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# CAROLINA JOURNAL

AN AWARD-WINNING JOURNAL OF NEWS, ANALYSIS, AND OPINION FROM THE JOHN LOCKE FOUNDATION CAROLINAJOURNAL.COM VOL. 30 • NO. 4 • APRIL 2021 • STATEWIDE EDITION



## Sacrificed.

Closed schools hurt students academically, mentally, and socially...

What now?



LUKE  
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“Depriving our children of the opportunity to interact with peers and educators was a catastrophe.”



AIDEN  
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“I remember breaking down and crying when I read the email that things were on hold until further notice...”



JOHN  
page 10

“You’re remorseful because you’re watching your beloved child regress and revert...”



### Interview: Jessica Thompson

Jessica Thompson of the Pacific Legal Foundation, discusses the latest developments in the *Waldron v. Cooper* case.

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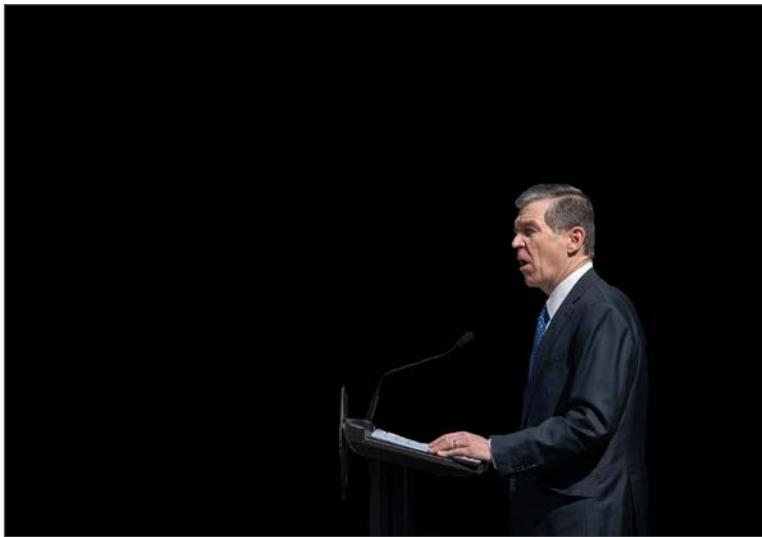
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FROM THE PUBLISHER

## Protect our culture of fiscal responsibility



### Cooper's budget reminds us that our legislative culture of fiscal responsibility needs protecting

BY AMY COOKE

**G**ov. Roy Cooper's recent budget grows spending a preposterous 11.6% and proposes \$4.7 billion in new debt. It also serves as a good reminder

that we are only one election cycle away from fiscal insanity at the state level.

Fortunately, the conservative majority at the state legislature is unlikely to take Cooper's wish list seriously. It shouldn't, except as a threat of what North Carolinians will suffer if we lose our current culture of fiscal responsibility. We need to consider making this culture permanent regardless of the party in power.

Most recent transplants to North Carolina will probably list job opportunity, quality of life, and the state's natural beauty as

continued PAGE 20

### COMMENTARY BY JOHN HOOD



## Polls underestimate GOP support

**JUST BEFORE THE** 2020 elections, the RealClearPolitics.com polling average had Joe Biden leading Donald Trump nationwide by 7.2 percentage points. Biden did end up winning the popular vote, yes, but by 4.5 points. There were even larger gaps between pre-election surveys and vote totals in some battleground states.

Coming on the heels of polling misses in 2016, these results sent survey researchers scrambling for answers — because, contrary to myth, election polling has not always exhibited such a pronounced Democratic skew.

In 2012, for example, Barack Obama's national margin of victory was 3.2 points bigger

than the polls predicted. In 2008, Obama's polling lead was 7.6 points, and his popular-vote margin was 7.3 points, a tiny difference. In 2004, George W. Bush did outperform his polling average, but also by less than a point.

One popular explanation for 2016 and 2020 is the "shy Trump vote," the purported unwillingness of some respondents to admit their support for him. Although there are surely voters who fit that profile, I think the theory is formulated too narrowly.

For one thing, the 2020 misses weren't just about the presiden-

continued PAGE 21

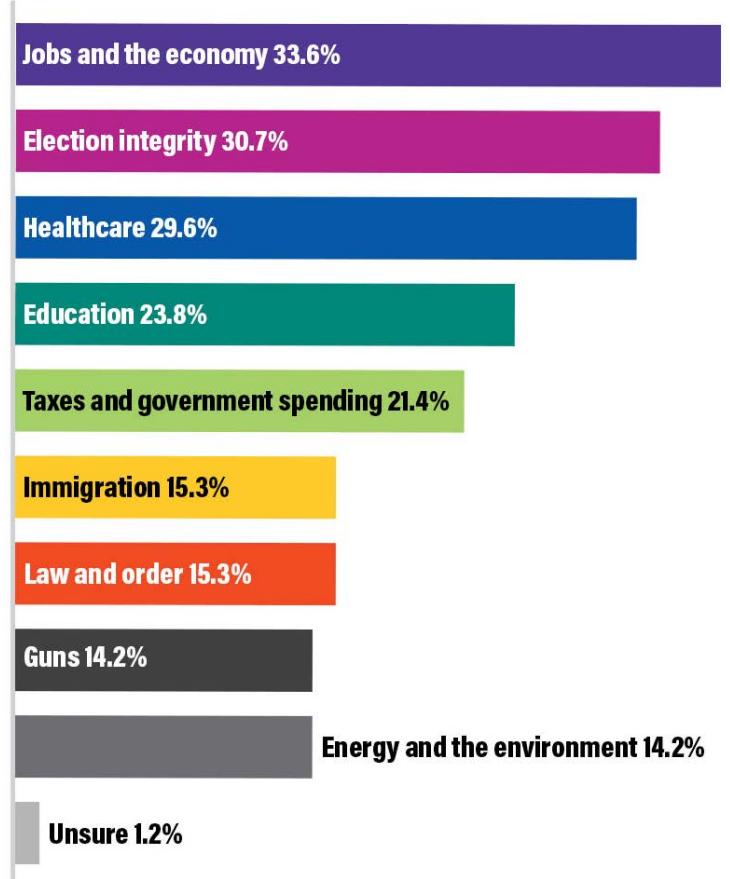
# CIVITAS POLL

PRESENTED BY locke

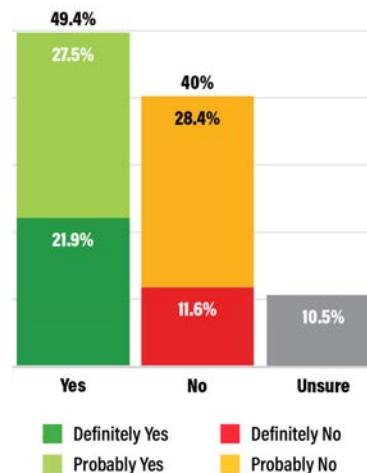
## Distrust brews as North Carolinians worry the 2022 elections won't be free and fair

Election integrity is critical issue to likely voters

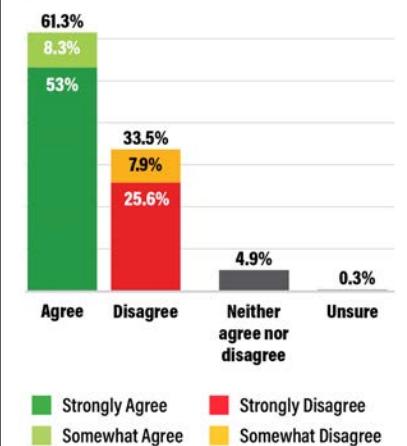
### Which TWO of the following public policy issues are the most important to you?



### Do you believe that next year's elections in North Carolina will be free and fair?



### Every person that votes in-person in North Carolina should present photo identification before voting. Do you agree or disagree?



Cygnal Polling, on behalf of John Locke Foundation, surveyed 600 likely general election voters from March 11-14, 2021 with a margin of error of ±4.0%.

# CAROLINA JOURNAL

## Moore County council members launch grass-roots movement against Cooper mandates

BY ANDREW DUNN

Two Moore County elected officials have launched a grass-roots movement against the ongoing COVID-related executive orders in North Carolina — including the mask mandate.

Lydia Boesch and Mitch Lancaster call their organization Freedom Matters NC, with the goal to encourage people to push back against Gov. Roy Cooper's orders and "reclaim the freedoms that have been curtailed since the onset of COVID-19," according to a vision statement they published in the *Southern Pines Pilot*.

Boesch serves on the Pinehurst Village Council, while Lancaster is a town council member for Southern Pines. Both are Republicans, but they describe the group as non-partisan.

The group mobilized publicly in March, distributing fliers to Moore County businesses encouraging

them to ignore the executive orders requiring masks and social distancing and to post notices that they're doing so. They also describe lockdown orders as unconstitutional.

"Each supporter of Freedom Matters NC is involved for different reasons," Boesch and Lancaster wrote. "Those reasons include a concern over children not in school, the drastic increase in youth loneliness and depression, the inability to see aging parents, the harmful impacts on small businesses, the fact that only one man (Roy Cooper) dictates these mandates, the increase in domestic violence, and more."

A week later, the group petitioned the Pinehurst Village Council, asking the board to declare the town a "sanctuary village" and suspend mask mandates, social-distancing requirements, and curfews. In an act of civil disobedience, the group members did not wear masks at the indoor meeting,

despite the mayor's requests that they do so.

Their efforts have stirred controversy in Moore County. The *Pilot's* editorial board wrote an op-ed decrying the movement and claiming they were spreading lies about the efficacy of masks. They also criticized some members of the group for using the word "uprising" in their communications.

The two council members pushed back in a letter to the editor.

"Frankly, we believe it's irresponsible to blindly follow a governor's edicts without question and without analysis of their harms," they wrote.

A new bill that would rewrite the state's Emergency Management Act advanced through a state House Judiciary committee this week. It now sits in the House Rules Committee.

*Andrew Dunn is a freelance writer for Carolina Journal.*



**EXECUTIVE MANSION.** A group, Freedom Matters NC, is encouraging people to push back against Gov. Roy Cooper's lockdown and mask orders.

CJ PHOTO BY MAYA REAGAN

### Public Affairs, Policy Issues & Perceptive Commentary

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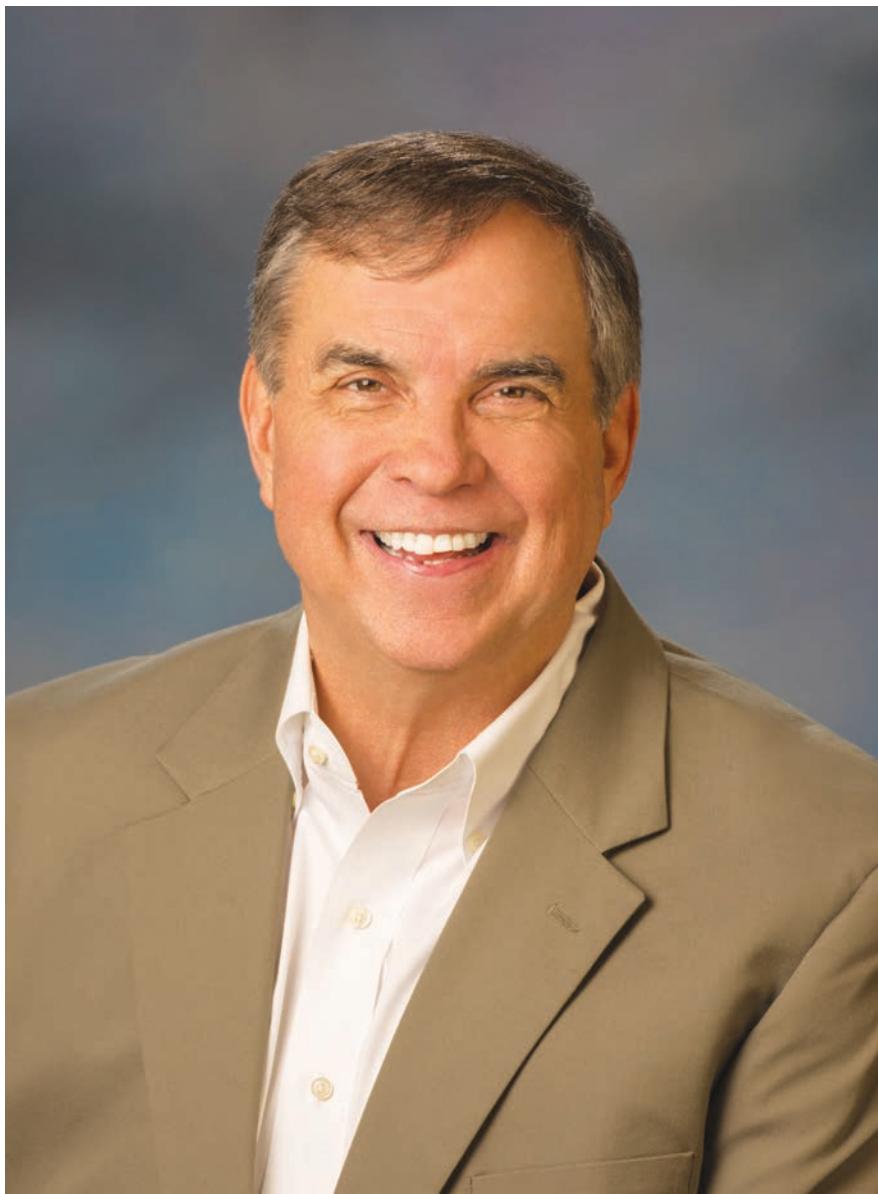
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# CAROLINA JOURNAL

## A large majority of likely voters would support right-to-work amendment, poll finds

BY JOHNNY KAMPIS

The vast majority of respondents to a new John Locke Foundation poll of likely 2022 general election voters in North Carolina support the state's right-to-work law and would support a right-to-work amendment to the N.C. Constitution.

The result comes as North Carolina celebrates 74 years with the law on the books. As of March 18, 1947, the law states:

"The right to live includes the right to work. The exercise of the right to work must be protected and maintained free from undue restraints and coercion. It is hereby declared to be the public policy of North Carolina that the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization or association."

North Carolina proved to be one of the trailblazers for right-to-work

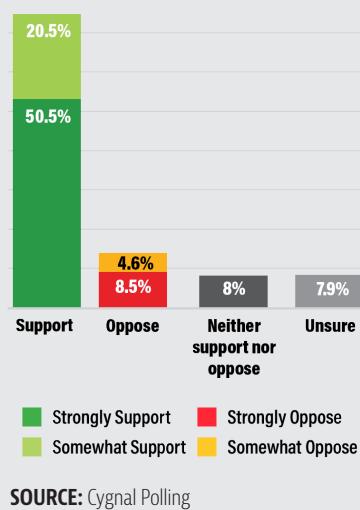
laws — while the majority of states have such codes now, the Tar Heel State was one of the first handful of states to implement the concept.

Public opinion and analytics firm Cygnal conducted a study of 600 voters on a number of issues, including right-to-work. Seventy-one percent of respondents say they support an amendment, while just 13% would oppose it. Slightly more than half said they strongly support a right-to-work amendment.

Right to work is set in state statute, but not in the N.C. Constitution, said Locke President Donald Bryson, who led a discussion on the poll with N.C. State University professor Andy Taylor on March 18.

A constitutional amendment, Bryson said, would be much more difficult to repeal, as compared to the law. Whether voters approve a constitutional amendment, though, would depend on how it's worded on the ballot, Taylor says.

### North Carolina Support for a Right to Work Amendment



"I do think there is a general skepticism when wording seems long and ... ambiguous," Taylor said.

Constitutional amendments typically pass, though people are skeptical about institutions generally, Taylor said.

And although the issue is often framed as a left-versus-right issue, slightly more Democrats were polled in Cygnal's survey than Republicans.

Despite more Democrats being polled and that party's control of the Oval Office, U.S. House, and U.S. Senate, the majority of respondents believe the country is headed in the wrong direction, as opposed to the right direction (51.6% versus 41.5%).

