idea on Jan. 25, three weeks before the Parkland, Florida, school shooting thrust school security issues into the national headlines.

“This goes across the spectrum to me — K-12 and everything — I’ve offered legislation that would allow principals to have concealed carry and teachers [to] have concealed carry with the approval of the principal in the schools,” said Rep. Larry Pittman, R-Cabarrus, during a meeting of the Joint Legislative Emergency Management Oversight Committee.

“We need to pursue this,”



Pittman added. “We need to allow people with proper training and concealed-carry permits to carry on campus — at least the teachers ... who are properly trained and properly permitted should be able to do that.”

Armed school personnel could take action before law enforcement officers arrive at a school, Pittman explained. “I love our police,” he said. “They’re great. They do a wonderful job. They can’t be everywhere at once. And

the people have a right to defend themselves.”

Pittman’s proposal generated a response from Sen. Ronald Rabin, a fellow Republican from Harnett County. “It is all very fine to talk about concealed-carry-permit people being able to carry weapons for the kinds of things we’re talking about,” Rabin said. “Unless you’ve been in the chaos of combat and been shot at, that is a slippery slope to be on. Consider it very, very carefully.”

Rabin’s a military veteran. Even with that background, he estimated that a shot he fired in a panic-fueled crisis would likely miss his target completely, shatter the clock on the wall of the legislative hearing room, and generate even more chaos. “There’s no way to figure out who’s going to shoot at what, where, when, how, and why,” he said. “When you start snapping those rounds off with a handgun, that round can go anywhere. You don’t really have time to do all this neat stuff you’re talking about.”

Whether the reader agrees with Pittman, Rabin, both, or neither, we all should agree they’re addressing the same issue. The same is not necessarily true of others who have entered the debate since the Feb. 14 Parkland shootings.

That high-profile case helped lead to the creation of a new state House school safety committee. It convened March 21. That group has produced no draft legislation. Nor have its leaders suggested any special interest in arming teachers.

Pittman is not listed among the 47 committee members, and it’s unclear that his proposal will get a hearing. Regardless, critics of the new study group have focused much of their attention on teachers with guns.

A guest column in the *Raleigh News & Observer* features most of the critics’ key points. The author, a “member of N.C. State’s English department,” complains that advocates of guns in schools fail to spell out “whether all teachers should be armed or whether

they should be required to qualify with their weapon, as a soldier or policeman would.”

He goes on to complain about potential costs, especially if teachers are forced to foot the bill themselves for a gun, ammunition, lessons, and gun club membership. “Most likely the present crop of conscientious teachers will thin itself out” as lawmakers instead push for a new type of teacher, “a 21st-century gun-toting badass recruited from the ranks of, say, the Navy Seals or Special Ops.”

Huh?

Even those who disagree with Pittman’s proposal would have a hard time pointing to any provision that suggests lawmakers would: a) force any principal or teacher to carry a gun; b) create additional expenses for local school districts; or c) replace current public school faculties with teams of G.I. Joes.

The author has set up a ridiculous straw man. It’s hard to take the rest of his argument seriously.

That’s too bad. Fair-minded observers could raise legitimate objections to armed teachers. Sen. Rabin mentioned one in his response to Pittman during the January meeting.

Objections might outweigh potential safety benefits. That’s why lawmakers should foster discussion “rooted in facts and data,” as John Locke Foundation education expert Terry Stoops recommends.

Lawmakers would be wise to devote their time to attacking school violence, not straw men, as they proceed with their work.

Lawmakers, public officials should be first to reject tax increases



JULIE TISDALE
CITY AND COUNTY POLICY ANALYST
JOHN LOCKE FOUNDATION

IN MAY, North Carolina voters will go to the polls. In at least 14 counties, they’ll vote on tax increases.

Or, more accurately, in May most North Carolina voters won’t go to the polls. These are primaries, and the turnout will be low. Four years ago, turnout was just less than 16 percent. Most voters, therefore, will miss the opportunity to weigh in on these tax increases. That’s a shame, because these matter.

Most of these counties are proposing an increase in the local sales tax. A few are voting

on bonds, which will require an increase in the property tax. All of them, if passed, will increase the amount of money local families hand over to the government in one way or another. All of them will reduce the amount of money that those families keep in their own pockets.

That makes these taxes a moral issue. After all, the money raised through taxes comes from county residents who work hard to earn it. Politicians are spending other people’s money.

So when I see a bond issue or a sales tax increase on the ballot, I ask a lot of questions. Is it really necessary? Are they spending every single dime that they already have well? Have they eliminated every possible item in the existing budget that they could trim, rather than taking yet more of people’s money? Is this tax increase an absolutely unavoidable last resort?



Politicians are spending other people’s money. So, when I see a bond issue or a sales tax increase on the ballot, I ask a lot of questions.

Then I look at urban art projects and grants to festivals. I look at incentive payments to corporations. I look at unused bike lanes and yet another public park. And I’m pretty sure the answer to all of my questions is “no.”

Of course, there’s waste in the current system. Of course, if they had to, they could find something

in the current budget to trim. The tax increase isn’t absolutely unavoidable. But it’s easier to add a quarter-cent to the sales tax than to make hard choices about cutting spending.

Local sales tax increases don’t generally do well on ballots. In 2007, the General Assembly passed legislation allowing counties to increase their sales taxes by a quarter-cent and use the revenue to bolster the county’s general fund. It can be used for anything but is subject to public referendum.

County commissioners seem to love the tax. They’ve put it on ballots 127 times (not counting this year). Voters seem a lot less excited about it. It has passed only 31 times.

I suspect that’s because voters are asking the same questions I am about whether the increases are really necessary. I also suspect that, when voters look at their

own personal budgets, they can think of lots of ways to use a few extra dollars rather than giving it to the county.

Elected officials would do well to listen to voters who have rejected these taxes — sometimes as many as four or five times. And they would also do well to remember the money they’re so quick to spend comes from taxpayers, including parents who are working two jobs and still only just making rent or seniors who are on fixed incomes and barely making ends meet.

Rather than taking more in taxes, elected officials should go back to their budgets and figure out where they can save. It won’t be easy. But it’s what the taxpayers who foot the bill are doing with their personal budgets when things get tight. It should be the way local governments operate, as well.

EDUCATION

Intellectual diversity and academic professionalism



JAMES OTTESON
COLUMNIST

I come to you as a professor — not as a politician, nor as an advocate of my political views. I have personal political views, of course, but I believe they should be irrelevant to my professional work as an academic. Indeed, the main thing I would like to convince you of is that there's such a thing as a professional academic, and the crisis we're facing in higher education arises ultimately from a failure to appreciate what it means to be a professional academic.

What is the purpose of higher education? One often hears that the purpose of higher education is the "pursuit of truth." I agree, but I believe the emphasis should be on the word "pursuit," rather than on the word "truth."

I propose, therefore, that we reframe our mission by conceiving of the purpose of higher education as twofold: first, to transmit the central elements of the "great conversation" that has characterized our tradition of learning since at least the time of Socrates; and second, to respect and preserve the millennia-long profession of inquiry that has enabled us to reach the astounding intellectual heights we have achieved.



THE DEATH OF SOCRATES: An oil on canvas painted by French painter Jacques-Louis David. In this story, Socrates has been convicted of corrupting the youth of Athens and introducing strange gods, and has been sentenced to die by drinking poison hemlock.

We usually identify the beginnings of Western philosophy and science with the Ionian city-state of Miletus, in the sixth century B.C. The hallmark of what those Milesian thinkers did was what we call critical reasoning — that is, formulating, proposing, and examining hypotheses. The method they developed enabled the spectacular growth in human knowledge and understanding we have seen in the past 2,500 years.

That method included, first and foremost, looking for reasons for beliefs, and accepting logical and empirical verification and falsi-

fication as criteria for holding or abandoning beliefs. Second, their method was based on an assumption of logos, or reason, as the ruling principle of the cosmos and also our chief tool in understanding it.