The choice of a Republican or Democrat candidate for the N.C. legislature was almost evenly split. If given the choice of either party in a race, with no other information about the candidates, 46% of those polled would choose the Republican, and 45.6% would choose the Democrat.

Given the choice between the two parties for a random congres-

sional candidate, 47.3% chose the Republican and 46.1% chose the Democrat.

Gov. Roy Cooper fared better than President Joe Biden — 47.5% approved of the job Biden is doing versus 49.2% approving the work of Cooper.

Typically, Taylor said, serving politicians have a low ceiling and a high floor, because of partisanship and polarization.

"Clearly you see this with Biden," said Taylor, referencing the proverbial absence of a honeymoon, as was the case with President Trump. Cooper benefits because he's the governor in the state in which the poll was taken, Taylor said.

"We might not really like him, but he's one of ours."

The poll, conducted via phone call, texts, and email, has a margin of error of plus-or-minus 4%.

Johnny Kampis is a freelance writer for Carolina Journal.

## Three-judge panel to hear Greenville bar's case against Emergency Management Act

BY CJ STAFF

A Greenville bar owner's lawsuit challenging the state Emergency Management Act is heading to a three-judge panel. The panel will decide whether the act is unconstitutional because of the power it grants to Gov. Roy Cooper.

Superior Court Judge James Gale issued a two-page order on March 26 to transfer the *Waldron v. Cooper* case from his court to the three-judge panel. Plaintiff Crystal Waldron co-owns Club 519 in Greenville.

"After over a year of unilateral executive micromanagement dictating the closing of businesses and the conditions of reopening, we look forward to judicial review of the governor's constitutional authority," said Jessica Thompson, the plaintiffs' attorney. Thompson works for the Pacific Legal Foundation. "We're grateful that Crystal Waldron and Club 519 will have the opportunity to present the constitutional deficiencies of the Emergency Management Act to the three-judge panel."

Gale also added the leaders of the N.C. House and Senate as de-



**CLUB 519.** A three-judge panel will take the case of a Greenville bar owner who argues that the Emergency Management Act is unconstitutional.

fendants in the case. That means House Speaker Tim Moore, R-Cleveland, and Senate leader Phil Berger, R-Rockingham, will have a chance to participate in the lawsuit moving forward.

"The sole claim in the Amended Complaint is a facial challenge as to the constitutionality of provisions of the North Carolina Emergency Management Act," Gale wrote. "The Motion to Dismiss likewise presents that sole issue. There is no oth-

er pending issue which can be addressed without resolving the facial constitutional issue."

A "facial" challenge means the lawsuit targets the constitutionality of a law itself, not just an unconstitutional application of the law to a plaintiff. In this case, that means Waldron challenges the Emergency Management Act, not just the way Cooper used the act to keep Waldron's bar closed for much of the past year.

State law dictates that all cases involving facial challenges must be heard by three-judge panels. State Supreme Court Chief Justice Paul Newby will oversee appointment of a panel to hear the case.

Waldron had not mentioned either Moore or Berger in her lawsuit. But the state's Rules of Civil Procedure mandate that both of them, "as agents of the State through the General Assembly, must be joined as defendants in any civil action challenging the validity of a North Carolina statute or provision of the State or federal law," Gale wrote.

Since the plaintiff had not sued legislative leaders, and they hadn't asked to intervene in the case, "the court addresses their absence ex mero motu," Gale wrote. That means Gale decided on his own to add Moore and Berger "as necessary parties."

Thompson signaled earlier in March that her client would shift the focus of the lawsuit to challenge the Emergency Management Act on its face.

The lawsuit filed before Christmas originally had focused on Cooper's executive orders shutting down Club 519's business opera-

tions. At the time of the suit, Cooper's orders had forced the Greenville bar and private bars across the state to remain closed for roughly nine months.

Court documents filed March 5 explained why Waldron was turning her attention away from Cooper's specific orders and challenging the Emergency Management Act instead. Cooper had used the EMA as the basis for his shutdown orders.

Waldron's amended lawsuit contends that the state Emergency Management Act violates the "non-delegation doctrine," which forbids the General Assembly from delegating its legislative powers to the governor or any agency.

"The biggest issue in this case has always been Gov. Cooper's illegitimate use of legislative powers during the pandemic," Thompson said. "Even though Club 519 can reopen, there's nothing to stop Gov. Cooper from once again shutting the business down. The governor is overstepping his constitutional role by making laws, something the state's constitution clearly leaves to the legislature. A year into the pandemic, it's now long past the time to return to a constitutional system of government."

# RULES AND REGULATIONS

## N.C. ABC renews contract with subject of 2018 audit, increases warehousing fees

BY JOHN TRUMP

The N.C. Alcoholic Beverage Control Commission voted unanimously in March to recommend that the state award a 10-year contract for warehouse services to LB&B Associates, the target of an audit in 2018 that has over previous years cost the state about \$13.5 million.

To fund the new contract, bailment — which pays for warehouse operations — will increase Aug. 1 to \$2.75 per case of liquor, up from \$1.50 per case.

“There is no change to markup or bailment surcharge, and the resulting impact to the per-bottle price for consumers for a typical bottle of liquor is expected to be 20 cents,” the ABC says in a statement.

The bailment charge is separate from the bailment surcharge, now at \$1.15.

The state ABC, according to its 2019 annual report, collected about \$1.2 billion in revenue, distributing some \$85 million to city and county governments. It collected another \$27 million in permitting fees, sending, in total, about \$350 million to the state’s General Fund.

Further, as bars and restaurants closed during the pandemic, sales at state-run ABC stores soared. From July 1, 2019, to June 30, 2020, sales at Wake County ABC stores increased some 11% and nearly 21% in Johnston County, for example. Sales throughout the state increased almost 12%, and restrictions on bars and restaurants have remained, in some form, since the end of that fiscal year.

North Carolina has scores of distilleries with products in state ABC stores.

That extra 20 cents, if producers do nothing, will automatically be added to the retail price, one N.C. distiller told *Carolina Journal*. That distiller just sent in a price increase, so it will look as though they’re raising prices twice in a short time. The prices will look odd, going, for instance, from \$23.95 to \$24.15.

“Why did they decide this year to increase that particular fee over 83%,” the distiller said.

The N.C. ABC is in charge of controlling state alcohol production, storage, sales, and distribution. North Carolina is one of 17 control states, meaning the government oversees wholesaling and/or retail operations regarding spirituous liquor. It’s the only state that uses a system of 171 local boards to regulate spirits.

The state posted its request for proposals for warehouse services in 2020. The commission had committed after the audit to rebid the contract. A five-member evaluation committee — industry leaders and experts who are not members of the ABC Commission — reviewed the bids, the ABC says in a news release.

The committee in December recommended the state negotiate the contract with LB&B. The contract becomes effective July 1.

“Our process has been thorough and transparent over the entire [request for proposal] process, which has spanned nearly three years at this point,” ABC spokesman Jeff Strickland told *Carolina Journal*. “We have confidence that the bid process for warehouse services has been fair and open to all. The evaluation and recommendation of the incumbent vendor’s bid was made by an outside evaluation committee and then referred to the commission staff for negotiation. LB&B’s bid response was thoroughly reviewed and found to be well-qualified. At its regular monthly meeting March 10, the commission approved the state to go forward with the award of the negotiated contract.”

The agreement, the ABC says, includes a requirement of nearly error-free and on-time deliveries as well as increased delivery frequency to the state’s 171 local ABC boards. “The new contract will involve a comprehensive computerized warehouse management and operations platform that will include backorder capability and increased visibility into real-time warehouse inventory that the local boards have indicated are service priorities.”

“The increase in costs reflected in the new contract,” says Strickland, “is reasonable, based on the substantial requirements of this new contract, including the enhanced delivery services and robust computer capabilities it will provide the ABC system.”

Bailment, Strickland said, is paid on a per-case basis, paid by the ABC boards but also factoring in to the retail price.

“The suppliers may opt to absorb the bailment costs or may pass the increase along to the consumer. For 12-bottle cases of .750 liter bottles, the increased bailment could add 20 cents to the price on the shelf. Cases with higher bottle counts would have smaller increases per bottle (5 cents). While cases that have six bottles in them, for example, would have a per-bottle increase of 40 cents.”

The ABC erred in its responsibility to follow state policies and state practices, State Auditor Beth Wood’s office said in the news release then. The ABC, the audit concluded, failed to administer the warehouse contract in the best interest of the state.

The General Assembly, at the time, Wood said, asked her for an audit of the state’s six largest agencies, including the Department of Public Safety, where ABC resides.

“My staff said, ‘When we looked at the ABC commission, there’s something not right there,’” Wood told *Carolina Journal* then. “They’ve got a contract that’s not been put out for bid since 2004, they can’t answer questions about how the contract’s being administered, this is not tied to a financial statement audit, but it’s info they’ve gleaned about that division of DPS.”

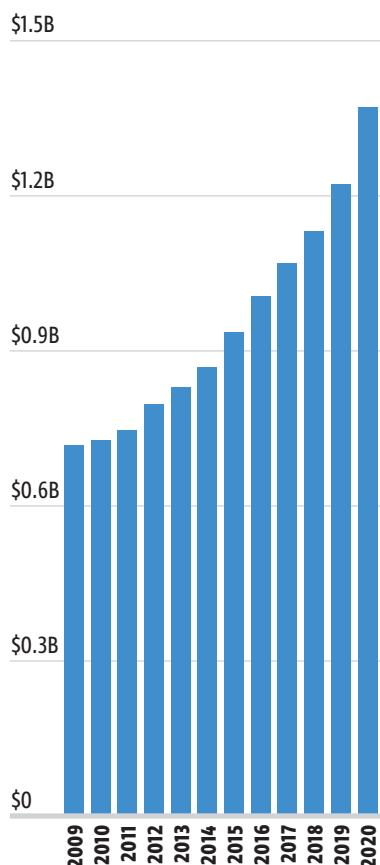
“In state fiscal year 2017, the contract cost for warehousing and distributing spirituous liquor was \$8.3 million. The total contract cost from July 2004 through June 2017 was \$77.7 million.” Auditors found the commission failed to “procure, administer, and monitor the LB&B

continued PAGE 11

**My staff said, ‘When we looked at the ABC commission, there’s something not right there.’**

- State Auditor Beth Wood

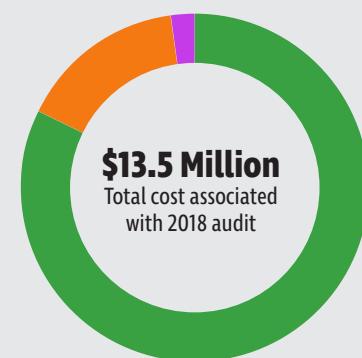
### N.C. ABC Commission - Total Revenue from Spirituous Liquor



SOURCE: N.C. Alcoholic Beverage Control Commission

### Costs Associated with Findings of N.C. ABC Commission Audit

Breakdown of the costs to N.C. taxpayers associated with the findings of a state audit of the N.C. ABC Commission.



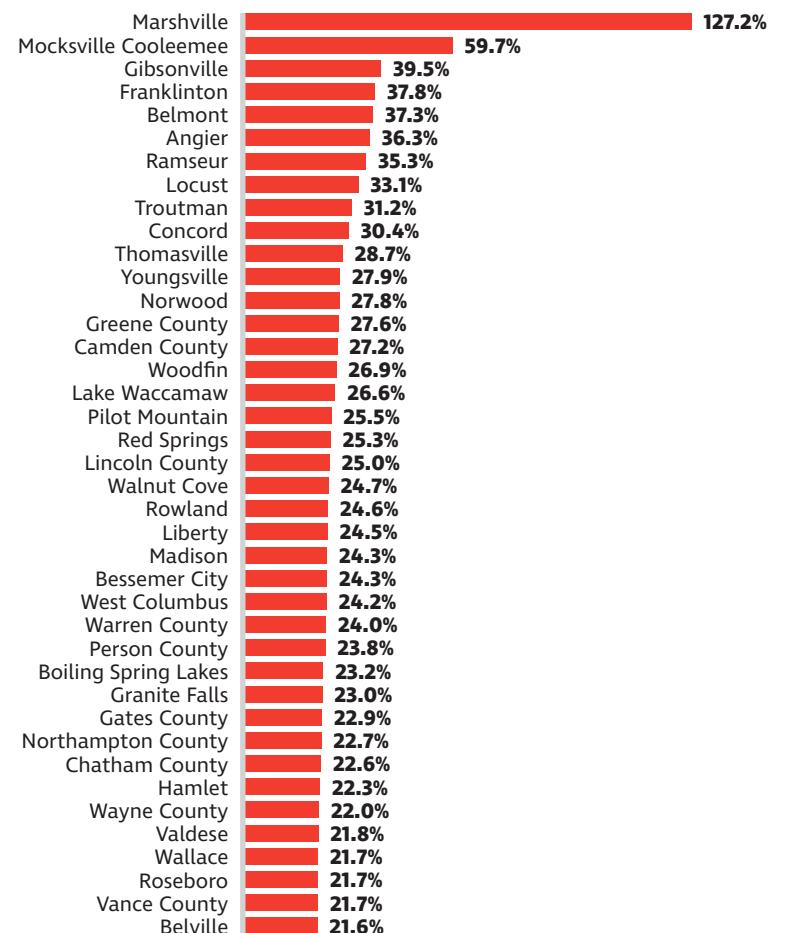
**\$11.3 MILLION**  
**POOR CONTRACT ADMINISTRATION**  
Total cost over 13 years

**\$2.1 MILLION**  
**UNUSED WAREHOUSE SPACE**  
Total cost over 7 years

**\$297,537**  
**LACK OF MONITORING**  
Total cost over 2 years

SOURCE: N.C. Office of the State Auditor

### N.C. ABC Commissions with Largest Increase in Sales 2019-2020



SOURCE: N.C. Alcoholic Beverage Control Commission

## THE WOODSHED

# A lost class ring shows power of the internet to warm the heart of strangers

BY DALLAS WOODHOUSE

It was a Friday at 11 a.m., and I had only had one Diet Coke. Anybody who knows or works with me will tell you I'm rarely seen without one. I was coming out of the grocery store stocked up on my favorite soft drink and a few other items. While I was returning my cart to a rack in the parking lot, something caught my eye. I picked up what turned out to be a class ring. A 60-year-old class ring from the University of Mississippi, more popularly known as Ole Miss.

I started to take the ring into the store, but I feared it would end up in a drawer. I decided I would try and find the owner.

The 1961 class ring had an insignia on the stone. I thought it might represent a fraternity or the Masons. I texted a photo of the ring to a couple of friends to see if they could identify it. One of those people included *Carolina Journal* Opinion Editor Ray Nothstine, an alumnus of Ole Miss.

Then I noticed the inside of the ring had three initials. They had faded over the years, as have my eyes, but my wife was able to make out "D.R.E."

I told Nothstine the initials, and he went to work. He was able to track down the 1961 Ole Miss yearbook online. He looked up the "E" names for the senior class and determined the ring probably belonged to Donald Ray Edwards. He's now 82 and originally from a town 15 miles from the Oxford, Mississippi, campus. Edwards was a member of the Alpha Tau Omega fraternity. We checked the online phone listings, and it appeared someone with that name had lived in Raleigh as of five years ago.

"Dallas was very motivated in making sure the ring was returned to its owner. I was glad to help," said Nothstine. "Being that he was an Ole Miss guy, I felt a connection."

Unfortunately, the number listed did not work.

So I searched online and found a contact at the Ole Miss Alumni Association. I asked for their help in tracking him down.

While I waited, I started think-

**I started to take the ring into the store, but I feared it would end up in a drawer.**



**THE OWNER OF THE RING.** Donald Ray Edwards (pictured at right with Dallas Woodhouse) moved to Raleigh in 2013 to be near his daughter when he needed help caring for his ailing wife, who suffers from Alzheimer's.

ing that, if Edwards has been living in North Carolina for several years, he probably was registered to vote.

I used the State Board of Elections voter search tool.