The heights to which knowledge and understanding have reached in the subsequent millennia, which have enabled everything from antibiotics to space travel to the internet, is ultimately owing to this method of open inquiry and rational criticism first employed by these ancient Greek thinkers.

How does this relate to intel-

lectual diversity? As professional academics, we must respect the traditions of this method of learning that have constituted the essence of our profession since its beginnings. We must respect the norms and methods that have allowed us to come to an understanding of the world.

But the nature of this method of inquiry implies that we can never rest content that we have the final word. This is true even in the so-called hard sciences, whose history is full of revolutions and fundamental changes in belief.

And it is all the more true in things like politics and morality, where not only is it less clear how to even proceed or make progress, but where our biases and tribalisms color everything we do.

Respecting this tradition of inquiry is job No. 1 for professional academics. If a hypothesis or proposal seems false, our professional responsibility is to demonstrate that by the process of falsification that is the core characteristic of our profession.

That's the true lesson from our tradition of higher learning. It's what separates it from other activities, and what separates science from pseudoscience, knowledge from opinion, and the professional academic from the sophist.

Because politics is so fraught with emotion and tribal loyalties, it's extremely dangerous in the context of higher education. It replaces a loyalty to the process of inquiry with a loyalty to one's tribe. We might have political allegiances in our capacities as

citizens, but, as academics, our loyalty should be to the process of inquiry alone.

That means we should have no academic departments or institutes whose primary purpose is to inform, affect, or advocate public policy. We should take no institutional political stances, and there should be no claims that are not open to debate.

Everything we do should be in the service of this high purpose of inquiry — everything from the classes we teach to what we publish. If some of our colleagues want the academy to advocate substantive political positions, we should respond, "No, that's not our job."

This is not a matter of academic freedom: No limits should be placed on what we may investigate, question, or examine. The point is that our work must be in the service of our profession and consistent with the norms of that profession.

Whenever a professor moves from dispassionate inquiry to partisan advocacy, that is a betrayal of higher education's mission and a breach of academic professionalism. If higher education is to fulfill its proper mission and serve its proper purpose, all its members must dedicate themselves to embracing their responsibilities not as defenders of a faith, but as professional pursuers of knowledge.

James Otteson is the Thomas W. Smith Presidential Chair in Business Ethics and professor of economics at Wake Forest University.



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EDUCATION

Why kids bully and what to do about it



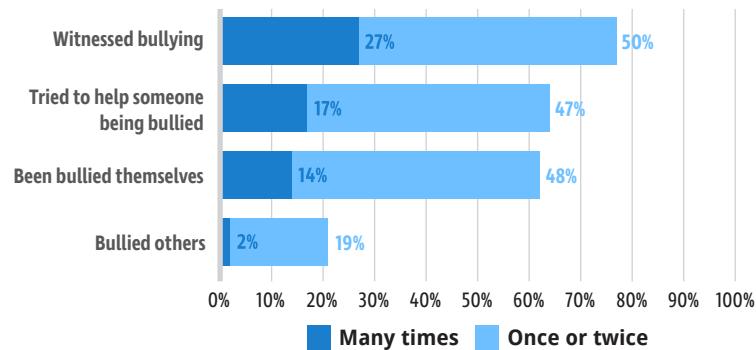
KRISTEN BLAIR
COLUMNIST

"Hurt people hurt people."

That's how one middle school principal summed up the origins of bullying for me. My interview with her was one of many I conducted, years ago, for a parenting book I wrote — yet her concise description of why kids bully has always stayed with me. It makes even more sense today, given recent incidents at schools. But while tracing the primary roots of bullying may seem easy, stopping its spread in schools is not. Tackling bullying requires vigilance, an arsenal of school-based resources, and the empathic engagement of parents and other adults.

Bullies' slings and arrows fly fast and early. According to a new survey of 9-11-year-olds — the first nationally representative student data on bullying in ele-

Percent of 9- to 11-year-olds who say they have ever:



SOURCE: Cartoon Network

mentary school — 62 percent have "ever" been bullied; 14 percent have, already, been bullied "many times." The survey, from Cartoon Network and Harvard's Graduate School of Education, assessed 1,054 public and private school students about verbal, physical, or electronic bullying.

In middle school, federal survey data, currently available just for select states, show 38 percent to 52 percent of public and private students were bullied at school; 18 percent to 29 percent were bullied electronically. The latest federal survey data on high schoolers, available nationwide, reveal 20

percent of public or private students were bullied at school during the previous year; 16 percent were bullied electronically.

Think about all that hurt — across every level of K-12 education.

Savvy school officials are finding smarter ways to track threats. Fifty North Carolina middle and high schools have been piloting a new smartphone app, SPK UP NC, which enables students to submit anonymous tips about bullying, danger, drugs, and more. The pilot program has run in Avery, Macon, Forsyth, Wayne, and Johnston counties, and concludes May 1.

Schools have found the app "useful as a reporting tool," says Ben Matthews, chief school operations officer at the N.C. Department of Public Instruction. "There is a place for this in our warfare against student violence," adds Matthews. Students submitted more tips about bullying than any other concern.

Expanding the app to every North Carolina middle and high school "could give a pretty big bang for the buck," says Matthews, costing about \$2 million to set up. DPI will recommend statewide expansion. But the final decision is up to the General Assembly.

Let's hope lawmakers sign on. Similar tools work elsewhere. Program statistics indicate Michigan's confidential mobile reporting app, OK2SAY, has produced nearly 12,000 tips since 2014. OK2SAY has helped schools address bullying, confiscate weapons, and prevent violence.

Tough, clear, well-publicized bullying policies — consistently enforced — are important. Training helps, too: The Center for Safer Schools, within DPI, offers school stakeholders training on bullying basics, cyber-safety, and more.

Ultimately, changing school climate starts with empathic parents, who teach children their most enduring lessons about goodness and kindness. What happens when home is hostile? That's a hard hurt to heal. Can schools teach empathy, using a parent-child relationship as a prototype for peer relationships? Some are trying. Roots of Empathy, an international elementary school intervention, "strives to break the intergenerational cycle of violence and poor parenting" by modeling a healthy parent-child relationship for students. A baby-parent duo visits a classroom monthly, demonstrating responsiveness to another's needs and feelings. Several studies show this program reduces aggression and increases emotional competencies.

These strategies are no facile fix. They're just a start. There's much more to do to ensure schools are supportive and safe. We know hurt people hurt people. Yet we know this, too: Whole people can help heal people, protect people — in a classroom, a community, even a culture.

Kristen Blair is a Chapel Hill-based education writer.

The quizzical case of UNC's 'buy local' resolution



ANTHONY HENNEN
COLUMNIST

STATE GOVERNMENTS have long favored giving preferential treatment to businesses in the state. North Carolina, for instance, has a general policy favoring local companies for state purchases.

Now, in a perplexing move, the University of North Carolina system is exploring a similar measure. At a December meeting, the Board of Governors discussed a "buy local" resolution that would require UNC colleges to favor North Carolina vendors and products for capital projects, like new building construction and renovating existing ones.

Currently, North Carolina universities solicit contractor bids for each project, then award the contract to the "lowest responsible bidder," which means the contractor with the lowest price after considering quality, performance, and time it takes to complete a project.



But now there may be another criterion: the state where the bidder is headquartered. The resolution would require the UNC system to account for a contractor's location when evaluating bids, which may give in-state contractors a new advantage. The resolution "declares the State's preference for the purchase of North Carolina products and services to the extent that such a preference does not result in increased price or loss of quality." Those standards, however, are hard to quantify, let alone implement.

It's difficult to understand why

the university system is raising this issue now, since local contractors are already winning the majority of capital contracts from UNC institutions. In 2017, 93 percent of 375 contracts awarded in the UNC system went to North Carolina-based contractors, according to a Martin Center analysis of construction contracts over a four-year period with data from the N.C. Department of Administration. And the domination of local contractors has only increased in recent years.

The most successful firm at

winning bids for the UNC system was Heartland Contracting in Indian Trail, which won 87 contracts, easily outpacing H.B. Wentz Associates of Raleigh, with 23 contracts, and MV Momentum of Charlotte, with 21 contracts. T.A. Loving Company and Barnhill Contracting Co. of Goldsboro and Rocky Mount, respectively, won the largest contract, a whopping \$95 million bid for work at East Carolina University on the student union and parking deck.

So why bother with this resolution? So far, UNC system officials haven't explained their rationale for introducing it. Repeated attempts by the Martin Center to contact them went unanswered.

The resolution asserts that a buy-local rule would benefit the state and its residents economically, but it neither describes how that would occur nor estimates how big the benefit would be. As the resolution itself notes, North Carolina already has an "expressed preference for the purchase of North Carolina products and services," so it's not clear that UNC contracts are exempt from that preference.

And the resolution may cause other mischief. State legislatures often pass "reciprocity laws" that

punish out-of-state businesses for benefiting from a local preference in their home state. Despite these potential drawbacks, virtually every state has so-called "preference laws" favoring in-state bids for government work of some sort.

What seems new is a higher education governing board embracing the policy. Donald Boudreaux, an economist at George Mason University, said he was "not aware of any other such piece of nonsense" at the university level.

Perhaps this resolution is an easy win, a way to show that the Board of Governors wants to support North Carolina businesses. Whatever the explanation, the resolution seems to be an unnecessary regulation. North Carolina contractors are already succeeding. Codifying a preference for them in law could hamstring their growth beyond the state's borders, hurting long-term economic dynamism. What may be better in the long run, instead, is to focus on areas that actually need attention. There are plenty of real problems to address.

Anthony Hennen is a writer and editor at The James G. Martin Center for Academic Renewal.

JUSTICE & SAFETY

Rockingham sheriff discusses moves to improve school safety

INTERVIEW



Sam Page

Rockingham County Sheriff

After the Feb. 14 mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, lawmakers, educators, and law enforcement immediately looked for ways to improve school safety. Rockingham County Sheriff **Sam Page** announced during a Feb. 28 press conference plans to enact a volunteer school resource program. The same day, Page sat down with *Carolina Journal* Associate Editor Lindsay Marchello to talk about the program and how it might make schools safer.

LM: Why did you open the door for volunteers instead of focusing on expanding funding for more school resource officers?

SP: I support doing that, but you got to have the funding. What I've learned at the local level is see what you can do without funding. See what you can do with existing resources before you reach out for funding. After the shooting in Florida, I said, "Is there something somewhere we can do that we are not doing that we can look at?" We already built on a volunteer base. I have an inactive reserve and an active reserve group that comes out. There is no charge, and they give us so many hours a month of service. They are former law enforcement officers. A lot of former law enforcement officers provide so many hours of service monthly. We see it work with volunteer firefighters. We see it work with the rescue squad. The volunteer base is a valuable base. But in this particular law it specifically says they have to come from a law enforcement background or military police. Now I was in the Air Force, so I came from the military law enforcement side, so I understand that side, but I also transitioned to the civilian side, and I [have understood] that side for 35 years. [I]f I had the funding, I would like to see every school in North Carolina with a school resource officer. Like the governor down in Florida said the other day, he said, "I'm going to find \$500 million to provide for school resource officers in every school in Florida." Now, I don't know what our funding capabilities are in North Carolina, but that's going to be a big bill. But the kids are worth it, and we should do something. Doing nothing is unacceptable. At this time in America, schools are viewed as soft targets. I can't wait around for another child to be killed because we didn't do something.

I've got six elementary schools, and a couple years ago we got a grant. It was



ROCKINGHAM COUNTY SHERIFF Sam Page addresses a Feb. 28 news conference in Reidsville on school safety. From left, he was joined by Rockingham County Superintendent Rodney Shotwell; Rep. Kyle Hall, R-Rockingham; Sen. Ronald Rabin, R-Harnett; House Speaker Tim Moore, R-Cleveland; and Senate leader Phil Berger, R-Rockingham.

the biggest grant across the state where you can get elementary school resource officers following Sandy Hook. We participated, and I got two school resource officers — full time, trained — but they have to cover six elementary schools. We also augment with our regular patrol zone deputies. They are asked to stop by, visit and walk, do a check. Every one of my captains, my major ... has an elementary school that we are required to do a walk through at least once a day. We try to fill those gaps where we have to, but our children's safety and school safety ... we got to do something for them.

LM: The law allowing for volunteer programs was put into place in 2013. Why are you only starting the program now?

SP: I think what happened was that about that time ... the state and our school system offered to hire full-time school resource officers in the schools. So, we went with the full-time program and tried to see how we could work with that. Now we have been working with that for a few years now, and then the shooting kind

of jogged my memory. I said, "We need to do something." That's when I reached into the toolbox. I already have a law. How many times do you have a law already written for you? I don't have to talk to anyone from the legislature because they already wrote the bill. The volunteer school safety resource officer program is one option. It isn't the total fix, but it is one option to help us have safer schools by utilizing the most valuable resource in the community, which [are] volunteers.

LM: How would the volunteer program work?

SP: With the volunteer program, it's pretty much modeled after the school resource officer program. First, you have a law enforcement presence as a deterrent to violence with an armed officer in the school, but also they are there to be a resource to the teachers and kids. They are also there as a role model. The kids love the resource officers, and they want them to be there. We have some grandparents and parents who have kids in school who want to participate in this program. If they vet and meet the standards

— again trained, qualified persons — those are the people I want protecting kids. They have to be former law enforcement or military police, though.

LM: Are there other things we can do to harden schools?

SP: Absolutely. Metal detectors are fine. There is a cost factor. You also have to have someone monitor those metal detectors. Now if the school system or if there is some federal funding to cover those metal detectors, maybe we could integrate our volunteers or resource officers with that. Remember, when you have one person on duty it pulls them from another duty. I really want my school resource officers to focus on who is coming through those doors, and if there are any threats they need to address.

The volunteers, there's a lot of things we can work with them on around the school like parking lot security. When you pull up in the morning and drop your child off at the curb, there's your volunteer there in bright-colored clothes. We want everyone to know that's an armed volunteer school resource officer that is there to

protect your children and the teachers to keep the school safe.

LM: What are your thoughts on arming school teachers? It's an idea suggested by President Trump.

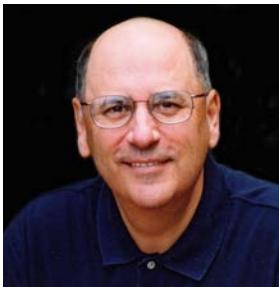
SP: That's a conversation for the White House. I'm sure during discussions there's a lot of ideas floating around. There's some good ideas and some ideas that are different. I am a big supporter of the carry-conceal process in our county, state, and across the country, but I do believe that if a person is going to conceal carry they need to be trained and proficient in the use of firearms.

I think the law enforcement model and the education model needs to stay in the realm of — we protect citizens, we protect children and the teachers from harm so the teachers have an environment where they can teach and the kids have an environment (where) they can learn. I think that's the best model. As far as arming the teachers, that's a discussion for the local school boards and superintendents. They would have to make those decisions.

CONSTITUTIONAL LAW

Founders focused on U.S. Constitution's role as anti-corruption tool

Q & A



F.H. "Frank" Buckley
Professor
Scalia Law School at George
Mason University

Americans have debated the U.S. Constitution's meaning for more than 225 years. A recent book, *The Republic of Virtue: How We Tried to Ban Corruption, Failed, and What We Can Do About It*, argues that the Constitution's framers wanted to create an anti-corruption covenant. Author **F.H. "Frank" Buckley** is foundation professor at the Scalia Law School at George Mason University. He discussed the book during a presentation for the John Locke Foundation's Shaftesbury Society. Buckley shared themes from that speech during a conversation with Mitch Kokai for Carolina Journal Radio.