I found nine Donald Ray Edwards registered to vote in North Carolina, but only one in Raleigh. He lived only a couple of miles from my house and the grocery store. I decided to just drive over. As I headed out, I received a call. It was Mr. Edwards, and he lived at the address I was driving toward. He had already been contacted by the alumni group.

As I drove over, I reflected on the latest cancel-culture story I had just read. The new editor of *Teen*

*Vogue* was being forced out over decade-old tweets sent when she was not even an adult. Folks under the cloak of anonymity are using the internet to find snippets of bad judgment and mistakes from years ago.

Punishment is delivered online by strangers, and more and more strangers pile on until a job is lost and reputation ruined. Nuance and personal growth matter none. If someone can explain how this is making us a more caring, loving, and accepting society, I will listen.

But over the course of just a few hours, Nothstine and I were able to use the internet to do a little good for a stranger.

What I did not know is the good it would do for me.

Then I met Edwards. "Please come on in," he said to me as he answered the door.

"I just knew some nice person would find my ring. I just did not

know it would be you," said Edwards.

Edwards told me he had some recent heart problems and had lost a good bit of weight, so his ring no longer fit well.

He had lost it that morning and had looked inside the grocery store.

Edwards graduated from Ole Miss in the spring of 1961, along with his bride to be.

"I graduated on a Sunday. I got married the next Sunday. Four weeks later, I entered the Navy."

Edwards served six years as an officer in the Navy and another stint as a reservist.

After serving his county, he made a career as an electrical engineer. He and his wife raised three children. All three of them are graduates of Ole Miss.

Edwards beams with pride talking about his family, his university, his love of country, his sense of duty, and, most importantly, his deep faith in Christ.

He is deeply patriotic and a positive and uplifting person. I found out we share a love of politics. He knows my neighbor and worked to get their son admitted at the Ole Miss School of Pharmacy.

Edwards moved to Raleigh in 2013 to be near his daughter. He needed some help caring for his ailing wife. He remains positive and upbeat, despite challenging circumstances. For the past 19 years, he has been the primary caregiver for his wife, who suffers from Alzheimer's. But he does not complain, and you can see the love in his eyes, a love solidified on a campus in Oxford, Mississippi, 60 years ago, and symbolized in part by a class ring, lost and reunited with its owner and with the help of the internet.

"Thank you for returning something so special to me," Donald said as I departed. "And it was nice to meet you."

And Donald, I am lucky and inspired to have met you.

## CAROLINA JOURNAL

# Lt. governor announces task force on bias, indoctrination in public schools

BY CJ STAFF

Lt. Gov. Mark Robinson announced March 16 the creation of a task force dedicated to giving “students, parents, and school faculty a voice to speak out about cases of bias, inappropriate materials, or indoctrination they see or experience in public schools.”

The FACTS task force — standing for Fairness and Accountability in the Classroom for Teachers and Students — is an advisory board composed of education professionals, including teachers, administrators, and university professors. Robinson, a Republican, officially announced the task force at a Raleigh news conference.

“We want this task force to be a resource for parents and students who feel they are unable to tackle the issues they are facing in their schools,” Robinson said. “School is supposed to be a safe place to go to for the purpose of instruction.”

“The task force will seek to compile and assess legitimate reports from across the state, assist those who need help navigating the bureaucratic process surrounding education, and provide a platform to disseminate information regarding indoctrination in public schools,”



**FACTS.** Lt. Gov. Mark Robinson announcing the creation of the Fairness and Accountability in the Classroom for Teachers and Students task force.

Robinson added.

Terry Stoops, director of the Center for Effective Education at the John Locke Foundation, is an appointed member of the task force advisory board.

“I look forward to working with students and parents who find that their assigned public school creates an environment that is inhospitable to diverse perspectives,” Stoops said.



**We want this task force to be a resource for parents and students who feel they are unable to tackle the issues they are facing in their schools. School is supposed to be a safe place to go to for the purpose of instruction.**

- Lt. Gov. Mark Robinson

“Public school classrooms should be welcoming to all students, particularly when state standards require students to discuss difficult topics. When that does not occur, the FACTS task force is there to help. The task force is not designed to police schools. It has been established to advocate on behalf of families.”

At the news conference, Robinson underscored that the task force is not targeting public education itself.

“This is not an indictment on education,” he said. “The vast ma-

majority of our teachers in this state and nation are good. They go to work every day, work hard, and are there for the benefit of students and parents.”

N.C. Rep. David Willis, R-Union, joined Robinson at the news conference. He said he attended public schools in North Carolina from pre-school through community college and the university system.

“I don’t recall a point in time where I knew any of my teacher or professors’ political views or party affiliations. It wasn’t relevant to what we were there for,” Willis said. “We were there to learn to read and to write. I think we’ve strayed from that over the past couple of years.”

Robinson’s move comes just over a month after the N.C. State Board of Education approved a sweeping rewrite of the state’s social studies standards to teach nearly every aspect of American history through the lens of racism and discrimination.

Robinson was joined by other Republican members of the education board in criticizing the revisions.

“These standards are divisive, and there are still serious questions around them,” Robinson said at the time.



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*Jon Sanders is Research Editor and Senior Fellow in Regulatory Studies at the John Locke Foundation*

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# EDUCATION

## School closures take toll on students' mental health

BY DAVID BASS

Carteret County resident Christine Hanks never cared much for politics. She had never contacted a school board member, her legislator, or the governor on any issue.

But that changed in March 2020, when Gov. Roy Cooper issued an executive order shuttering public schools across the state due to the rising COVID-19 pandemic. A two-week break from in-person classroom instruction — a purported effort to “flatten the curve” — soon turned into months of all-virtual instruction for her 15-year-old son, Luke, at Croatan High School in Newport.

Christine had to sit at home and endure the challenge of watching Luke's mental health deteriorate, his academics decline. Even when Luke returned to a hybrid approach in August 2020, the on-again, off-again schedule didn't work for his learning style.

During this time, Luke attended school two days a week, in person, for partial days. The remaining three days were still virtual. But even on days when Luke was back in the classroom, he would just sit at his desk and complete the online assignments, the same as if he were back at home.

“He got so discouraged and felt so defeated that he just gave up,” Christine said. “Without that consistency and without being in the classroom those days, it's almost impossible to maintain any semblance of a normal school week.”

By mid-October, Christine realized that hybrid learning was not



**MOTHER AND SON.** Christine Hanks had to endure the challenge of watching her son's mental health deteriorate and his academics decline.

working. It was taking a toll on Luke's grades: Before he was an A or B student. Now, he had slipped to C's and D's.

“He was embarrassed and ashamed,” Christine said. “He's a 190-pound, 6'4” athlete, but he felt so defeated by this. It's been so hard for him not being able to play sports at school, not having that exercise and social time, the time to be with coaches who help these young men transition from boys into men. All of that has been taken away and erased.”

As Luke's grades slipped, he spent more and more time on his smartphone and Xbox gaming system. Christine fought with him day-in and day-out to complete assign-

ments, but she was reluctant to take away his technology because it was his only line of connection to the outside world.

“The only time I heard him laughing was when he was on his Xbox on his headset with some of his friends,” Christine said. “I would hear that laughter from upstairs, and my heart would swell, and I would know he was going to be OK.”

The good news is that Luke returned to school for in-person instruction four days a week beginning March 22. That move by the Carteret County Board of Education was made possible by a bill passed by the General Assembly and signed into law by Cooper in

Without that consistency and without being in the classroom those days, it's almost impossible to maintain any semblance of a normal school week.

- Christine Hanks

March that gave local school boards the authority to reopen classrooms.

But Christine says there still remains a yearlong period of lost academic and social progress for her son. It will take a focused effort to help him get back up to speed.

“We're an upper-middle-class family. We still have jobs. We haven't lost our health insurance or income. We're going to figure this out,” Christine said. “But if this has been hard on us, I can't even imagine what it's been like for families without resources.”

### Mental health risk

After 12 months of closed classrooms across the nation, it's now become clear that this step has had profound effects on young people's mental health. One study from the Centers for Disease Control and Prevention reported that emergency room visits for mental health reasons for children and teens jumped 24% and 31%, respectively, from April through October 2020.

Another review of the litera-

ture by U.K. researchers found that young people disconnected from school due to COVID-19 closures were as much as three times more likely to develop depression in the future, and the impact of that depression on their mental health could last up to nine years later.

There's also evidence that teen suicides have surged during the pandemic. For example, Las Vegas public schools decided to reopen for in-person learning early after seeing 18 teen suicides in nine months, doubling the rate during the entire year of 2019.

“Depriving our children of the opportunity to interact with peers and educators was a catastrophe that unfortunately ended in tragedy for children unable to manage social isolation and depression,” noted Terry Stoops, director of the Center for Effective Education at the John Locke Foundation.

“Unlike adults, children do not possess a store of coping mechanisms and strategies that they can deploy in the face of adversity. As a result, the pandemic took a toll on the social and emotional development of our children.”

Scholars Vladimir Kogan, an education policy expert, and Vinay Prasad, a physician and epidemiologist, have argued that the consequences of keeping schools closed are so significant that this course of action should be followed only in the most extreme cases.

“We believe schools must remain open unless the local health care system is facing collapse, due to capacity constraints. Short of

continued PAGE 11

## North Carolina school closure timeline

### MARCH 14, 2020

Gov. Roy Cooper, a Democrat, issues an executive order closing all public schools across the state for two weeks.

### APRIL 24, 2020

Cooper announces that schools must remain closed for the remainder of the 2019-20 academic year.

### AUG. 17, 2020

Schools can reopen based on state guidelines, meaning most districts are operating on a hybrid model.

### FEB. 26, 2021

After waiting nine days with the bill on his desk, Cooper vetoes S.B. 37 under the rationale that it endangers public health. Republican lawmakers counter that Cooper vetoed the bill because he is beholden to the N.C. Association of Educators.

### MARCH 11, 2021

Legislators and Cooper come to an agreement on Senate Bill 220, a school reopening plan that returns most decision-making authority on reopening to local school boards. Many school districts begin to reopen their classrooms as a result. The NCAE calls the agreement “deeply disturbing” and doubles down on its opposition to in-person instruction.

### MARCH 23, 2020

Cooper extends the two-week closure to May 15.

### JULY 14, 2020

Cooper releases the state's school reopening plan, a combination of online and in-person instruction.

### FEB. 9 AND 11, 2021

The General Assembly passes Senate Bill 37, which requires school districts to give the option of full-time, in-person instruction to families.

### MARCH 3, 2021

In a tweet, NCAE President Tamika Kelly calls learning losses from classroom closures “a false construct” and even goes so far as to put “learning losses” in quotation marks.

## EDUCATION

# School closures have led to learning losses

Some students might not recover for years

BY DAVID BASS

Epidemiologists and infectious disease experts have consistently maintained that the risk of spread of the COVID-19 virus among young children is low. But that hasn't stopped policymakers like N.C. Gov. Roy Cooper from — for most of the past year — keeping in-person instruction closed for all K-12 students. Many families have suffered as a result.

Rachel and Troy Ackerman of Raleigh are one such family. Their 4-year-old son, Aiden, is on the autism spectrum and has a sensory processing disorder.

The Ackermans knew the importance of early intervention for children like Aiden. Getting him the therapies and treatment he needs is crucial. Their first meeting with Wake County to begin the process of getting Aiden an Individualized Education Plan went well, but then everything shut down because of Cooper's executive order in March 2020.

It was a lull of six months, when Aiden wasn't getting the in-person services he needed. Instead, his occupational therapy and speech therapy sessions were virtual.

"Virtual of anything with Aiden doesn't work," Rachel said. "It was pointless doing it that way. We've done the best we can at home, but it's been a rollercoaster of emotions."

"What does virtual school look like for Aiden? It's basically chasing him around," said Troy. "It's a lot of going from room to room with him. Trying to keep him engaged and his attention focused."

Rachel said this virtual-only format was "devastating" for them since Aiden struggles the most with social interactions. "He needs the physical space to thrive and just learn what you're trying to teach him," she said. "I knew



**VIRTUAL-ONLY FORMAT WAS "DEVASTATING."** Rachel and Troy Ackerman of Raleigh with their 4-year-old son, Aiden. Aiden is on the autism spectrum and has a sensory processing disorder. Families like the Ackermans have suffered as a result Gov. Roy Cooper's closing of K-12 schools.

that if he had that consistency of a classroom, of being around a teacher and the same kids, that would be the best thing for him."

When September arrived, the Ackermans were finally able to schedule more evaluations for Aiden on the path to getting his IEP. It was through these evaluations that Wake County Public Schools determined he qualified for half-day pre-school, but again it was to be exclusively virtual.

Thankfully, the virtual-only environment lasted only about six weeks. By late October, Aiden was back in the classroom and thriving. He was participating in groups, at recess, and at center time. Then the holiday season hit, COVID-19 infections spiked, and Wake County shut-

tered all schools again. "It's been a rollercoaster of emotions," Rachel said. "I remember breaking down and crying when I

read the email that things were on hold until further notice from Wake County. I had friends constantly remind me that God has a plan, and He is not surprised by this. To have faith and trust."

## Learning losses

Academic losses for students like Aiden could be felt for years into the future. But that is the case for many students across the state and the country. A recent report by McKinsey & Co. found that minority students stand to lose as much as 12 to 16 months of learning in mathematics — compared to five to nine months for white students — if classrooms didn't reopen soon.

Here, the results of end-of-grade student test scores are already showing potential impacts from pandemic-related school closures. According to recent data from the N.C. Department of Public Instruction, a majority of students failed end-of-grade tests in fall 2020.

Yet some still argue that learning losses are fictitious. In a tweet, N.C. Association of Educators president Tamika Kelly called learning loss "a false construct" and went so far as to place "learning loss" in quotes, questioning its veracity.

The NCAE is the state affiliate of the left-wing teacher's union the National Association of Educators.

"Despite claims to the contrary, learning loss is real. Our most vulnerable student populations were less likely to receive high-quality instruction during the pandemic," said Terry Stoops, director of the Center for Effective Education at the John Locke Foundation. "As a result, their academic progress slowed, and they are less prepared for the next grade or subject."

"As a parent with two teenagers in public schools of choice, I had a front-row seat to the struggles of young adults trying to maintain academic progress in a remote learning environment," Stoops added. "Schools should be commended for trying to make the best out of a bad situation. Cooper should be chastised for single-handedly impeding the opening of schools despite a scientific consensus that doing so was safe."

## Remedies for academic declines

The most obvious solution to these problems is to reopen schools, but Stoops pointed out that a key part of the puzzle will be education-

## BY THE NUMBERS

# 381,000

**North Carolina students enrolled in school choice**, 150,000 in home-schools, 127,000 in public charters, and 104,000 in private schools.

al remediation combined with expanded school choice.

"As a state, we will need to invest in remediation programs focused on providing intensive tutoring in math and, to a lesser extent, reading," he said. "I believe that an Education Savings Account, or ESA, program would be the ideal vehicle for allowing parents to choose the public, private, or nonprofit tutoring provider that best meets the needs of their children."

While public schools remained closed across the state, many private schools opened to families with proper mitigation and safety measures in place. Official numbers have yet to be released, but many anticipate a jump in enrollment in schools of choice both during and after the pandemic. So far, around 381,000 students are enrolled in schools of choice, including 150,000 in home-schools, 127,000 in public charters, and 104,000 in private schools.

# EDUCATION

## Remote-only learning has been tough for students. For those with special needs, it's been disastrous

BY DAVID BASS

**G**len and Emily Stephens experienced the tragedy of a lifetime in 2012 when their 6-year-old son, Gabriel, died of complications from the flu. Gabriel had suffered from the physiological and neurological disorder Aicardi-Goutières Syndrome for years.

But when one door closed, another soon opened: Glen and Emily applied to be foster parents with the eventual goal of adoption. That's when they met John, a 2-year-old boy removed from the home of his birth mother after being rushed to the emergency room with a hemorrhaged retina and active hydrocephalus.

John was later diagnosed with a traumatic brain injury, epilepsy, and ADHD combined type with impulsivity. But now with the Stephens, John found himself in a safe, loving, and nurturing home.