MK: Why is the U.S. Constitution, in your view, an anti-corruption covenant?

FB: There are two stories. The first story is that whatever we might have thought about the British, we admired their constitution, except for one thing: It was just a nest of corruption. The king was essentially bribing members of Parliament to vote his way. That was just accepted. So that's part of the story. Part of it is, it's a matter of product differentiation. We like the Brits, but we don't like their corruption.

And then the other part of it has to do with the story behind the way the [constitutional] convention worked. We kind of have this feeling that, "Oh, it just had to work out that way," but it didn't. We nearly fell apart. There was nearly a walkout led, I think, by [James] Madison. And then at one crucial point, one delegate got up and said, "Gentlemen, if you want an anti-corruption government, here's what we have to do." The name of that fellow was Gouverneur Morris, and he's one of the untold heroes of the convention.

What he persuaded people to do, which I think was the most momentous decision at the founding, was to have a structure for electing the president, which turned out in the fullness of time to be popular election. And that was supposed to cure corruption. So that's how we got our Constitution, and that's how it was supposed to be an anti-corruption covenant.

MK: This was back in 1787, at the start of the process. As the subtitle of your book says, we tried to ban corruption and then ... failed. How did it end up failing?

FB: I think a lot of people would agree we failed. I don't think that's terribly controversial. In fact, there are people who run studies of "how corrupt is your country." They interview local people, and we don't do terribly well. Sometimes people say, "Well,

The point about federalism is when power is chiefly located in the state government, if a state happens to be corrupt, you've got an exit option, right?

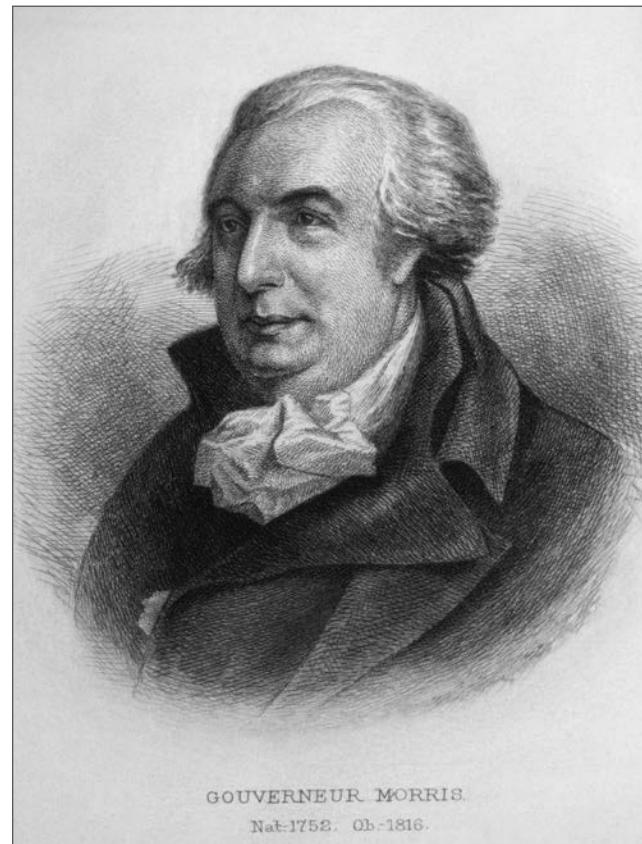
golly, we're America. How can that be?" I tell them, "Well, have you ever heard of this place called Louisiana or Illinois?" And they say, "Oh. OK."

But, chiefly, I think the problem is a Washington problem. I think chiefly the problem is the swamp, and there are a number of reasons for that. One of them is the presidency. It's an all-powerful institution, and the checks and balances, which were supposed to prevent the president from being too powerful, failed and turned out to be a cloak with which he could hide his sins. I think the obvious example was [Barack] Obama's presidency and the IRS scandal, for example. He said, "There's not even a smidgen of evidence," and it all went away.

MK: ... Are there elements of the Constitution, the original plan, that did work or are working, that we ought to preserve?

FB: Yes, and the big one is federalism. The point about federalism is when power is chiefly located in the state government, if a state happens to be corrupt, you've got an exit option, right? If you don't like Illinois, you can move to Texas or, maybe even better still, North Carolina. So that tends to cure the problem. But the more the power is centralized in the feds, the harder it is to exercise that escape hatch. You can escape from Illinois, but [it is] not so easy to escape from Washington, you know?

So restoring federalism would be a big answer to it. That apart, there are some



GOUVERNEUR MORRIS.
Nat. 1752. Ob. 1816.

smaller things we can do, which I think would be really, really useful. But you know what? We're not going to absolutely ban corruption. The optimal level of corruption is not zero, because that would take a Robespierre to chop off some heads. We don't want that.

MK: You already got into this, but the last part of the prescription in the subtitle is "what we can do about it." Restoring federalism is important. Are there other things we really need to look at?

FB: There are. I mentioned two things. The first is kind of a negative thing. We have all these campaign finance laws, and the guys who talk about corruption, typically, are on the left. They say, "Well, you know, the answer is get the scandal of money out of politics," by which mostly they mean, "Let's get the scandal of Republican money out of politics." Because, I mean, look, Hillary [Clinton] outspent [Donald] Trump by 50 percent last time around. So they know how to spend money. They've got tons of money. They have a good more money than we do.

But that's fine, you know. More power to them.

The problem with our campaign finance laws is they're like a net that has a curious feature that the big fish swim through and the small fish get caught. And the small fish often are people with inconvenient political views. So it's a good tool for persecuting your opponents.

In addition to all of that, when you have to disclose who your donors are, ... you can unleash an internet mob, where they post your name, and your address, and your kids, and where you go jogging, and all of that. It's an invitation to an assault. And, of course, you've got these Antifa monsters out there who are only too happy to do that.

So I would just junk all we have out there in terms of campaign finance laws. There are no limits on expenditures by virtue of the Supreme Court. I would get rid of contribution limits. They're basically eliminated for smart people with lawyers. And I'd let people do it anonymously. And what I'd do, positively, is I'd concentrate on the lobbyists. There you can do something.

MK: What about the lobbyists?

FB: I'm here visiting North Carolina from the D.C. area.

I'm right in the middle of the swamp. The swamp is composed of a lot of smart, good ol' lawyers working in the district and influencing legislators. In part, that's a good thing. They are educating people who often arrive in Congress not knowing what's going on. But at the same time, they shouldn't be able to give money to the congressmen. And outright gifts have been banned, but right now congressmen can receive campaign finance contributions from lobbyists, and lobbyists can organize these meetings for congressmen. I [would] get that part of the money out of it.

They have good intellectual resources — the lobbyists. Let them inform congressmen about what bills are all about. They're good at that. What they don't have to do is give them monetary contributions.

MK: How convinced are you that we can and will do something about this? Is this wishful thinking, or is it likely that we can actually accomplish something that will fix the system?

FB: I have high hopes. I don't want to predict the future in any way, shape, or form. But I think a lot of people have recognized that we had a real problem with corruption. The election in 2016 was, I think, importantly, a referendum on that. Whatever you might think about Trump, I think many of your listeners will have pretty clear ideas about what Hillary Clinton was all about. When you walk into politics and you end up making a ton of money, that sort of tells you something.

So it was a moment where we rediscovered corruption, and Trump has had plans to drain the swamp, as he puts it. We're a year into it, and we're still waiting, and we'll see what's going to happen. I think the instincts were right. You know, there was this French guy, Charles Péguy, who had a line about this. He says, "Everything begins in mystique and ends in politics."

COMMENTARY

EDITORIAL

Transparent doesn't mean invisible

Years ago, as attorney general, Gov. Roy Cooper wrote the introduction to the North Carolina Guide to Open Government and Public Records for the N.C. Press Association.

"The spirit with which public officials work to comply with the law is as important as the law itself. ... In other words, when in doubt about how to interpret the state's open records and meetings laws — always work to resolve the question in favor of openness."

Too bad the governor hasn't practiced what the attorney general preached.

A recent high-profile incident occurred in March, when Sen. Bill Rabon, R-Brunswick, who chairs the powerful Senate Rules Committee, called on legislative leaders to open a formal investigation of Cooper's \$57.8 million side deal with the operators of the Atlantic Coast Pipeline.

Cooper adviser Ken Eudy had appeared on WRAL News in Raleigh, discussing the \$57.8 million discretionary fund. The governor negotiated the deal with the regulated utilities, which will run the pipeline. The money would have been handled outside the constitutional legislative process.

Speaking for the governor, Eudy blamed mean old Republicans for interfering with money that would have gone to environmental protection or economic development. He (a former *Charlotte Observer* reporter) — and the governor — have dodged the fundamental questions about this deal: Is it legal? Does it abide by the letter and the spirit of the state Constitution?

Rabon noted that the Cooper administration provided WRAL a series of drafts of the pipeline agreement but hasn't given that same information to the legislature. Nor had Cooper shared the drafts with other media outlets who asked for it, including *Carolina Journal*. We got our copies after making an additional request, though we first asked for public records relating to the arrangement in late January.

Those memo drafts are all we've gotten,

other than an acknowledgment that the governor got our request and it's in the works.

This latest obfuscation from the Cooper administration is nothing new. When he became attorney general in 2001, he hid behind spokesmen and complied with press inquiries grudgingly, if at all.

As governor, the pattern continues. Our staff members rarely if ever get phone calls returned. We also have difficulty getting press releases from the governor's office.

To be sure, Cooper's predecessors haven't been paragons of openness, either. (Although, to her credit, Bev Perdue was more accessible than anyone in that position since Jim Hunt.)

Pat McCrory tried and failed to charge members of the public for staff time to prepare records for public review. That's clearly illegal, and McCrory dropped it when the proposal became public. Our editorial staff went after McCrory for being so slow in responding to records requests from various media sites that they sued him.

We had hopes Cooper would be different when he succeeded McCrory.

So far, no dice.

If the governor really wants to demonstrate his commitment to openness, he could refer to a fundamental rule any journalist — or any effective communicator, for that matter — should have memorized. It's from the ir-

replaceable writing guide *The Elements of Style*, by Strunk and White: Show, don't tell.



A teachable moment missed with the national school walkout



JON SANDERS

DIRECTOR OF REGULATORY STUDIES
JOHN LOCKE FOUNDATION

ON MARCH 13, I received a call from school officials informing parents of activities for a "national school walkout," planned in response to the recent deadly school shooting in Parkland, Florida.

The next morning, I did what I expect many other parents did. I had a conversation with my children about gun violence.

Ironically, I realized I would need to teach my children about the subject *before* I send them off to school. Especially because the subject involves a long-recognized civil right.

It was the school's announcement that there would be walkout activities that prompted me. It seems to me this issue being on everyone's minds makes it a highly teachable moment. But do professional educators see it that way?

What, I asked, is your school teaching you about guns? Anything?

Mass school shootings are down overall, especially since the 1990s. Did you know that? That's a finding from recent research from a criminologist at Northeastern University. Has your school told anyone about that?

Do you know why? Because school shootings tend to track with violent acts in general. And violent acts in general are also down.

Gun killings are down — dramatically — since the 1990s. Did you know that? Has your school told anyone about that?

In fact, violent, nonfatal gun crimes are also down dramatically since the 1990s. Hear anything about that?

Do you know what's up dramatically since the 1990s? Gun sales. The amount of legally owned guns in society has skyrocketed.

If more guns meant more gun violence, I said, we wouldn't be seeing dramatic declines in gun violence. But what if guns do indeed have a defensive purpose?

What if their presence — or the belief in a criminal's mind that they might be present — can be a deterrent *against* violence? Then significantly falling gun violence with significantly increasing gun ownership fits.

Self-defense. Has your school



WHAT ARE WE TEACHING OUR CHILDREN? Instead of being taught to field questions, test assumptions, compare alternative viewpoints, and collect data, our kids are being taught reactionary emotional responses.

taught gun ownership as a civil right? The history behind it? The idea of a right to self-defense?

Did they even discuss the details in Parkland? How government officials, federal to local, failed over and over again to take obvious, proper steps that could have prevented it? How the FBI ignored direct warnings about the shooter?

How the county sheriff's office overlooked a history of violence and also ignored a direct warning the killer could be a "school shooter in the making"?

How the armed school resource officer and then county deputies did nothing while the shooting was going on?

Why, I asked, aren't schools taking the opportunity to teach

these things? Kids who might otherwise be bored by history and civics would be paying attention. It would be a perfect time to model an adult response to a hot-but-ton topic. Field questions. Test assumptions. Compare alternative viewpoints. Collect data. Weight the merits. Acknowledge shortcomings. Debate. Treat different viewpoints respectfully.

Instead, if they're being taught anything, it's by watching educators react *Ready-FIRE!-aim*. Or to promote their emotional response without grounding it. Neither serves the purpose of providing education.

I suppose that's why it's said education begins in the home. But I think it's a shame nonetheless.





COMMENTARY BY JOHN HOOD

Nearby successes don't disprove conservatism

AFTER YEARS OF trying but failing to block the implementation of conservative policies in Raleigh, the state's progressive movement has a new rhetorical theme: North Carolina's recent economic performance has been lagging behind that of our neighbors.

This claim is partially correct. South Carolina and Georgia have fared better on standard economic measures, but I'm not sure why the Left think this fact constitutes an argument against the modern conservative policy mix of tax relief, regulatory relief, and fiscal restraint.

If we look at gross domestic product adjusted for price changes, North Carolina's real economy has grown by an annual average rate of 2.5 percent since the beginning of 2013. That's the 13th-fastest growth rate in the country, and above the national and Southeastern averages (both 2.2 percent). But real GDP grew faster, at 3 percent a year, in South Carolina and Georgia, and at 3.1 percent in the strongest economy in the Southeast, Florida.

North Carolina has added more than 440,000 net new jobs since the beginning of 2013, an impressive growth rate of 11 percent that also exceeds the national and regional averages. But, again, the job-creation rates in South Carolina (12.6 percent), Georgia (13.5 percent), and Florida (16.6 percent) were even larger.

While North Carolina has enacted a series of regulatory reforms and broad-based tax reforms that, when fully implemented, will certainly free up our state's economy and boost our competitiveness, our neighbors aren't exactly paragons of left-wing policymaking. On the Cato Institute's "Freedom in the 50 States" index, Florida (6th), Georgia (12th), and South Carolina (19th) outrank North Carolina (24th) in economic freedom, which encompasses tax, expenditure, and regulatory measures.

Most of these studies concluded that conservative policy choices correlated with stronger economic growth, including two-thirds of the papers on income taxes.

It's a complicated issue, and a few studies do point the other way. Expect progressives to cite them. That will prove the existence of selection bias, not disprove the value of fiscal conservatism.

Modern conservatism is an alliance

Isn't "modern conservatism" a contradiction in terms? That's one of the questions I received after teaching a seminar at Duke University's Sanford School of Public Policy titled "Modern Conservatism and Policy."

No, modern conservatism is a real thing. It has deep roots in human experience and intellectual history, but the modern conservative movement is a different animal from what would have been called conservatism a century ago.

Like all intellectual and political movements, modern conservatism is an alliance of people who have enough in common to justify working together, and enough not in common to produce ongoing tensions, passionate debates, and the occasional public rupture.

There's no one group of people — not anywhere, at any point in time — who are both a consistent majority of the population and in consistent agreement on every major issue. That's why all parties and movements are, inevitably, coalitions. Conservatism has its stresses and strains. But so do progressive and populist movements.