Even with his challenges, John got the help he needed in kindergarten and first grade in a charter school and later enrolled in Charlotte-Mecklenburg Schools. In fact, for the 2019-20 school year in CMS, he made significant strides overcoming his special-needs challenges.

"During the first semester of that year, John earned nine Golden Paw Recognition Awards at Endhaven Elementary School," Glen said proudly.

That positive progress came to a halt in March 2020, when Democratic Gov. Roy Cooper issued an executive order closing all N.C. public schools due to the COVID-19 pandemic. Instruction, even for students with special needs like John, went exclusively online.

"Almost from the moment of the first Zoom call — when John saw his beloved teacher on the screen and he realized he couldn't touch her or interact personally — he just didn't want to do it," Glen said. "His reactions would range from withdrawal to violent meltdowns. We communicated to CMS multiple times about this. The best answer we got was, 'We're doing the best we can.'"

Once an involved student excited about school, John was now detached. "He was happy when the school year came to an end — happy he wouldn't have to get on the screen again," Glen said.

John's struggles continued as school started again in fall 2020, also remote-only. By November, a glimmer of hope emerged when Glen and Emily were finally able to get their son approved for two days a week of in-person learning, and by December they made the jump



**RETURNING TO SCHOOL.** Glen and Emily Stephens with their son, John. John is a special-needs student in the Charlotte-Mecklenburg school system whose story is one of many across our state.



**DISASTROUS EFFECTS OF THE SHUTDOWN.** Once an involved student excited about school, John became detached. When he saw his teacher on the screen and realized he couldn't touch her or interact, he didn't want to do it.

to four days a week. But that again came to a crashing halt when the CMS Board of Education closed all schools again in late December.

"My emotions were a mixture of frustration and remorse," Glen said. "You're remorseful because you're watching your beloved child regress and revert back to some of the early days of his ADHD. You're frustrated because you can read a chart as

well as everyone else. You realize they're locking out the wrong people — the young kids — rather than taking care of the other end of the age spectrum."

### Special challenges

The Stephens' story is just one of many from across the state showing the tangible effects of shuttered

classrooms, especially on the social and academic development of students with special needs.

There are 7 million students with special needs across the United States, accounting for 14% of the national public school student enrollment, according to the Pew Research Center. Researchers have yet to account fully for the academic, social, and developmental declines



**John is elated at the prospect of seeing friends in person who he hasn't seen in a year. He is loving the idea of spending more time with his beloved educators.**

- Glen Stephens

due to COVID-related school closures for this population.

Parents of students with special needs have begged Cooper and lawmakers in the General Assembly to allow a return to in-person instruction. Their pleas were finally heard when the governor and members of the legislature agreed on a school reopening plan on March 11.

Crucially for families with students enrolled in special education, the new law mandates that all public school districts must be open for full-time, in-classroom instruction for any student with identified special needs through an Individualized Learning Plan or a 504 plan. For regular students, the law only specifies that same benchmark for elementary school students and leaves the decision in the hands of local school boards for middle- and high-school students.

### New hope for John

For Glen, that return to five days a week of instruction for his son is a huge relief. For the first time in a year, John set foot back in the classroom for five days a week of instruction on March 22.

"John is elated at the prospect of seeing friends in person who he hasn't seen in a year," Glen said. "He is loving the idea of spending more time with his beloved educators."

Even though families of special-needs students are thrilled, the return to in-person instruction doesn't erase an entire year of learning loss and social stratification.

Some lawmakers also understand this reality. During debate on the N.C. House floor on the school reopening bill, Rep. John Torbett, R-Gaston, emphasized that the bill might be too little, too late to help some students, with summer school and remediation work needed.

"For many kids, coming back at the end of this year will not be enough. We just commit to helping them get caught up."

CI PHOTO BY MAYA REAGAN

CI PHOTO BY MAYA REAGAN

# CAROLINA JOURNAL

## *N.C. ABC renews contract with subject of 2018 audit*

continued from PAGE 5

contract for the warehousing and distribution of spirituous liquor in accordance with state policies and best practices.”

Lack of accountability for contractors is highly concerning, Wood told *CJ* at the time.

LB&B was given pay increases upon demand without documentation or proof, Wood said.

In some cases LB&B misled the state about fuel cost increases, asking the ABC for money it didn't really need, she said.

“Whatever they asked for, they got. Without any question, without any verification, without any consultation or proof or justification.

“And in some cases what they said was their reasoning was not true. In 2008 they asked for an increase the next year, and said it was due to price increases for their fu-



**NC AUDITOR BETH WOOD:** “The power of this vendor and this contractor was just amazing to me, that they had this much power and the commission didn't validate or verify anything.”

el,” Wood said. “When we examined their fuel cost, it actually went down. Same thing in 2016. When we examined it, it had gone down.

“The power of this vendor and this contractor was just amazing to me, that they had this much power and the commission didn't validate or verify anything.”

A 200,000-square-foot warehouse added in 2011 is largely unused, auditors found.

ABC “failed to ensure prudent use of public funds when it authorized the lease of a Clayton warehouse. A large amount of the warehouse space was unused and potentially resulted in \$300,000 a year of unnecessary cost over seven years. The Commission did not verify its need for a warehouse of this size, although state policy and best practices required the Commission to perform its responsibilities pru-

dently and economically,” the audit said.

“Adding this warehouse to the Alcoholic Beverage Control Commission Warehouse contract doubled the amount of warehouse space available and has increased the cost of the contract by approximately \$2.54 million a year on average.

“The audit process began over a year ago, so the discussion and tighter controls have been under way for some time,” she said after the 2018 audit.

In his response to the audit report, ABC chairman A.D. Zander Guy said he had been appointed only the prior year and “the majority, if not all of your review period, was before my tenure as chair.”

Guy said then that he took the audit seriously and would implement changes accordingly.

Strickland said the commission accepted the auditor's findings and put immediate corrective measures in place to address the points raised in the report, which focused on contract administration issues.

“None of the state auditor's findings related to the warehouse or delivery service performance of the vendor or would have disqualified LB&B from responding to the RFP. We believe the newly negotiated contract with this vendor is appropriate and in the interests of the state and the ABC system.”

## *School closures take toll on students' mental health*

continued from PAGE 8

such a scenario, the trade-offs favor doing everything possible to keep schools open,” they wrote in a recent op-ed.

“In many parts of the country that kept schools closed this fall, reports of suspected child abuse plummeted, suggesting that thousands of cases are going unreported, and children isolated with abusers,” they added. “New evidence from Japan also shows that school closures have caused young children to gain significant weight, and some U.S. cities are seeing a disturbing surge in juvenile gun violence.”

On that last point, cities in North Carolina and across the country have witnessed spiking gun violence during the pandemic. In Durham, for example, a total of 318 people were shot in 2020, compared to 189 people in 2019, a 68% surge. Mostly young people were responsible for the violence.

### Parent turned advocate

For Christine's part, she said that the school-closing debacle has opened her eyes to the need to be involved and invested in the education system at an advocacy level. Christine has worked with local Carteret County school officials to lobby the governor and lawmakers in Raleigh to reopen schools, including through Senate Bill 37, a measure that was ultimately vetoed by Cooper in February before he came to an agreement with Republican lawmakers on a new reopening plan.

Later, Christine came to Raleigh to voice her support for a new local bill that would have opened Carteret County schools and wasn't subject to a gubernatorial veto. She shared her story of how Luke has suffered in a hybrid-schooling approach in front of the House K-12 Education Committee.

“I've volunteered hundreds of hours in various school systems,” Christine said. “I've run the PTA and headed up fundraisers and booster clubs. But I've never gotten involved and understood the behind-the-scenes stuff like I have recently. Now I'm at a place where I want to use that advocacy. Now that my eyes have been opened, I can't close them.”



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## INTERVIEW

## Bar challenges Emergency Management Act as unconstitutional

Q &amp; A



**Jessica Thompson**  
Pacific Legal Foundation

A Greenville bar owner is challenging the state law that has given Gov. Roy Cooper power to shut down and reopen major segments of the N.C. economy for over one year. After initially filing a lawsuit against Cooper just before Christmas, bar owner Crystal Waldron recently shifted her legal strategy. Her attorney, **Jessica Thompson** of the Pacific Legal Foundation, discussed the latest developments in the *Waldron v. Cooper* case during an interview with Mitch Kokai for *CarolinaJournal.com*.

**MK:** First of all, remind us what was the original purpose of this case that we call *Waldron v. Cooper*.

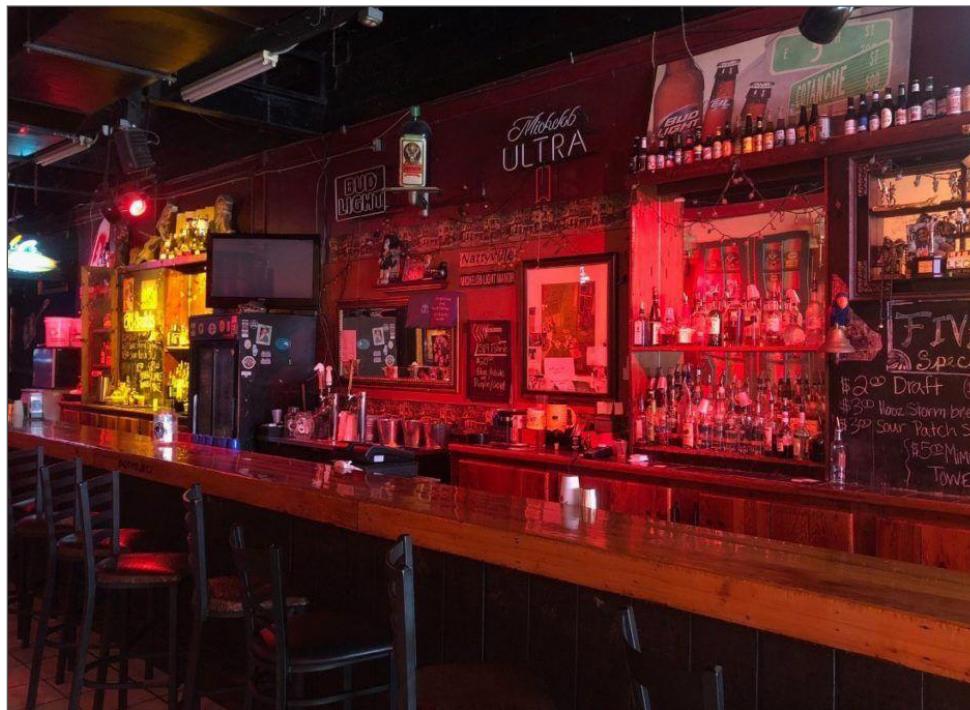
**JT:** Crystal Waldron is a co-owner of Club 519, a private bar in Greenville, North Carolina. A private bar is just a bar that serves beer and alcohol like any other bar, but they don't serve food. So they were forced closed by Gov. Cooper's orders for almost 11 months while bars across the state inside of restaurants, breweries, wineries, distilleries — even bottle shops — they were all allowed to open. So we were suing to allow them to open under the same health and safety precautions and to ensure equal protection of the laws under the North Carolina Constitution.

**MK:** And you actually had a chance to take the case before a Superior Court judge and argue against the attorneys for Gov. Cooper. What was your sense of what Judge [James] Gale in this case was thinking about your suit?

**JT:** The [governor's] attorneys really advanced a novel excuse for treating the private bars differently than all the other bars that were open across the state. They advanced economic favoritism. They said that private bars don't commit as much money to the state [gross domestic product], that the state hasn't invested resources to attract bars to the state in the same way that they've invested resources to attract breweries and wineries.

The judge wasn't satisfied with that evidence. He was looking for a public-health-based reason to distinguish between these bars, and the governor's counsel could not offer any.

**MK:** In fact, I was listening to this hearing. I remember at one point Judge James Gale was



**CLUB 519.** A Greenville bar is challenging the law that gave Gov. Roy Cooper the ability to shut down and reopen major segments of the N.C. economy for over one year.

talking to the attorney representing the governor and saying: I'm begging you — Give me some evidence that distinguishes these private bars from the other bars that have been allowed to reopen. I didn't get the sense that he ever got the evidence he was looking for.

**JT:** That's right. I think that's because they can't provide any evidence that distinguishes between these two bars because they're similarly situated businesses. Under the North Carolina Constitution, you must treat similarly situated businesses the same.

**MK:** Since that hearing, though, there have been changes. Gov. Roy Cooper's latest executive order has allowed private bars to reopen to some extent [at no more than 30% capacity]. So now you have changed your suit, I guess, under an order — or suggestion — from Judge Gale that you amend your complaint. What's new about the case?

**JT:** We are focusing on the governor's authority to issue these executive orders because the arbitrary treatment of bars is still continuing. They are still open at a different capacity level than the [other] bars across the state. And, in fact, the governor could make the decision tomorrow to completely close private bars again.

We are challenging his authority to issue such executive orders by going directly to the Emergency Management Act and challenging whether or not it violates the state's separation-of-powers clause.

**MK:** I'm in danger of showing that I'm not a lawyer when I talk about this. But from what I understand, one of the differences now is that when you challenge the constitutionality of a law, sometimes it can be as it's applied to a particular plaintiff, which is what you were really working on first in this case. Other times, it's what's called a "facial challenge," that the law is unconstitutional on

its face. In that case, you have a different setting. You have to go before a three-judge panel. This is what you're doing now, right? You're asking that this case go before a three-judge panel.

**JT:** That's right. We've asked Judge Gale to ask the chief justice of the North Carolina Supreme Court to appoint three judges that will hear this case. We are challenging whether or not the Emergency Management Act delegates too much legislative power to the governor. In doing so, it takes away the constitutional authority granted to the General Assembly, the people's representatives, to decide policy for the state of North Carolina.

**MK:** Back in your original complaint, and I assume this is true in your amended complaint, you talked about the fact that at the beginning of this pandemic — when people didn't really know what was happening — the governor steps in, has his executive orders. But now — a year later, basically

— the General Assembly has had plenty of time to step in and play the typical legislative role. The governor, through these executive orders, doesn't allow the legislature to do its job.

**JT:** That's right. As the state of emergency — this health pandemic — has continued, and the governor has continued to issue executive orders, we start to see what broad power the statute has given him because there's no temporal limitation.

He could continue to issue restrictions on when businesses may open, close, ... and under what circumstances they may reopen. He could continue to do that in perpetuity — forever. That's not what the North Carolina Constitution set out for North Carolinians.

**MK:** The original complaint on behalf of Crystal Waldron and Club 519 was: Let us reopen under the same circumstances as every other bar that's already reopened. Does your new complaint have that same goal? It sounds as if there's also this larger goal: We have to strike down this Emergency Management Act or at least change it so that it meets the constitutional requirements.

**JT:** That's right. It really focuses more on: Does the governor actually have the authority to dictate a year — well over a year — into this pandemic how businesses should operate, where people can travel. If we think back to the beginning of the pandemic, he determined what businesses were essential and nonessential. That included elective surgery. So this is just incredibly broad power over North Carolinians' lives. We want a court to determine if that is, in fact, constitutional.

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## COMMENTARY

# Some pandemic responses make government better; others make no sense



**LEAH BYERS**

GOVERNMENT AFFAIRS ASSOCIATE  
JOHN LOCKE FOUNDATION

Many elements of the pandemic response, from both the government and the private sector, don't make a lot of sense.

In North Carolina, the governor forced private bars to remain closed for months while breweries and restaurants with bars were able to open. The governor's executive orders restricted access to sporting events, even those that took place outside where social distancing would be possible.

In the business world, some stores have closed certain building entrances, funneling their whole clientele into one door and thus potentially increasing their exposure to one another.

The list of nonsensical responses could go on and on.

Other pandemic response measures have left many wonder-

ing, "Why weren't we doing this all along?" Prime examples from the private sector include wiping down grocery carts between each user or increasing the availability of order-ahead curbside pickup.

Some of these innovations will likely make our lives easier or more hygienic long after the pandemic is over.

In some ways, state government has become more transparent and accessible as a result of pandemic response mechanisms. Many meetings of legislative or executive bodies are now broadcast via Zoom for anyone to view.

In the General Assembly, the legislative session, as well as most committee meetings, had been broadcast via audio well before the pandemic. But the increased usage of video broadcast makes the meetings more accessible. Legislators also seem to be using more remote public comment and testimony from experts. This opens the door for more citizen participation in the legislative process.

In addition, one House committee is doing a test run of a legislative "dashboard," an online platform allowing committee members and the public to view bills, amendments, and proposed



**WHY WEREN'T WE DOING THIS ALL ALONG?** Some responses, such as wiping down grocery carts between uses, are examples of innovations that will make our lives much more hygienic long after the pandemic is over.

committee substitute bills in real time during the committee meeting. If and when this dashboard is implemented for all legislative committees, it will be a huge win for government transparency.

In some ways, however, pandemic response has lessened government transparency. A perfect example is the method in which Gov. Roy Cooper has conducted his press conferences over the past

year. No press members have been allowed to join the governor in person for these events. Instead, they must call in to a controlled line. This allows the governor's team to pick and choose which outlets get to ask questions of the governor. Any news outlet the team perceives as unfriendly can and has been completely shut out from the discussion. This has undoubtedly influenced the outlets that

do get questions to tread lightly, as any aggressive questioning of the governor's approach could get them disqualified from questions in the future.

This type of controlled media exposure is great for Cooper's public image, but it's unfortunate for government transparency and accountability.

The pandemic has also allowed the governor to push the boundaries of his authority under the Emergency Management Act. For more than a year, one individual has been able to make decisions for the whole state about business and school closures and openings. This flies in the face of our system's reliance on checks and balances. Regardless of which party controls the governor's mansion, the legislature should have a voice in long-term policy responses to ongoing public health situations, such as a pandemic.

The widespread availability of the COVID-19 vaccine may mean that a return to normal is on the horizon. But in government and many other areas of life, some things may be permanently altered as result of the pandemic. Let's hope we keep only the changes that actually make sense.

## GOT AN OPINION?

Carolina Journal is accepting letters to the editor and guest opinions (op-eds)\* on issues related to North Carolina. We cover the state from a limited-government and free-market perspective but will consider varying viewpoints, depending on relevance and quality. A good guideline for letters is 200-500 words and 550-800 words for op-eds. A letter to the editor is comment or disagreement with a published CJ piece; an op-ed is a guest opinion argument.

**Please email any submissions to opinion editor  
Ray Nothstine (rnothstine@lockehq.org)**

\*We retain the right to edit or to not publish any submitted letters or op-eds.



**CAROLINA  
JOURNAL**

# OPINION

## College athletes deserve fair treatment, compensation



**RAY NOTHSTINE**  
OPINION EDITOR

Fairness is a word that's often thrown around in the political realm with little meaning. Many demand equity or fairness today without looking at the unintended consequences or even engaging in rational economic thought. Yet, something N.C. lawmakers can do right now is free student athletes from an NCAA monopoly that has to be one of the biggest hypocritical machines in modern history. State lawmakers should support Senate Bill 324, which allows for college athletes in the state to receive compensation for their name, image, and likeness.

It's something advocates of free markets can easily support, and it has passed with bipartisan support in six states. Over a dozen states now have pending legislation to help level a multibillion-dollar industry.

Big-time universities are making billions off TV contracts for athletes in exchange for free tuition, room, and board. Last year, the Southeastern Conference signed a new \$3 billion deal with ESPN/ABC for football coverage. The NCAA governing body pockets over \$1 billion from the



**FAIR OR NOT?** The NCAA wants to continue to promote amateurism and "the purity of the game" yet continues to rake in billions for itself.

March Madness tournament. Taylor Branch, a notable civil rights historian and UNC-Chapel Hill alumnus, has called the NCAA a cartel, pointing out it's an organization zealously defending its "bogus principles."

Even the NCAA realizes the gig may finally be up and is proposing its own name, image, and likeness reforms to the system it controls. In an interview with *Carolina Journal*, state Sen. Wiley Nickel, D-Wake, says of the legislation:

"If the NCAA doesn't act, then we are at a competitive advantage here in North Carolina." Predictably, many expect the NCAA to continue dragging its feet on a long-overdue decision.

Nickel, one of the main sponsors of the bill, pointed out, too, that college sports fans would be wise to support the legislation if they want top athletic recruits to continue coming to North Carolina. Nickel is right. Athletes are now paying more attention to

**N.C. lawmakers should support Senate Bill 324, which allows for college athletes in the state to receive compensation for their name, image, and likeness.**

their leverage, as #NotNCAAProperty is now a popular social media hashtag.

"The NCAA owns my name image and likeness. Someone on music scholarship can profit from an album. Someone on academic scholarship can have a tutor service. For people who say 'an athletic scholarship is enough.' Anything less than equal rights is not enough. 'I am #NotNCAAProperty,'" tweeted Geo Baker, a basketball player at Rutgers University.

Baker makes a solid point. If a student is a world-class computer programmer on scholarship at a university, why should he or she be allowed to profit from their work but not a student athlete? Over 98% of college football and basketball athletes will play no professional sports. It should raise eyebrows that the NCAA can continue blocking athletes from receiving compensation in a manner open to other students in

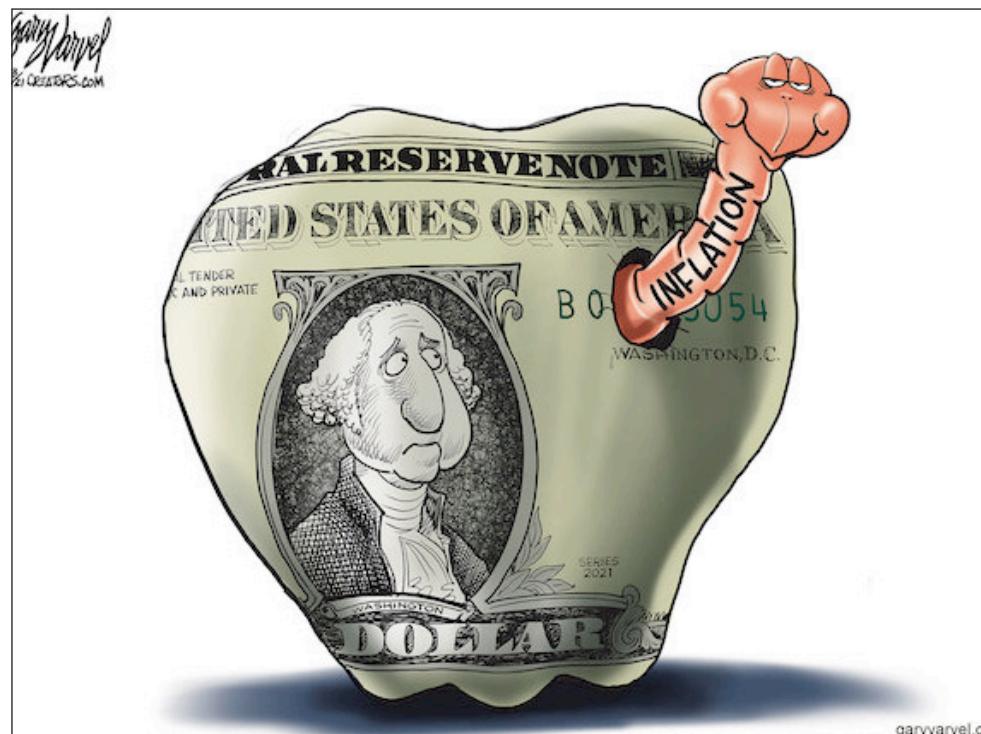
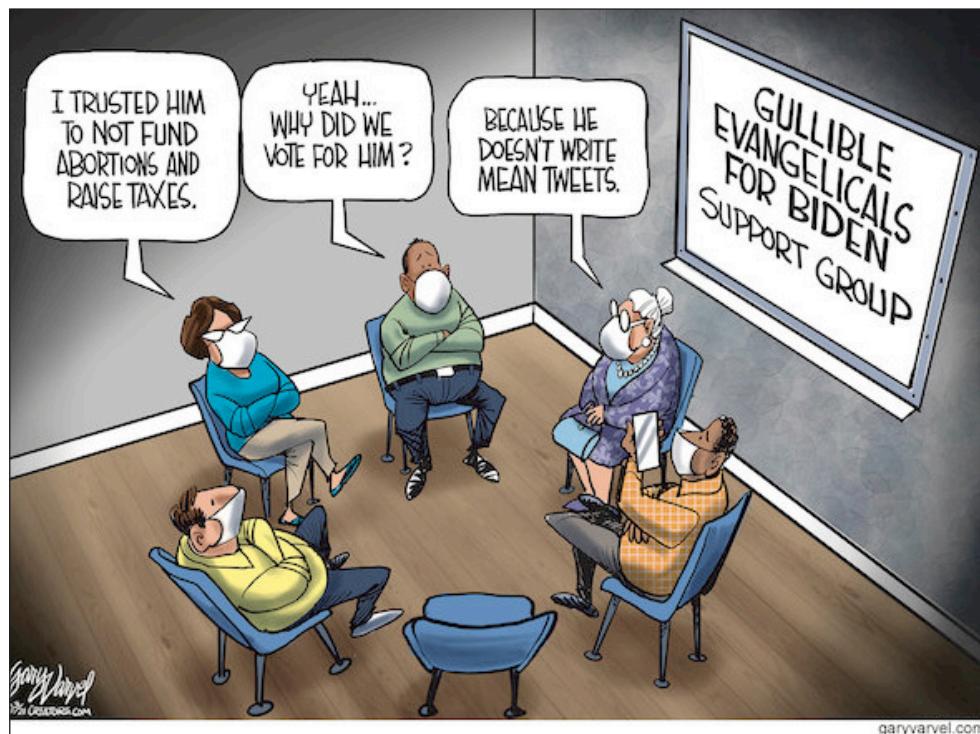
a free market. Particularly when it may be the top years of earning potential for some of these athletes.

Furthermore, most fans know that many top athletes are paid under the table by boosters. A name, image, and likeness deal will put money out in the open, potentially creating more equitable competition. College football isn't very fun when only a half-dozen teams have a realistic chance at the national title.

We aren't talking about schools paying athletes directly, but if a car dealership in Durham wants to pay a basketball player \$10,000 for endorsing his vehicles, why should that be prohibited? The athlete is paid for his services and then has to report a legitimate source of income like the rest of America.

"As much as we want to believe the NCAA will operate in a timely manner, that's not their track record," said former Congressman Mark Walker in an interview with Spectrum News in April 2020. Walker, a conservative Republican who already has announced a run for a U.S. Senate seat in North Carolina, reveals how bipartisan this issue should be for legislators. Still, the best case for allowing athletes to profit from their name, image, and likeness is the NCAA itself. It wants to continue to promote amateurism and "the purity of the game" yet continues to rake in billions for itself. Fair or not, no wonder the "plantation" comparisons continue.

# CARTOONS



## COMMENTARY

## Is learning loss fake news?



DR. TERRY STOOPS

CENTER FOR EFFECTIVE EDUCATION  
JOHN LOCKE FOUNDATION

*"Psssst ....*

*"Learning loss' is a false construct.*

*"There."*

The above tweet from N.C.

Association of Educators president Tamika Kelly collected more than 2,000 likes and dozens of responses from educators, parents, elected officials, and education advocates. In general, teachers praised the message, and parents disapproved. Some of the exchanges were instructive. Others were the kind of bootless barbs that make Twitter the most irritating social media platform on the planet.

But it would be a mistake to believe that objections to "learning loss" are related to the fact that human beings are incapable of retaining all of the skills and knowledge acquired from schooling. Instead, they are complaints about standardized testing.

The logic is simple. Learning loss is based on standardized tests. And anything based on standardized test scores is invalid because, as Kelly stated in a follow-up tweet, students "have learned so much and continue to learn things that can't be measured by standardized testing."

But does the fact that standardized testing is imperfect mean that learning loss is a "false construct"?



Tamika W. Kelly

@twkelly\_EDU

Psssst....

"Learning loss" is a false construct.

There.

10:54 AM · Mar 3, 2021 · Twitter for Android

Or does it simply mean that calculations of learning loss are imprecise?

Psssst ....

I think it's the latter.

There.

Estimates of learning loss

The concept of learning loss has been around for decades. In the past, learning loss research focused on the "summer slide," the decrease of skills and knowledge that occurs during 10 sweet weeks of sun-drenched nirvana. Recent studies suggested that summer learning loss is common, but not inevitable, across grade levels, subjects, and demographic groups.

During the COVID-19 pandemic, worries about the prevalence of learning loss originated from previous research suggesting remote learning offered an inferior educational environment to traditional in-person instruction. As weeks of remote learning turned into months, researchers began to consider the short- and long-term educational implications of the switch from in-person to remote

learning.

Calculations of learning loss depend on the components of the empirical models used to compare student achievement in 2020 to scores earned in previous years. Researchers at NWEA, the University of Virginia, and Brown University produced one of the first studies to estimate learning loss due to COVID-19. They estimated that students started the current school year with about 63% to 68% of the learning gains in reading and 37% to 50% of the learning gains in mathematics than they otherwise would have had in a typical school year. Continued school building closures during the school year would enlarge these deficiencies, they argued. A later study by NWEA concluded these initial projections overestimated the amount of learning loss, particularly in reading, but a sizable math deficit remained.

McKinsey and Co. published an article in December that found "students in their sample learned only 67% of the math and 87% of

the reading that grade-level peers would typically have learned by the fall." That is equivalent to three months of learning in math and one and a half months of reading. Schools with a high percentage of students of color fared much worse. Students in these schools learned 59% of the math and 77% of the reading compared to historical averages.

The McKinsey and Co. estimates are comparable to data on the fall administration of NC Math 1, NC Math 3, English II, and biology end-of-course tests and the Beginning-of-Grade 3 Reading Test. Compared with test scores from the fall semester of 2019–20, students performed significantly worse on math and science tests administered this school year, while reading score changes were minimal.

Standardized testing is happening whether you like it or not.

Of course, all empirical studies have limitations, and learning loss research is no exception. The cancellation of standardized tests at the end of the 2019–20 school year and the limited administration of testing during the first half of the current school year means researchers had to rely on limited sets of data. Fortunately, this should not be an issue going forward.

As a condition of receiving federal funds under the Every Student Succeeds Act, states are obligated to administer standardized math and reading tests to students in grades three through eight and once in high school. In addition, states must administer science tests once in elementary, middle, and high school. Federal law also

specifies the ways that states must disaggregate and report student outcome data.

In 2020, the Trump administration granted testing and reporting waivers to all states due to school building closures in March of that year. Nearly a year later, the Biden administration declined to follow suit. While states may be exempted from certain reporting requirements, U.S. Department of Education officials worried that allowing states to cancel testing for a second consecutive year would delay implementing academic interventions designed to address student learning deficiencies. Instead, federal officials will grant additional flexibility to states, allowing schools to conduct annual testing without compromising coronavirus mitigation measures. Many of his supporters were unhappy with the decision.

Rather than rattling sabres at their comrades in the Biden administration, opponents of standardized testing have turned their attention to "real" culprits of the learning loss myth: corporate America. If learning loss is nothing more than educational hypochondria, then it must be designed to pad the profits of snake-oil salespeople. Presumably, the process of measuring and addressing learning loss would make public schools even more dependent on large educational services companies. For-profit companies like Pearson will peddle faddish programs, materials, and technology in the name of learning-loss remediation. Education writer Peter Greene complains that "every education writer and reporter is seeing pitch after pitch from companies (particular ed-tech companies) touting their product as the solution to Learning Loss."