Who populates the modern conservative movement? There are three main groups: traditionalists, libertarians, and pragmatists. The traditionalist camp, sometimes called social conservatives or the Religious Right, believes there are certain principles, practices, and



WHO POPULATES THE MODERN CONSERVATIVE MOVEMENT? There are three main groups: traditionalists, libertarians, and pragmatists.

institutions that maximize human flourishing. These are either the creations of God or have proven their value over the course of human history.

The next group, the libertarians, can also be called economic conservatives. Originally, they were called (and called themselves) liberals, because their core political value was liberty. To protect individual rights to life, liberty, and property, they argue for a limited government that would deter force and fraud and ensure the provision of certain services that could not effectively be

produced within private markets. These conservatives prioritize lower taxes, lighter regulations, and more choice and competition in public services.

The other constituents of the movement, pragmatists, are often labeled neoconservatives — although not to the same intended effect. Some leftists use the term as a charge of extremism, perhaps because it shares a prefix with "neo-Nazi." Conservatives use it, more accurately, to describe an initial wave of thinkers and politicians who began as progressives or socialists, got "mugged

by reality" as prominent neoconservative Irving Kristol once put it, and changed their views. Many but not all neoconservatives were foreign-policy hawks. Others emphasized social policy.

Despite important differences in principles and practical priorities, traditionalists, libertarians, and pragmatists work together within modern conservatism in part because they often share political adversaries. Something else binds these discrete groups together: a strong belief that human nature is a significant and persistent constraint on human action.

TRADE & TAXATION

North Carolina thrives on trade

TARIFFS ARE taxes. They always have been. When President Trump announced plans to impose costly tariffs on imports of steel and aluminum, he was threatening to raise taxes on most consumers and businesses to boost the incomes of special interests.

Our state's economy thrives on international trade. During 2017, business operations in North Carolina exported nearly \$33 billion worth of goods and services to consumers in other countries. These exports from North Carolina include, for example, \$2 billion worth of aircraft and parts, \$1 billion worth of motor vehicles and parts, and \$732 million worth of other mechanical and machine parts.

I didn't pick random examples. These industries

are all significant buyers of steel. Levying tariffs to jack up steel prices will hurt these firms, which employ vastly more North Carolinians than the steel companies do.

The *New York Times* reported on one such company: Insteel Industries, based in Mount Airy. Its plants produce the wires that reinforce concrete for construction. Insteel chairman H.O. Woltz III observed that he employs 1,000 people, most of whom earn good money (\$20 an hour) in jobs not requiring a college education.

If steel tariffs go up by as much as the president wants and Woltz keeps his prices the same, his company will soon be out of business. If he raises Insteel's prices to compen-



Even if it costs only a few dollars per person to fund a government grant or subsidy to a few well-connected beneficiaries, we reject the idea as unfair and economically counterproductive.

sate, he'll lose sales. "If the customers have the option of purchasing from Malaysians or Colombians, who don't have to pay that extra cost, that's what they are going to do," he told the *Times*.

As has happened during previous attempts to protect America's steel industry, other countries

are likely to retaliate against U.S. imports. North Carolina enterprises export billions of dollars' worth of pharmaceuticals, chemicals, tobacco products, swine, poultry, fabrics, fibers, and cables. Hundreds of thousands of North Carolinians work in these industries, or in logistics, finance, insurance, maintenance, or other vendors serving them.

In defense of Trump's scheme, administration officials and fellow travelers argued that raising business costs and consumer prices would be a small price to pay for protecting America's steel and aluminum sectors. Ironically, they were making the same kind of argument Democrats and progressives made only a few weeks before against

the federal tax cuts enacted by Congress and signed by the president: that if you divide the total savings — or total costs, in this case — by the entire population, the per-person effect isn't gigantic.

Conservatives are usually adept at spotting the flaw in such arguments. Even if it costs only a few dollars per person to fund a government grant or subsidy to a few well-connected beneficiaries, we reject the idea as unfair and economically counterproductive.

Trade policy is no different. No company has the right to force consumers to buy its product at inflated prices. No president or legislator should apply such force on the company's behalf. And no conservative should fail to condemn any politician who does.

COMMENTARY

N.C. Senate leader serves up delicious distraction



JOHN TRUMP
MANAGING EDITOR

Props to N.C. Senate leader Phil Berger for guiding the conversation in our state back toward things that matter. Things about which we can happily disagree.

Courts, pipelines, solar farms, elections? Nah.

Let's talk barbecue, he says. Better yet, let's talk barbecue while eating it, plates piled high. Tomato sauce on the western half, vinegar-based to the east. Coleslaw, hand-cut fries, mac and cheese, and hushpuppies in between, a virtual Maginot line securing a comfortable separation of regional styles. Fresh-baked rolls slathered in honey butter.

Let's prepare it whole hog. Smoked overnight over wood and hickory. Pulled or chopped — you

choose. Perfectly succulent, the fat expertly rendered, permeating the meat and dribbling past your lips.

Hmm. Let's enjoy our sumptuous spread at a college basketball game. At center court. You pick the team — I choose Wake Forest, regardless of its record. At halftime let's hear some bluegrass and Americana. Mandolin Orange or Chatham County Line, maybe. A tribute to Doc Watson, perhaps. Raw and rustic, yet soulful, sweet.

Let's wash it all down with a fine beer crafted in North Carolina — again, you choose. Or a glass of wine from the Yadkin Valley, or, hey, a jar of — legal— 'shine from Wilkes County. Or, of course, a bottle of Cheerwine or a glass of sweet tea, nestled alongside a bowl of banana pudding, the sweet, tantalizing whipped cream slowly falling to one side.

Fellowship, fun, and a shared vision of our great state, things we love — some more than others — and on which we can all mostly agree.

Berger got this started with a tweet calling out a writer for Munchies, a Vice Media website.

Senator Phil Berger
Everyone makes mistakes, and it's time for the writers at Munchies to admit theirs: 'Brooklyn barbecue' won't be taking over North Carolina anytime soon. I call on @NC_Governor and @NCHouseSpeaker to join me in mounting a bipartisan defense of N.C.'s finest food. #NCGA #NCPOL



3:32 PM - 5 Mar 2018

Others joined in, including U.S. Sen. Thom Tillis, who tweeted:

Senator Thom Tillis
Fact Check: A) This isn't barbecue. B) The only two types of barbecue worth eating are Eastern and Western.



11:08 AM - 5 Mar 2018

81 Retweets 324 Likes

It's much ado about nothing, really. Brooklyn barbecue is definitely not taking over the world, as anyone with a smidgen of common sense can tell you. Heck, it probably will never make much of an impression in Queens, even. And, as the *News & Observer* points out, the story to which Berger refers is from 2014.

But it's a worthy debate, nonetheless. As much as I enjoy eastern North Carolina barbecue, I will always savor a slab of Memphis or Kansas City ribs, or moist Texas brisket, or creamy Alabama white sauce.

In the muddled scheme of things, none of this matters, ex-

cept that it really does. Barbecue — aside from the regional squabbles over who's better than whom — transcends race and gender, ethnicity, class, and demographics. It goes beyond polarization and ideology.

It's a much-needed distraction, a return to normality, if you will. It's something on which we can always rely, a source of contentment amid the noise and contention.

As chef and author Anthony Bourdain once said, "Barbecue may not be the road to world peace, but it's a start."

Thanks, Sen. Berger. We needed the reminder.



CAROLINA JOURNAL
www.carolinajournal.com



Options for increasing affordable housing



MICHAEL WALDEN
COLUMNIST

IN A LIMITLESS world, each of us would have a residence we consider ideal — close to our work and to shopping and amenities, with enough square footage, and in a pleasant and safe neighborhood.

But we don't live in a limitless world, so we have to make choices. Unfortunately for housing, this means many households must live far away from their work to afford the space they want, or they must accept less space and perhaps less pleasant surroundings to reduce the commute to their job.