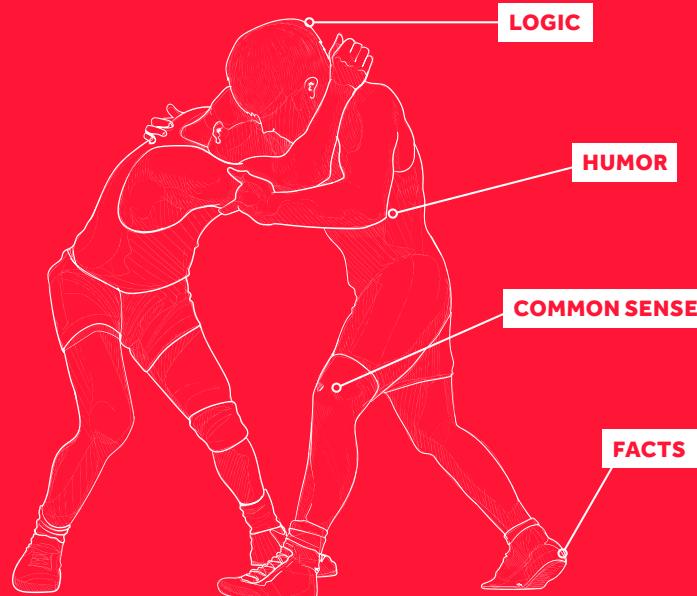
Opponents of standardized testing are correct that tests can't measure everything. For example, no test will capture the clever ways students have avoided online instruction, such as renaming themselves "reconnecting" or posting a recorded clip of themselves "paying attention" to the teacher. But standardized tests serve three critical functions: establishing minimum academic standards for high school graduation, creating a diagnostic tool that educators can use to improve instruction, and holding schools accountable for results. Tamika Kelly and many other public school teachers recognize the need for the first two functions. But they loathe accountability. Given the failures of our public schools, it's not difficult to understand why.

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## COMMENTARY

## Don't rock the boat: UNC BOG members rarely vote 'nay'



**SHANNON WATKINS**  
COLUMNIST

The members of the University of North Carolina Board of Governors are charged with a solemn duty: to oversee and guide the state's public university system. Although some of their day-to-day responsibilities might seem mundane, many of the decisions they make shape the system's standards, values, and the extent to which the university's dual mission of truth-seeking and public service is fulfilled.

Yet, although BOG members often pride themselves on being "bold leaders" of the university system, they rarely vote "no" on any of the decisions brought before them — even on items that might be considered controversial.

Granted, sometimes the board isn't asked to vote on potentially controversial items. For example, the full UNC BOG was not given a chance to vote on the report of the Racial Equity Task Force. Instead, the task force itself voted on and approved the report, then presented it to UNC System President Peter Hans and UNC BOG Chairman Randy Ramsey.

At other times, the board votes on items that are truly noncontroversial, such as resolutions to hon-



**UNC-CHAPEL HILL.** The members of the UNC Board of Governors are charged with a solemn duty: to oversee and guide the state's public university system.

or retiring employees for their long service in the university system or appointing members to the board of the N.C. Arboretum.

But, board members still tend to rubber-stamp even when the items in question involve weighty matters that could significantly affect the system's structure and direction.

Below are summaries of three important issues the board voted on in 2020. The roll calls show that the majority of board members voted "yea" on all three votes.

The first controversial vote, on whether to change the UNC System's minimum admissions requirements permanently, took place on March 30, 2020.

For several months prior, the educational planning committee had been developing a proposal that would, in effect, enable applicants with low standardized test scores to apply to any UNC institution.

Under the revised policy, a student with an extremely poor SAT or ACT test score would still be eligible to apply as long as they had a 2.5 grade point average.

Unfortunately, due to widespread grade inflation, simply looking at a GPA is not always the most reliable way to assess a student's academic standing.

Indeed, research suggests that test scores and GPA together are the strongest indicators of student success.

Nevertheless, in January 2020, the education planning committee approved the proposal and it was set to be voted on by the full board.

In the end, the board decided to adopt the new admission standards as a three-year pilot program, not as a permanent policy change.

This vote was held by conference call. No recorded roll call is available. However, listening to the audio, only three board members objected to the motion: Steve Long and Thom Goolsby. The identity of the third member is unclear.

On Sept. 17, the BOG approved a policy revision that would give the UNC System president the power to select a final candidate for chancellor searches.

By giving the president the ability to select a candidate for final consideration, the board willingly gave up more of its authority and consolidated even more power in the office of the president. The motion passed with 20 votes in the affirmative and four votes opposed.

On Oct. 22, the board voted to amend the section of the UNC policy manual dealing with the "Duties, Responsibilities, and Expectations of Board Members." The revised policy included a new section that curbs board members' ability *individually* to investigate issues of board concern.

The policy revision was likely a response to former board member Tom Fetzer's decision to conduct an independent background check of a candidate for the chancellorship of Western Carolina University.

But as the Martin Center's Jay Schalin wrote in November:

*The real problem that needed addressing was not Fetzer's individual investigation, but the fact that an unfit candidate was chosen for the job and passed through the system's screening procedures.*

By approving the policy revision, the board in effect relinquished more of its authority to high-ranking administrators. The motion carried with 21 votes in the affirmative.

The pattern is clear: Many members of the UNC Board of Governors consistently rubber-stamp whatever is placed before them. What is less clear is *why* they do so.

The reasons might be personal. Perhaps they don't want to be known as bothersome members who raise pestering questions. The few board members who *do* routinely raise difficult questions are often singled out and joked about in the manner of "oh no, so-and-so is at it again."

Whatever the reason, the people of North Carolina deserve BOG members who want to have an *active* role in university governance, who are independent-minded, and who are unafraid to hold the administration's feet to the fire.

The university's efficiency, effectiveness, and academic integrity depend on such leadership.

*Shannon Watkins is senior writer at the Martin Center.*

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## COMMENTARY

# Answering the \$600 million question



**BECKI GRAY**  
SENIOR VICE PRESIDENT  
JOHN LOCKE FOUNDATION

Last year, as the seriousness of the coronavirus began to sink in, when governors issued stay-at-home orders and only allowed “essential” businesses to open, fear and panic ensued. We worried about our safety, security, and health. We worried about how long this could possibly go on until we flattened the curve. Many businesses worried how they would stay afloat, save their investments, and pay their employees. How long would this go on, and how deep would the damage be? The federal government was worrying about the same things.

The Paycheck Protection Program was part of the third COVID-19 federal relief package, enacted in 2020 as the Coronavirus Aid Relief and Economic Security Act. The small business loans were designed to help businesses keep their employees on the payroll through closures and the economic uncertainty of the global pandemic. The maximum loan is \$10 million for a first-time PPP loan and \$2 million for a second loan by the

same company. There are no fees or processing charges, and there is no personal guarantee or collateral required for the loan.

As of March 7, 7,555,249 loans have been approved totaling \$687,374,564,619, using 5,747 lenders. Some loans are forgivable if the borrower maintains the pre-COVID number of employees and compensation and uses the money for payroll costs. More than 1 million PPP loans have been forgiven, totaling more than \$1 billion in loans. PPP loans are available until March 31. However, the \$1.9 trillion federal American Rescue Plan Act of 2021 provides an additional \$7 billion for PPP loans and extends the eligibility to include more digital media companies and nonprofits.

In North Carolina, about 130,000 companies with 1.27 million employees have received PPP loans, totaling over \$12 billion. Large and small companies, nonprofits, public and private entities took the loans. They were all eligible, and the loans saved many companies and kept thousands of people employed.

When Congress authorized PPP loans, they allowed two tax treatments: 1) The loans are exempt from the federal income tax, and 2) a deduction is allowed for expenses paid using the loan money. Congress intended the loans to be entirely tax-free, not counting the forgiven loan as



**THE \$600 MILLION QUESTION.** Is it better tax policy to help businesses who have qualified for PPP loans, keeping their workers employed? Or, would it be better to enact widespread tax relief to all taxpayers?

income and leaving the expenses deductible as an ordinary business expense. The U.S. Treasury Department sought to remove the deduction for expenses paid, keeping in line with the typical treatment of expenses when paid with tax-exempt income. Congress' intent was clarified when the Consolidated Appropriations Act for 2021 was signed into law. At the federal level, the PPP loans are tax-exempt, and expenses are deductible.

States have chosen to conform to the federal taxation of PPP loans in three different ways. Thirty states conform with the federal

treatment by exempting the income tax and allowing the deduction, a few states tax the PPP loan income and do not allow deductions, and about 12 states allow one or the other — an exemption or a deduction. North Carolina is one of four states that exempt the income from tax but do not allow for a deduction of expenses, along with California, Hawaii, and Kentucky. We have decoupled with the federal Internal Revenue Code on this particular expense deduction tax treatment.

So when businesses that have taken a PPP loan pay their taxes this year, they will get an exemp-

tion and a deduction on their federal taxes and an exemption, but not a deduction, on their state taxes. North Carolina regularly decouples from federal tax treatments — mortgage insurance, tuition, net operating loss, limitation on charitable contributions, are just a few recent examples.

If North Carolina were to change its tax code and allow for the deduction of expenses from the PPP loans, the resulting loss in revenue would be about \$600 million over three years; \$350 million for the remainder of the current fiscal year, about \$200 million less in 2021-22, and \$50 million in 2022-23. Lawmakers could also make expenses deductible for loans up to a certain amount, like the first \$100,000 or \$1 million, reducing the price tag and providing more relief targeted to smaller companies.

North Carolina could provide an expense deduction in addition to excluding income from state taxation, but it would require legislation. Lawmakers face tough questions. Is it better tax policy to help businesses who have qualified for PPP loans, keeping their workers employed? Or would it be better to enact widespread tax relief to all taxpayers? That's the \$600 million question.

*The John Locke Foundation has not applied and does not intend to apply for a PPP loan.*



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## COMMENTARY

## Legislative Democrats hold key to restoring General Assembly's power



**MITCH KOKAI**  
SENIOR POLITICAL ANALYST  
JOHN LOCKE FOUNDATION

For more than a decade, Republicans have controlled operations of North Carolina's General Assembly. But it's likely that their Democratic colleagues will determine whether the legislature recovers its traditional role as state government's dominant branch.

A lawsuit moving through the state's court system helps explain why.

The suit, dubbed *Waldron v. Cooper*, pits the owner of a popular Greenville bar against the state's governor. In her initial complaint, plaintiff Crystal Waldron focused on the discriminatory nature of Gov. Roy Cooper's executive orders linked to the COVID-19 pandemic. Waldron's Club 519 and other private bars remained shuttered for 11 months as Cooper permitted other types of bars to reopen across the state.

Within days of a court hearing on Waldron's suit, Cooper issued a new order. It allowed private bars to reopen in a limited capacity. That change addressed one piece of Waldron's complaint, but it also prompted her legal team to shift its focus.

"Until this case was filed, Club 519 had been closed for nearly a year and its owners threatened with financial ruin, all due to the whim of one man," wrote Jessica Thompson, the attorney representing Waldron for the Pacific Legal Foundation. "Since March of 2020, Governor Cooper has unilaterally exercised legislative powers — and there's no end in sight."



CP PHOTO BY MARY REAGAN

"In support of his actions, the Governor relies on the Emergency Management Act, which confers unfettered powers during a state of emergency without any temporal limitations," Thompson added. "But in conferring such sweeping powers on the Governor to decide what businesses must close, when they may re-open and under what conditions, the Emergency Management Act violates the separation of powers section of the North Carolina Constitution."

"The problem with one man making all the rules — without sufficient guidance from the General Assembly, without a deliberative process, and without an opportunity for public participation to ensure accountability — is that it is all too easy to arbitrarily pick winners and losers."

"Such one-man rule is antithetical to our system of divided government and cannot be tolerated," Thompson argued.



**Until a sufficient number of Democrats place the legislative branch's interests ahead of purely partisan considerations, the General Assembly will face an ongoing challenge.**

So Waldron is now challenging the constitutionality of the Emergency Management Act itself. If the act — as written — allows the governor to exercise too much of the power that rightfully belongs to state lawmakers, then it should not withstand a constitutional challenge.

Since the revised lawsuit

challenges a law as inherently unconstitutional, the case should move out of Superior Court Judge James Gale's courtroom. State law requires specially appointed three-judge panels to consider this type of legal challenge.

Even though Gale won't make a final determination in the case, his line of questioning during a Feb. 18 hearing highlighted one key obstacle Waldron and Thompson could face.

"[Y]ou're asking me to impose a judicial order that two-thirds of the legislators in North Carolina don't agree with," Gale said in contemplating Waldron's request to strike down Cooper's executive orders. "You're asking me to do what you were not able to persuade a sufficient number of the North Carolina legislature to order."

The judge slightly mangled the number, but his point was clear. Without any action from a judge, the General Assembly could rewrite the Emergency Management Act to rein in Cooper's emergency powers.

The record shows that lawmakers tried twice last June to limit Cooper's emergency authority. Both House Bill 594 and Senate Bill 105 would have placed new restrictions on the governor's use of Emergency Management Act powers. The new restrictions would have placed time limits on Cooper's orders and forced him to seek support from the elected Council of State.

Cooper vetoed both measures. But lawmakers could have voted to override the vetoes, with supermajorities of 60%, or three-fifths, of voting members (an even easier standard to reach than the two-thirds figure Gale cited).

Gale questioned why a judge should insert himself in that constitutional process. "You're asking me to, in essence, overrule the governor's veto."

"The Court feels as if it's being

placed in a position that the separation of powers does not condone when you're asking me to do for you what the legislature has been incapable of doing because they can't sustain enough to overturn the veto," Gale told Thompson.

A three-judge panel could share Gale's concerns. If so, then Waldron would have a hard time prevailing in court.

With a court win, Cooper would continue to enjoy the power to issue executive orders under the Emergency Management Act. He could effectively open and shut businesses under "one-man rule" that defies our "system of divided government."

Unless legislative Democrats say no.

Seven Democrats in the Senate and four in the House voted for H.B. 594 last June. Only one of those Democrats, Rep. Michael Wray, stuck by his original vote during the House's failed attempt to override Cooper. (Failure in the House meant Democratic senators had no opportunity to revisit their initial votes.)

Not a single Democrat supported S.B. 105, which dealt squarely with the legislature's attempt to restore its primary role in setting policies for North Carolina's emergency response.

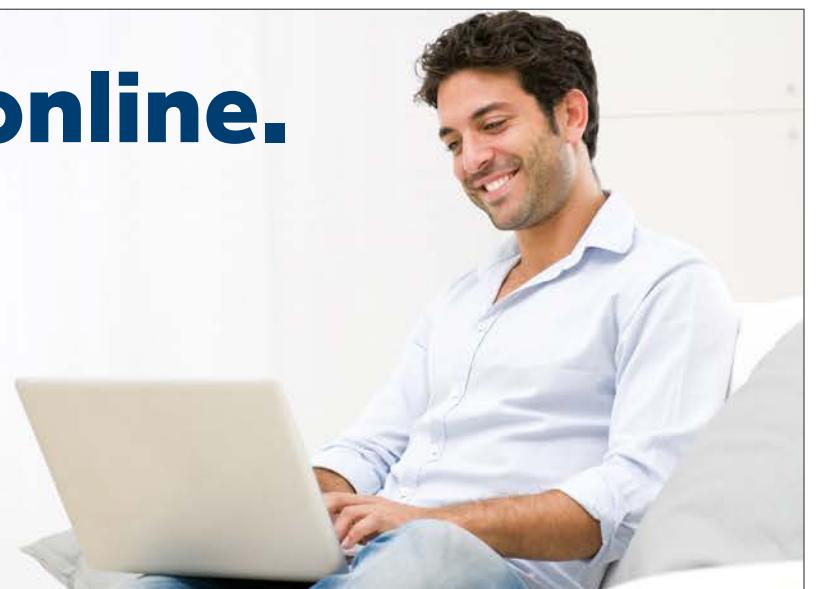
Some legislative Democrats might have harbored legitimate concerns about shifting the balance of power between the executive and legislative branches. Others simply wanted to stand by a Democratic governor in his ongoing clash with Republican legislative leaders.

Until a sufficient number of Democrats place the legislative branch's interests ahead of purely partisan considerations, the General Assembly will face an ongoing challenge. It will have a hard time preserving its role as the branch of government with exclusive power to make the laws.

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# COMMENTARY

## April is a time to remember the Scottish roots of freedom



**DONALD BRYSON**  
PRESIDENT  
JOHN LOCKE FOUNDATION

Spring is an excellent time to remember North Carolina's history, culture, and individual liberty. Most N.C. history students know the Halifax Resolves' significance, signed April 12, 1776, to make us the first colony to direct its members of the Continental Congress to vote for independence. Some know of the significance of May 20, 1775, and the passing of the Mecklenburg Declaration. However, most people skip over April 6 and that day's importance in our state and nation's foundations.

In 1998, a Coalition of Scottish Americans with former Republican U.S. Sen. Trent Lott's support successfully lobbied the Senate for the designation of April 6 as National Tartan Day "to recognize the outstanding achievements and contributions made by Scottish Americans to the United States." April 6 was chosen because it is the anniversary of the Scottish declaration of independence — the Declaration of Arbroath.

From the Declaration of Arbroath to the American Revolution, the Scottish heritage of freedom has had an ongoing



**NATIONAL TARTAN DAY.** April 6 is Tartan Day, which recognizes the achievements and contributions made by Scottish Americans to the United States. April 6 was chosen because it is the anniversary of the Scottish declaration of independence.

impact on North Carolina. And so April 6 is an apt time not only to recognize the contributions that Scottish Americans have made to the Old North State but also for the principles of liberty.

The American view on the struggle for freedom against tyranny was well summarized by Ron Swanson's character on the sitcom "Parks and Recreation": "History began on July 4, 1776. Everything before that was a mistake."

However, the Western ideal of individual liberty dates back millennia and took root in Scotland. As Scottish author Linda MacDonald-Lewis told *The Guardian*,

"If Americans want to understand their history, they need to look to Scotland, because that is where their ideals come from. And Scots should look across the Atlantic to see where their homegrown doctrines and ideas have been most fully embraced."

The roots of these ideals in Scotland date back more than 700 years ago. The First War of Scottish Independence brought about the most famous letter in Scottish history — the Declaration of Arbroath, signed in 1320. In that document, we find early echoes and influence for the American Declaration of Independence. We see the concept that liberty is uni-

versal, life without it is unlivable, and the government's role is to protect, not exploit, those rights. The Declaration of Arbroath states, "It is in truth not for glory, nor riches, nor honours that we are fighting, but for freedom — for that alone, which no honest man gives up but with life itself."

While these ideals stayed alive, Scottish history was volatile enough to cause mass emigration, especially after the Jacobite rebellions of 1715 and 1745. The Cape Fear region of North Carolina began to see increased immigration from Scotland after 1739. After the clearances and famine that followed the 1745 rebellion, those numbers escalated with Scottish emigrants citing high rents and lack of work for their journey to America.

They were searching for freedom and opportunity.

Because of these Scottish immigrants, North Carolina has places with names like Aberdeen, Dundarrach, Glencoe, and, more to the point, Scotland County.

With Diana Gabaldon's *Outlander* series of historical fiction novels, beginning in the early 1990s, there has been renewed interest in Scotland and Scottish heritage.

The eight-novel series takes the reader from Scotland to France to North Carolina and covers historical events such as the Jacobite Rebellion of 1745 in Scotland and North Carolina's War of the Regulation in the late 1760s and early 1770s.

Gabaldon's novels note some historic N.C. Scottish immigrants,

such as Farquard Campbell, an attorney from Cross Creek (now Fayetteville). Campbell, along with Alexander McAllister in 1775, was tasked with meeting new immigrants from Scotland and explaining the North Carolina colony's grievances with England.

By 1775, feelings toward independence had reached such a point that Alexander McAlister, commandant of the Cumberland County Militia, wrote: "All colonies [are] fully determined to fight to the last before they give up their most valuable privilege, which is their liberty. If Parliament persists in putting the acts [the Intolerable Acts] in force, they will have a severe battle."

Such was the sentiment for a large portion of North Carolinians at the time, who wanted to declare independence from Great Britain when their constitutional rights were ignored — and so passed the Halifax Resolves.

These sentiments have deep roots, not necessarily in the Magna Carta or ancient Athens, but in Scotland.

To be clear, there is no lack of celebration of Scottish heritage in North Carolina.

The Grandfather Mountain Scottish Highland Games are world-famous, and the prevalence of Presbyterian churches around the Old North State harkens to a Scotch heritage. But when we think of Scotland, whether its family history or bagpipes, North Carolinians would be remiss not to give the nod to that culture's influence on our freedom.

## Cooper's budget

continued from PAGE 2

reasons they've relocated to the Tar Heel State. They certainly were at the top of my list. Most probably don't know the back story of North Carolina's economic renaissance, and that's what really brought most people here.

A decade ago, North Carolina was on a trajectory to look more like New York or Illinois. We were economically stagnant with one of the worst business climates in the nation. We were shedding jobs at an alarming rate, which resulted in the eighth-highest unemployment rate. Our median

household income couldn't keep pace with the national average.

Even with one of the nation's heaviest tax burdens, the Democrat-controlled state legislature proved it couldn't be trusted with taxpayer dollars and was in constant need of a cash infusion. The budget, which ballooned 40% in just eight years, was a disaster, with shortfalls close to \$3 billion. We had no reserve to speak of. We were massively in debt because it had grown a whopping 230% between 2001 and 2013. Our teachers went three straight years without a pay raise.

Fed up with legislative irresponsibility and disrespect for taxpayers, voters made bold moves. After giving conservatives a legislative majority in 2010, they replaced a big-spending Democrat in the executive mansion in fall 2012. With

conservative government came a culture of fiscal responsibility and respect for those of us who pay the bills. We continue to enjoy the benefits in our state today.

The conservative majority wasted no time ushering in a historic tax reform package that included elimination of the progressive income tax structure and the nation's 11th-highest marginal tax rate. Our current flat tax rate of 5.25% is 33% lower than the old top rate.

Tax reform also reduced the corporate income tax rate from 6.9% to 2.5%. The one percentage-point reduction in our state sales tax — from 5.75% to 4.75% — has saved North Carolinians more than \$1 billion annually.

The state debt has shrunk 35%, while our rainy-day fund has grown from a paltry \$150 million to more than \$1.2 billion. In addition,

the conservative majority has made significant investments in education through expanded opportunities for low-income and disabled students and teacher raises for five straight years. That streak ended when Cooper vetoed the sixth pay raise in 2019.

Since conservatives took charge, the business tax climate ranking jumped 28 spots. Capital investments and people — like you and me — have been pouring into the state. Prior to COVID, we were growing jobs faster than the national average. Poverty rates were declining as median household income was increasing.

This legislative culture made budget surpluses the norm, which allowed us to weather the COVID economic crisis better than many states. Rather than forcing North Carolinians into a government-dictated health

insurance scheme, our conservative majority expanded affordable health care services through telemedicine, providing more choice for patients at the time they needed it most.

All North Carolinians have benefited from nearly a decade of this voluntary culture of fiscal responsibility. Conservative lawmakers trust us to keep and invest more of our own money. They pay off state debt, set money aside for a rainy day, and provide more educational and health care choices.

Our current legislative majority would be wise to protect future generations and enshrine their culture of fiscal responsibility into the state constitution with a tax and expenditure limitation (TEL) amendment. This measure would limit government spending growth to inflation plus population unless N.C. voters approve

otherwise. It gives those of us paying the bills some voice in the size and scope of government we want and for which we are willing to pay.

Our recent polling shows that over 58% of likely N.C. voters support such a measure. Once passed, the popularity only increases with voters. After nearly three decades and millions of voters moving into the state, shifting it politically, Colorado's Taxpayer's Bill of Rights enjoys over 71% support. Even though it's a far-left state, the support crosses all ideological, racial, and socioeconomic boundaries.

We can't control Cooper's spending and debt fantasy, but we can heed the warning of what could happen if we lose our fiscally responsible culture at the state legislature. A TEL amendment is the appropriate response.

## COMMENTARY BY JOHN HOOD



## Polls underestimate GOP support

continued from PAGE 2

tial race. Here in North Carolina, Democrat Cal Cunningham went into Election Day with an average poll lead of 2.6 points in the Senate race. Republican Thom Tillis actually won by 1.8 points. Even starker was the difference between Gov. Roy Cooper's polling lead (11) and his margin of victory (4.4).

Cato Institute pollster Emily Ekins recently offered two additional explanations for the recent Democratic skew. While consistent with "shy Trump," they suggest a broader phenomenon that could prove lasting.

The first explanation involves distrust. While trust in social institutions has been declining among most Americans, the drop has been greater among Republicans and Republican-leaning independents — who have become especially distrustful of such institutions as universities and the news media.

Who sponsors most pre-election polls? Universities and media outlets. "Consider that the sponsors of these polls often explicitly identify themselves when they contact respondents and ask them to participate in a survey," Ekins wrote. "If most Republicans believe journalists and academics are politicized, it stands to reason they might assume the polls they sponsor are politicized, too." Some of these voters, then, will refuse to participate, skewing the sample.

Ekins offers another explanation that isn't so much about distrust as about dread. Voters may believe that if they talk honestly to pollsters, their political views will somehow be disclosed, subjecting them to scorn or ridicule. She suggests this may be especially true for those who work in corporations, universities, or other professional settings suffused with wokeness. Some will likely refuse to answer the survey. Others will answer only some of the questions honestly.

Have these feelings of distrust and dread intensified during the Trump era? Yes. But they didn't originate with him. And they won't fade quickly. That argues for a dose of healthy skepticism about political polls. Don't ignore the margin of sampling error. And don't forget that there are other potential sources of error, including the fact that some of us just don't like the institutions sponsoring the polls.

# COVID stimulus bill is reckless

The \$1.9 trillion "COVID relief" bill just enacted by Congress and signed by President Joe Biden gives out \$1,400 checks to most Americans. It boosts the child-tax credit, keeps weekly unemployment insurance checks higher than normal, and throws lots of other (borrowed) money around.

I realize that, given the effects of the pandemic and subsequent lockdowns, most voters seem to like Biden's bill. But I think they are mistaken. It is a reckless and irresponsible bill — one that, I'm pleased to report, most of North Carolina's congressional delegation voted against.

Over the past year, the federal government has authorized \$4.1 trillion in response to the COVID crisis. I supported some of that initial spending. But to spend \$4.1 trillion today on reasonable priorities is, inevitably, to spend \$4.1 trillion less in the future on other things, or to pay \$4.1 trillion (plus interest) in higher taxes in the future. That's just math. Actually, though, we didn't spend all that \$4.1 trillion. According to the latest estimates, some \$1 trillion of it remains unspent. So here's strike one against Biden's



new \$1.9 spending spree — last year's spending spree isn't even over yet!

Clearly some of last year's "emergency" need wasn't a true emergency. Biden has doubled down, and then some, on that mistake. His 2021 package includes a \$350 billion bailout of states and localities whose true COVID-related fiscal shortfalls are only a fraction of that amount. Comparatively well-governed North Carolina will get \$9 billion of it, yes, but poorly governed jurisdictions will get more. The implicit message to politicians is: Spend recklessly,

and Congress will eventually come along to bail you out.

In addition to that, the Biden bill directs \$126 billion to public schools, supposedly for COVID mitigation, though the Congressional Budget Office estimates only 5% of it will be spent by this fall. In fact, more of these funds will be spent in 2026 than in 2021. COVID mitigation this is not.

There are too many other problematic provisions to list in a single column. Instead, I'll answer the obvious questions. Doesn't our economy need another dose of stimulus? Isn't that worth

adding an average of \$14,000 per household to the federal debt?

No and no. Although the COVID recession was disastrous for many families, it is already in the process of receding. North Carolina's headline unemployment rate shot up to nearly 13% in April and May. It is now 6.2% — higher than it should be, of course, but hardly the emergency we faced a year ago. Many firms and households have accumulated significant balances that they'll be spending over the coming months and years on both consumption and investment. To borrow another \$1.9 trillion for "stimulus" in this scenario is indefensible.

In 2009, newly elected President Barack Obama pushed through a \$787 billion stimulus. Many were outraged by such fiscal irresponsibility, as they should have been, though the unemployment rate was much higher then. (North Carolina averaged 11% during 2009.) Adjusted for inflation, Obama's stimulus would be about \$1 trillion today.

Biden's \$1.9 trillion mess should earn him scorn, not approval.

## RULES AND REGULATIONS

# Liquor business should be private

**NORTH CAROLINA** governments shouldn't be in the liquor business. Two recent stories illustrate this story well.

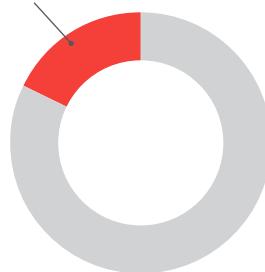
One was written by my *Carolina Journal* colleague John Trump. The N.C. Alcohol Beverage Control Commission has just awarded LB&B Associates a 10-year contract to warehouse the state's liquor supply. In a sense, that was progress. At least the company was forced to bid for the contract, which it had previously enjoyed since 2004 with no competition and little oversight.

That was the finding of a scathing 2018 review by State Auditor Beth Wood. It found that from 2004 to 2017, the state spent a total of \$77.7 million on the warehouse contract. Auditors determined that approximately \$13.6 million of that represented either overcharges or unnecessary expenses.

Why, then, would the ABC Commission award a new contract to the same vendor? Because, the commission's rep told *Carolina Journal*, "none of the state auditor's findings related to

### NORTH CAROLINA ABC COMMISSION'S CONTRACT WITH LB&B ASSOCIATES

**\$13.6 MILLION**  
OVERCHARGES OR UNNECESSARY EXPENSES



**\$77.7 MILLION**  
TOTAL STATE SPENDING ON THE CONTRACT (2004-2017)

SOURCE: 2018 REVIEW BY N.C. STATE AUDITOR

the warehouse or delivery service performance of the vendor." It was the commission and its employees, not the company, that were responsible.

It's true — the ABC system had done a miserable job of managing its contract in the past

(although the company clearly took advantage of the situation). Admitting error is good. Correctly diagnosing its cause and doing something about it would be better.

North Carolina is one of only 17 states where the production, storage, sale, and distribution of liquor are controlled by government. And we're the only place that uses local political fiefs to do the deed. Because North Carolina government is both a monopoly provider of some liquor-related services and a monopoly regulator of others, consumers get stuck at multiple points.

Consider the other story I saw this week, about regulatory abuse.

Writing in the new digital magazine *The Assembly*, Jeffrey Billman told the tale of Durham's Mystic Farm & Distillery. During a regular inspection, an Alcohol Law Enforcement agent had spotted 17 bottles of whiskey in Mystic's kitchen.

According to the ALE, those whiskey bottles were illegal. Agents returned a week later and confiscated them. Then Mystic

got hit with a \$1,000 fine. You see, those 17 bottles didn't contain whiskey produced by Mystic. They were other brands, used by Mystic for taste tasting or to get packaging ideas. State law allows distillers to sell only the liquor they produce. And ALE insists that distillers must clearly separate its commercial and retail operations.

Mystic wasn't selling the other brands, of course. But the kitchen was on the retail "side" of the business. And ALE wouldn't even concede that Mystic was legally using the bottles as part of its production process.

To its credit, Mystic refused to pay the fine. It went to court and won an injunction. Eventually the ABC Commission gave in. But it still didn't return the confiscated bottles of whiskey until the *Assembly* reporter started asking questions about it.

I resent my government abusing its power in this way. You should, too. The answer is not to hire smarter, wiser, or fairer bureaucrats to enforce state laws. The answer is to change those laws.

# COMMENTARY

## Turn focus of vaccines away from government to pharmacies, clinics



**JOHN TRUMP**  
MANAGING EDITOR

I got my first COVID-19 vaccination a couple of weeks ago, with the second jab scheduled for early April.

The shot was painless, though my arm was a bit sore for a couple of days. Getting an appointment for the shot wasn't so seamless, though. The vaccine rollout in North Carolina — and in many states — was, being generous, clumsy and ill-conceived, an example of a government-run program at its worst. That we even had a vaccine was due to pressure from the Trump administration and an entrepreneurial spirit from the private sector to fill an unmet need.