As a higher share of jobs in North Carolina are clustering in big metropolitan areas, these housing

trade-offs are becoming more apparent for more households. These households can't afford the size and quality of housing they want in locations close to work and shopping.

What are the options for addressing this issue of affordable housing? The options come in two categories — demand and supply. "Demand" means helping households afford the price of housing. "Supply" suggests making changes to encourage expansion in the amount of housing, which, in turn, lowers prices.

There are three "demand-side" strategies that have been used to increase the affordability of housing. One is housing vouchers. Housing vouchers are financial assistance used to supplement what a household pays out of its own pockets for housing. Although traditionally designed for renters, vouchers could also be used to help buyers meet their monthly mortgage payments. Vouchers have usually been funded by government, so their expansion would require more re-

sources (taxes) provided to government.

Affordable set-asides are government-imposed requirements that developers reserve a certain percentage of their units for affordable housing. The developer establishes the set-aside unit's rent — in the case of a rental unit — or price of the home — in the case of a purchased unit — at a level below what the developer could obtain without the requirement. Developers usually make up the difference by increasing the rents or prices of the unrestricted units. So the other renters or buyers effectively subsidize the affordable housing units.

The third demand-side strategy is rent controls. Rent controls directly limit the rent a landlord can charge tenants, thereby making the unit more affordable. Although logically simple, rent controls have a big downside. By reducing the investment benefit of the housing, they discourage construction of new housing as well as maintenance of existing dwellings.

The encouragement of the construction and provision of new housing units is the objective of the "supply-side" approach to affordable housing.

One way to accomplish this is through public subsidization by government of new housing construction. Because public funds are used, rents can be set at lower levels. There's also a private subsidy version of this strategy. Here a nonprofit group pays — through cash and/or the donation of members' time — for the building of new housing. If rented, the rents are lower than if a for-profit company had built the housing. If sold, the sales price is also less than what would be charged by a for-profit group.

Some of the most interesting approaches to developing affordable housing have come through altering regulations. Specifically, the idea is to increase affordability by permitting higher-density housing units and alternative living arrangements.

An example of the former is allowing owners of single-family residences to build one or two rental units in their backyard. An example of the latter is rezoning areas to permit a return of boarding room houses. Popular in the last century, tenants in boarding room houses have their own room but share common areas like kitchens and baths. Critics say both innovations would alter the character of existing neighborhoods and exacerbate parking problems.

Our expectations of housing have changed over the decades. Long gone are the days of outdoor "privies" and lack of indoor running water and electricity — conditions my father endured as a child. We may now be in another era in which "acceptable" housing is being redefined to include "affordability." If so, how do we get it, and who pays?

Walden is a Reynolds Distinguished Professor at North Carolina State University. He does not speak for the university.

COMMENTARY

Expanding gun rights and a colossal waste of money



ANDY TAYLOR
COLUMNIST

One line you hear constantly in the wake of the Florida school shooting is that the National Rifle Association is the most powerful political force in the country. It single-handedly prevents movement on gun control, despite polls showing majorities support enhanced background checks and a semi-automatic rifle ban.

The assertion hinges on money. The NRA essentially bribes policymakers to promote its interests. If, like large numbers of legislators from both congressional parties, you got money from the organization, you must be its stooge.

It's this argument that motivates the headlines you've read about Sens. Richard Burr and Thom Tillis receiving bucket loads of gun cash. This money is the NRA's "outside" or super PAC spending, which isn't a direct contribution to a can-

didate or party but is designed to influence election outcomes from afar. The numbers kicked around are about \$7 million promoting Burr in 2016 and \$4.5 million for Tillis in 2014.

Let's inject some perspective here. The NRA outside spending in the Burr and Tillis races is out of a total of \$73 million from all sources in the 2016 race, \$77 million in 2014. In both campaigns, the Center for Responsive Politics reports that most of the outside spending was in the cause of the Republicans' opponents — Deborah Ross and then-Sen. Kay Hagan. In the 2016 Burr-Ross contest, NRA outside spending was about the same as the League of Conservation Voters and the EMILY's List super PAC Women Vote! Combined — two groups generally thought not to exert financial influence at all. Whether for better or for worse — and I've written about this topic here before — the practice of outside spending was accelerated by the *Citizens United* Supreme Court decision in 2010. The complaint about the NRA's financial clout is, of course, decades old.

Nationally, total NRA spending in 2016 constituted about 3 percent of all money from interest groups, a figure less than the money from



Total NRA spending in 2016 constituted about 3 percent of all money from interest groups, a figure less than the money from a number of leftist entities.

a number of leftist entities, including EMILY's List, NextGen Climate Action, and the Service Employees International Union. Counting direct contributions to candidate campaigns only — and therefore excluding outside money — NRA dollars make up even less of the total; for N.C. Republican U.S. House members, considerably smaller than 1 percent in 2016.

Although they spend less money, gun-control groups still exert significant influence through their campaign contributions. The political parties have created syndicates permitting them to punish legislators who take positions against

the interests of their donors. Behavior at odds with the party's orthodoxy on issues such as abortion and guns risks cutting a politician off from the entire reservoir of national Democratic Party money — and a deep one it is, too, nearly \$1.3 billion in contributions and outside spending in 2016, one-third more than the Republicans. The bean counters at the Federal Election Commission and CRP don't call it gun-control money, but every dollar George Soros, Tom Steyer, and the unions give to the party is leveraged in the effort to control Democratic politicians' attitudes and actions regarding firearms.

The NRA and gun-control groups have therefore laid bets on the political parties. The NRA won in 2016. If Hillary Clinton had captured the White House and the Democrats took control of Congress, its cash would have "bought" next to nothing.

Money doesn't really tell the story. Two other facts get closer to the heart of NRA's influence in American politics. First, it's a large group whose many supporters hold intense views and are distributed widely across the country. It reports about 5 million formal members who live mainly in rural areas and

small towns, but represent a small minority of the population only in the Northeast. A 2017 Pew survey showed the proportion of gun owners who have contacted policymakers about matters concerning firearms is nearly twice that of people who don't own guns. The rate increases to nearly three times when examining financial contributions made to organizations that take a position on gun policy.

Then there's the American political system. The NRA has been playing defense since the Kennedy assassination. With its presidential veto, co-equal legislative bodies, Senate filibuster, and Byzantine congressional committee system, the federal policy process is stacked in favor of the status quo and against change. The semi-automatic weapon ban was only rescinded in 2004 because of a sunset provision in the Brady Bill. If the NRA is to be judged on its ability to expand gun rights, its political operations have been a colossal waste of money.

Andy Taylor is professor of political science at the School of International and Public Affairs at N.C. State University. He does not speak for the university.

Pro-growth policies fueling North Carolina's economic rise



BECKI GRAY
SENIOR VICE PRESIDENT
JOHN LOCKE FOUNDATION

WHAT'S THE THEME for limited government, personal responsibility, opportunity, and freedom across North Carolina for the 2018 election cycle? Keep on keepin' on. Reforms since 2011 have transformed our state into an economic powerhouse, creating jobs and opportunities like never before.

Tax cuts begun in 2011 have put \$5 billion back into the economy; \$10 billion by 2022. All North Carolinians pay a lower personal income tax, businesses pay less, the sales tax rate is lower, and many taxes have been eliminated altogether. The zero-tax bracket has gone from \$11,000 to \$20,000, benefiting our lower-income neighbors the most and removing the tax burden entirely for about 150,000 taxpayers.

Tax cuts don't work when growth of government is out of control. Limiting the increase in government spending to the rate



of population growth plus inflation has resulted in a more streamlined and efficient government, delivering core services and eliminating duplication and waste. With total spending now in excess of \$50 billion a year, keeping growth of government in check ensures future sustainability of core government functions and a healthy balance between public and private sectors of the economy.