But supplies couldn't keep up with demand, even for health care workers and the elderly. Health departments waited for the vaccine, and they struggled — because of small staffs, small facilities — to get it into arms. Things have gotten better, in terms of production and distribution, and I've heard good things about individual experiences at mass vaccination sites.

Still, everybody who is eligible for a shot — according to N.C. government edicts — can't get one, while people — who aren't eligible — according to N.C. government edicts — have already gotten two.



**ONE SHOT.** Glenwood South Pharmacy, a small shop in Raleigh, recently got a shipment of the Johnson & Johnson vaccine, requiring just one dose.

My parents, who are in their 80s and live in a "congregate community for seniors," for weeks puzzled over incomprehensible websites — while at the same time trying to decipher a jumble of vaccine information from local TV newscasts — before getting their first shots. My wife and I, who are only slightly more educated (ahem), also worked in vain to locate our relevance in the state's vaccine protocols.

Which group, and where? Which website, and how? When? Our 18-year-old twin boys are front-line workers. What about them?

I compared our efforts to get a

vaccine to searching out a rare bottle of bourbon in North Carolina's state-controlled liquor stores. It's a fruitless struggle, mostly, probably much like finding a new pair of Levi's in the old Soviet Union. It comes down, as they say, to who you know.

"I have a cousin who has a friend who knows a guy who knows this other guy who lives in a van down by the river. Ask him, but be careful of the dog."

We got our vaccines through a weird chain of events that, to hazard a guess, started with my mother asking a local pharmacist about the best way of ridding herself of that annoying tickle in



**What I would like to see is our state officials and our federal officials recognizing pharmacies as a place people would like to get their vaccines administered. I know that to be true.**

- Pharmacist Tony Gurley

her throat. The pharmacist just received a shipment of vaccines, and she asked my parents if they had gotten theirs. They had, they said, but my son. ...

Yeah, turns out we knew a guy. Or my parents did.

I'm not special, and my story isn't unique.

The local pharmacy, where we got our shot, receives a few dozen shots a day, and people learn about them, well, through the local pharmacist. That's who people consult when they have a question about a prescription or other over-the-counter drugs. That's who people trust. It's a place where people are comfortable. Same goes for primary-care doctors, grocery pharmacies, and walk-in clinics, which are found in many national chain stores.

I won't criticize the governor here, as the rollout in North Carolina, particularly at its start, went as well as could be reasonably

expected, given supply and storage issues, including those related to temperatures and spoilage.

But it's now time to focus locally, as opposed to on government-run health departments and other government-run events, such as mass-vaccination events, which can run out of shots even as people wait in their cars for hours. As of March 23, about 3.5 million North Carolinians have gotten at least one dose of the shot, though just 14% are fully vaccinated.

Some are still reluctant to get the shot, and it's hard to quantify their numbers. Mass-vaccination events and government health departments, I'm guessing, do little to quell their fears or reticence. Their pharmacist or doctor may persuade them otherwise, however.

Glenwood South Pharmacy, a small shop in Raleigh, recently got a shipment of the Johnson & Johnson vaccine, requiring just one dose.

A pharmacy manager there told WNCN the store got 400 doses in two weeks, and, each time, their appointments filled within a few hours. Pharmacist Tony Gurley told the station, CBS17, in mid-March that it had a waitlist of 200 people, which was expected to grow exponentially.

Gurley said, "What I would like to see is our state officials and our federal officials recognizing pharmacies as a place people would like to get their vaccines administered. I know that to be true."

The governor and health secretary would do well to take note.

## Still & Barrel: Craft Spirits in the Old North State

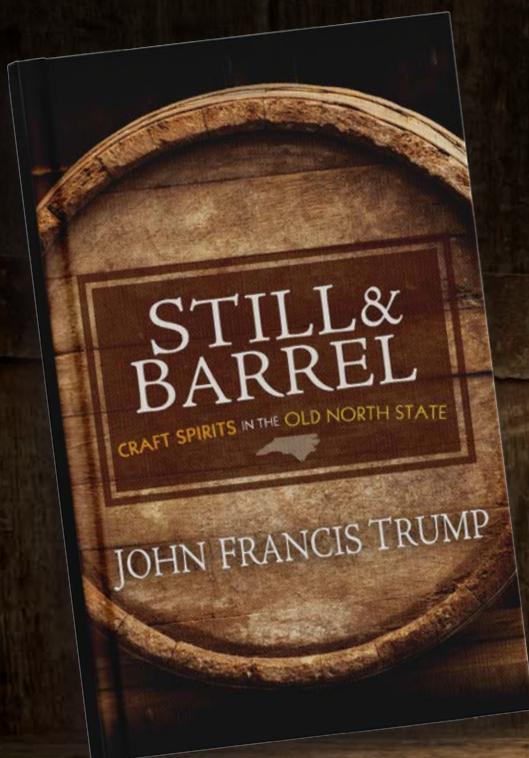
"John Trump, a skilled journalist and storyteller, chronicles the North Carolina comeback of intoxicating spirit manufacture in a book that profiles pivotal characters, charts historical currents, and makes clear that the next step after farm-to-table dining is crop-to-fifth drinking."

- John T. Edge,  
Author of The Potlikker Papers

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## COMMENTARY

## Will the costly COVID bill create other costs?



**MICHAEL WALDEN**  
COLUMNIST

The new COVID-19 relief bill is big — really big — as Barney Fife would say. It will provide \$1.9 trillion of federal government spending to people, businesses, state and local governments, and a variety of other institutions and groups. This is in addition to \$4 trillion of help approved last year.

The bill was highly controversial and passed along partisan lines. Much of the debate was about the contents of the bill and whether all parts were needed to fight the current effects of the pandemic.

The bill passed, so I won't relive these debates. Instead, let me focus on another debate about the possi-

ble long-run costs of the spending. The concerns are in three areas: inflation, investments, and the impact of debt.

For the better part of a decade, inflation has been a nonissue, with average prices rising between 1% and 2% a year. This is much different than the more than 10% annual inflation rate of four decades ago.

Higher inflation results when consumers are trying to buy more than what businesses can produce. One famous economist once said, "Inflation results when too much money is chasing too few goods and services."

Some economists say that with the latest \$1.9 trillion COVID-19 relief bill, the economy will be overstimulated, where we reach the point of trying to buy more goods and services than businesses can produce. Indeed, the Federal Reserve — the central bank of the country — has bought most of the

new debt issued by the government to fund the COVID-19 stimulus packages. The bank has created new money to cover these purchases. Adding to the worry is the fact that, with so many businesses lost during the pandemic, it will take time to rebuild production.

As a result, rather than seeing annual inflation in the 1% to 2% range, we may see it in the 2% to 4% range later this year. This will motivate workers to argue for higher wages to afford the higher prices, thereby increasing business costs and possibly setting up an inflationary cycle.

The second worry is in investment markets, where there are two concerns. Research shows a third of past household stimulus checks have been saved, with a substantial portion going into the stock market and pushing stock prices to higher and higher levels. The same will likely happen with the new stimulus checks. If stock prices are

pushed to levels not supported by fundamental business factors, the market may be set up for a serious pullback.

The second investment concern is if higher inflation pushes interest rates higher. Increases in interest rates are also often associated with declines in stock values.

The last issue is with the national debt. The federal government has borrowed all the money used in the stimulus plans. The national debt is already more than 100% of national income for the first time since World War II, and it's likely to go higher.

Currently, there's no need to worry the country can't pay the interest payments on the debt. The reason is the exceedingly low interest rates prevailing today, meaning debt can be borrowed relatively cheaply. In fact, although payments on the national debt as a percentage of the value of the economy have risen in the past five

years, the percentage is roughly half of what it was in the 1980s and 1990s and is the same as it was in the year I was born (1951).

But there is a cost associated with higher debt. Many economists argue more borrowing ultimately pushes interest rates higher, leading to reduced private investments and slower economic growth. In essence, by borrowing we've traded faster economic growth today for slower economic growth in the future. One economic model recently estimated the \$1.9 trillion stimulus would slow future economic growth by 10%.

Have we traded stimulating the economy today for more inflation, lower stock values, and slower economic growth tomorrow? If so, was the trade worthwhile? Something to think about.

*Michael Walden is a Reynolds distinguished professor at N.C. State University.*

## British conservatives offer path for Republican success



**ANDY TAYLOR**  
COLUMNIST

**DURING THIS TIME** of reflection — civil war? — for the Republican Party, it makes sense to look abroad for models of how a right-of-center party might succeed in the 2020s. An obvious place is Britain. Conservatives are still in government there, and, despite the coronavirus pandemic and an economic contraction unmatched since 1709, they are doing rather well. The Tories — as the Conservative Party is often known — currently lead the biggest opposition party, Labor, by about five points in polls, and Prime Minister Boris Johnson has recovered to where nearly as many approve of the job he is doing as disapprove.

What is the secret of the Conservatives' success, however marginal it might be? There are several ingredients. First, the British government's response to the coronavirus epidemic. This was, in many regards, a failure. The lockdown was draconian and widely panned. It was also largely unsuccessful. The U.K. has suffered more deaths per capita than any other major country, including Italy and Spain and about 300 per million of population more than the United States.



**TORY SUCCESS.** Prime Minister Boris Johnson has recovered to where nearly as many approve of the job he is doing as disapprove.

But the crisis in Britain also revealed how right-of-center parties can think about the strategic use of government. Public-private partnerships were crucial to providing the organizational flexibility, human capital, and significant financing required to develop COVID treatments and the path-breaking AstraZeneca Oxford vaccine. The Tories were not afraid to use conservative values of sacrifice and individual responsibility to mobilize the state in service of the national interest. Johnson evoked memories of the tremendous effort, driven by a resourceful and free citizenry, to win World War II. He was sensitive to personal freedom but argued that in this time of emergency the national good was paramount. People should wear a mask or get a vaccine in the same

way military personnel put their lives on the line. "Let us go forward together," Winston Churchill beseeched repeatedly as prime minister. Johnson, a biographer of the wartime leader, took note.

Next, the Conservatives learned from Brexit. Commentators have made many comparisons between the political movement to have Britain leave the European Union and Trump's victorious 2016 presidential campaign. Both demonstrated an important role for populism in center-right parties' policies and electoral strategies. The Conservatives won stunning victories in working-class districts of northern England in the 2019 election. They resembled Trump's 2016 triumphs in Michigan, Pennsylvania, and Wisconsin. Johnson and Trump understand the appeal of traditional national values,

for example, putting their country's people first in government spending, security, trade, and immigration.

Trump, however, did not understand populism's great appeal is one of unity. The philosophy certainly needs enemies and scapegoats; their presence is energizing. But these "others" are most useful if they are abstract or distant, not our friends and neighbors. Johnson skillfully used bureaucrats in Brussels, the pandemic, and identity politics as adversaries. Trump's natural preference for personal politics drew his aim toward identifiable Americans, whether they be government workers or celebrities and politicians. The divisiveness made many who were sympathetic to his policies uncomfortable.

This leads to another difference between the GOP and the Conservatives under Johnson. The current British administration is diverse. The chancellor (the equivalent of our treasury secretary) and home secretary (our attorney general) are both of south Asian descent. There are African, Indian, and Pakistani immigrants or first-generation Britons in various high-profile offices within the government. They seek and receive attention. Republicans have talented leaders from minority groups; think South Carolinians Nikki Haley and Tim Scott. They are, however, rare and quiet. A more diverse party will be more successful and, as Johnson's government demonstrates, need

not compromise conservative values.

Then there are the contrasting styles of Johnson and Trump. Johnson often comes across as a bumbler, someone capable of saying just the wrong thing at the wrong time. But like Ronald Reagan, he is a happy warrior, an optimist. Trump is a doomsayer. His inaugural address, you will remember, told of "American carnage," not a "shining city on a hill." Apocalyptic images motivate people, but I think they tire of them. Anger exhausts. At some stage, people want a leader who will promise them that things will get better.

The Tories will occupy a single Power Point slide in the presentations of the army of political consultants national Republicans will inevitably overpay during this period. So, in true management speak, we should ask: What's the takeaway for them moving forward? Don't nominate Trump in 2024 might be one way to put it, although that would be overly simplistic. There are elements of Trumpism the GOP should not throw out with the bathwater. But it needs a vision of the future built on principles, including intelligent but limited government, individual responsibility, unity, color-blindness, and optimism. The path is illuminated.

*Andy Taylor is a professor of political science at the School of International and Public Affairs at N.C. State University.*

## COMMENTARY

# Expand health care supply through these three reforms



### JORDAN ROBERTS

GOVERNMENT AFFAIRS ASSOCIATE  
JOHN LOCKE FOUNDATION

The 2021 N.C. legislative session is under way in Raleigh. Legislators have been filing bills, holding committee meetings, and voting on legislation in each chamber. While appropriating COVID relief money and passing a budget will top the priority list of both chambers, health care issues are likely to play a big role this session as we look to a post-pandemic world. On this front, I am urging lawmakers across the state to focus on health care supply when considering reform.

What do I mean by health care supply? I mean lawmakers should focus on increasing the volume of health services available to be provided in the state. Health care issues affect everyone. We know the demand is there.

But given all of the reforms at the federal and state level over the past decade that increased demand through insurance expansion, health care reform has focused less on ensuring we have the supply to

keep up with that demand.

Given this, there are three key health care reforms that lawmakers can look to this session that will expand the supply of health care in the state. Those reforms are certificate-of-need repeal, granting full practice authority for advanced-practice nurses, and allowing for telehealth use across state lines.

Each of these reforms, again, can result in increased supply and, therefore, more opportunities for North Carolinians to access care. Often the health care debate gets boiled down to a singular focus on “coverage.” But we know health coverage does not equal access to care, which is why lawmakers should focus on the volume of opportunities to access the health care system.

**CERTIFICATE-OF-NEED REFORM** is an issue that readers of *Carolina Journal* are likely familiar with. It’s an old law that dates back to the mid-20th century and something that has been debated in North Carolina intensely, especially over the past several years. This law requires government permission when building some new health facilities or acquiring new equipment. The process allows competitors of potential new health care facilities an opportunity to object to the state granting permission to build new facilities, which results in a system rife with



**EXPANDING THE REACH OF TELEHEALTH.** Telehealth’s technological advances allow doctors to connect to patients over vast distances.

cronyism. It’s my opinion that the entire law should be repealed. If not the entire law, the state should seriously reform the law by exempting services such as ambulatory surgery centers, mental health beds, substance abuse treatment centers, dialysis centers, and imaging centers. Exempting all these facilities from CON laws would benefit patients tremendously.

Next is the issue of **FULL PRACTICE AUTHORITY FOR ADVANCED-PRACTICE NURSES**. As it stands now, some APRNs must practice under the supervision of a physician. But here’s the catch: that “supervising” physician does not have to be in the same building

or the same county as the APRN. This is especially true for nurse practitioners who are capable of providing critical primary care.

By relaxing these supervisory requirements, as 24 other states have done, our state can unleash highly trained nurses to practice with full authority.

This reform will greatly increase the number of nurses who can practice in the state and will expand the geographic area in which they can practice.

Finally, the General Assembly should **EXPAND THE REACH OF TELEHEALTH**. One way to do this is to allow out-of-state licensed health care professionals to treat

North Carolinians via telehealth without holding a full N.C. medical license. Licensing in the health care world is often restrictive and duplicative. Health care professionals in other states who are in good standing with their medical boards should not have to hold multiple licenses from each state in which they would like to practice. Telehealth’s technological advances allow doctors to connect to patients over vast distances. We should not limit it to state boundaries through licensing restrictions.

North Carolina has some of the best health care in the country. However, these facilities and the personnel that staff them are not evenly distributed across the state. With most counties facing primary and mental health facility and personnel shortages, lawmakers need to focus on how to increase the supply in these medical deserts.

The reforms outlined in this column will achieve that goal. Repealing CON laws will allow for more facilities to be built; rolling back nursing regulations will increase the work force who can practice in underserved areas; increasing telehealth access will allow anyone with a smartphone and a broadband connection to access health care. Health care demand is constant. Let’s ensure we have the supply to keep up with it.



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