In 2007, the state's borrowing was a whopping \$6 billion; by 2015 it was \$3 billion with a continued commitment to borrow responsibly with taxpayer approval and pay down what's owed. Faced with a \$2.6 billion debt to the feds for

unemployment benefits in 2011 and a determination to get out from under that crushing obligation, the \$2.6 billion has been paid off completely.

After years of government expansion and a recession, all reserve and savings accounts had been raided. Today, for the first time, 8 percent of the state's budget is in savings. A new law requires that 15 percent of year-over-year revenue growth be placed into savings.

Rules and regulations created and enforced by unelected bureaucrats are a drag on the economy and impinge on individual freedom. Regulations cost North Carolinians up to \$25.5 billion every year.

Under a 2013 reform, rules are reviewed every 10 years to determine whether they work or are just more trouble to impose than the benefit they offer. As of January, 13,469 rules have been reviewed; 62 percent remain as they are, 26 percent are subject to re-adoption, and 12 percent have been eliminated.

Leaders have also made smarter investments.

Teachers' base salaries now average about \$50,000. Add in benefits, and the average is an all-time high of \$64,000 a year. Good teachers have more opportunity to earn even more with bonuses tied to third-grade Read to Achieve success, fourth- and fifth-grade reading and math, advanced course completion, and other opportunities.

More families have more choice to find the best education for their student. Most parents choose the traditional public school, but 7 percent choose to homeschool, 6 percent attend private schools, and 5 percent attend public charter schools. The number of charter schools has grown from about 100 in 2011 to 174. Even so, 55,165 students sit on waiting lists to get into charter schools. Opportunity Scholarships allow students from low-income families to attend private schools that better meet their

needs. More than 3,100 students are on waiting lists for the voucher program, and a new education savings account is available for students with documented disabilities.

Lower taxes, limited government, paying down debt, building reserves, reducing barriers, and smarter investments have paid off. In January 2011, the state's unemployment rate was 10.4 percent. In January 2018, it was 4.5 percent. More than 440,000 net new jobs have been created since 2013. According to economic growth indicators such as median household income, per-capita income, and gross domestic product, the job growth rate in North Carolina is outpacing growth in our region and the country.

The Tax Foundation's business tax climate index says North Carolina has gone from 44th in 2010 to 11th today, the biggest jump ever. The poverty rate has gone from 17.9 percent in 2011 to 15.4 percent in 2016.

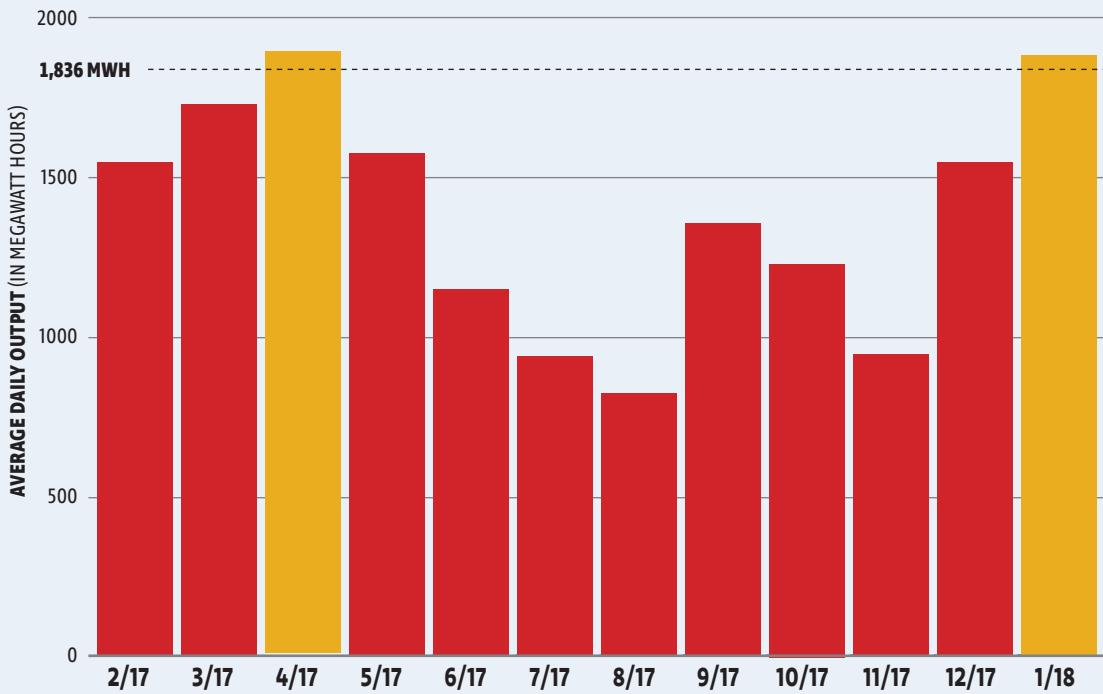
Pro-growth policies have led to a healthy economy offering more opportunity, more jobs, and more independence from government interference. In other words, more freedom for all North Carolinians. Let's keep it going.

ENERGY

POLLS

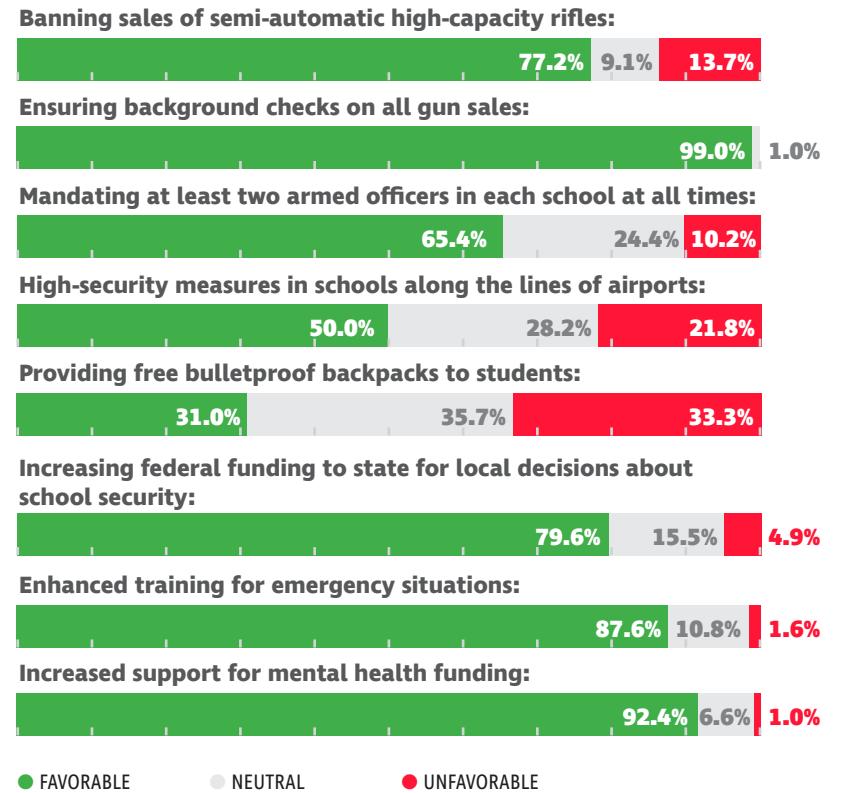
Amazon Wind Farm - Wind Meter

The operator of the 208-megawatt Amazon Wind Farm near Elizabeth City has said it will generate 670,000 megawatt hours annually, or about 1,836 MWh each day. February 2017 was its first full month of operation.



SOURCE: U.S. Energy Information Administration

Teacher support for alternative school security measures



The Elon University Poll, with help from *News & Observer* and *Charlotte Observer*, was conducted between Feb. 28 and March 5 using landlines, cell phones, and emails to reach 379 teachers. The margin of error for email-only questions is plus or minus 6.6 percent. All other questions are plus or minus 5.03 percent.



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