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The “woke” movement has gone too far, taking a hard left turn around the next corner.
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COVID aftermath, and a renewed appreciation for liberty

DONNA KING
EDITOR-IN-CHIEF



This summer has been one of reflection and recovery after last year’s runaway train of riots and pandemic panic. At Carolina Journal, we’re examining and debating the hard issues our nation and state have faced over the past 18 months. Whether your challenge has been a closed business, a closed school, or closed minds in your community, we are starting to see “open” signs light up.

Over the past month, I’ve felt the momentum of those who see that liberty, equality, and capital-



ism, the foundational values of this nation, are at risk. They are fighting back. In this issue of CJ, we examine the fight and where it is taking us.

Among the real debates we’ve faced as a society is discrimina- tion, whether it’s based on race,

gender, heritage, or even vaccine status. This legislative session a constitutional amendment is being considered that would make the Civil Rights Act of 1964 a permanent part of the N.C. Constitution. Senate Bill 729, The Public Nondiscrimination Amend- ment, would ban the state or a state agency from discriminat- ing against “or grant preferen- tial treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employ- ment, public education, or public contracting.”

I’ve repeatedly heard oppo- nents of the measure try to rede- fine it as a “ban on affirmative ac- tion,” betting they can shift the

public message on the bill to per- ceived racism, rather than the bill’s core purpose, ensuring equal access to opportunity. We see the same efforts in the addition of “equity” to the political playbook, rather than “equality.”

The idea government at any level would institutionalize or promote discrimination against anyone is so far removed from our values as a nation and current de- mands for reform that one must wonder about the real goals of op- ponents. Either you want equal access to the American dream and all that is required to achieve it, or you don’t.

The fight over Critical Race

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CORPORATE MEDIA

Enemies and anti-journalists provide opportunity for Carolina Journal

AMY O. COOKE
PUBLISHER



ENEMY IS A strong word. We have political oppo- nents. But enemies? It’s hard to think of fellow Americans as enemies. Yet that’s the world we occu- py today. For the corporate media, it’s a world of their own making.

As corporate media voluntarily relinquish their role as reporters of facts in favor of a predominant-

ly progressive-left world view, we’ve watched their credibility, viewership, and readership plummet. At Carolina Journal, we see an opportunity.

In a Reuters Institute YouGov poll of 92,000 people in 46 countries, the American corporate media came in dead last with only 29% of U.S. respondents believing the media are credible. Ranking ahead of us? The Mexican, Argen- tinian, Chilean, and Fili- pino media. No word on how the media in commu-

58%

ENEMY OF THE PEOPLE
Percentage of U.S. voters that agree the corporate media has become “the enemy of the people.”

nist China fared since they weren’t included.

It’s not “fake news” to say that for the U.S. cor- porate media, it’s getting worse. A recent Rasmus- sen Reports poll found

that 58% of likely U.S. vot- ers agree that media have become “the enemy of the people,” including 34% who strongly agree.

Welcome to the world of anti-journalism*, where the new trend is to deni- grate longstanding jour- nalistic traditions of striv- ing for objectivity and pro- viding varying perspec- tives, allowing readers to decipher the truth.

Those standards have been replaced with a pro- gressive-left world view that acts as the propagan-

da arm of the Democrat Party. Longtime media member Michael Wolff, not without his own con- troversy, highlighted the media’s problem in a re- cent CNN interview. Wolff scolded host Brian Stelter:

“You’ve become one of the parts of the problem of the media. You come on here, and you have a mo- nopoly on truth. ... You are ... one of the reasons peo- ple can’t stand the media.”

This is the new reali-

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Cases involving Barber, CON await Court of Appeals in-person hearings

BY CJ STAFF

Cases involving a high-pro- file political activist and a controversial state medical regulation await the N.C. Court of Appeals as it returns to reg- ular in-person hearings in Au- gust.

The state’s second-highest court announced that it will re- sume its regular schedule of in-person oral arguments with the start of its fall session. Three- judge Appeals Court panels will begin hearing cases again Aug. 10.

Among the first cases on the docket is an appeal in a 2017 tres- pass case involving the Rev. Wil- iam Barber. Former head of the state NAACP and current co- chair of the activist Poor People’s

Campaign, Barber was arrested four years ago in connection with a protest at the state Legislative Building.

Found guilty of second-degree trespass in 2019 and fined \$200 and court costs, Barber contin- ues to fight the conviction. Judges Chris Dillon, Lucy Inman, and Jeff Carpenter are scheduled to hear the case against Barber on Aug. 11.

Another case heading to the N.C. Court of Appeals that week will shine light again on the state’s controversial certificate-of-need law.

That law forces N.C. health care providers to get state govern-

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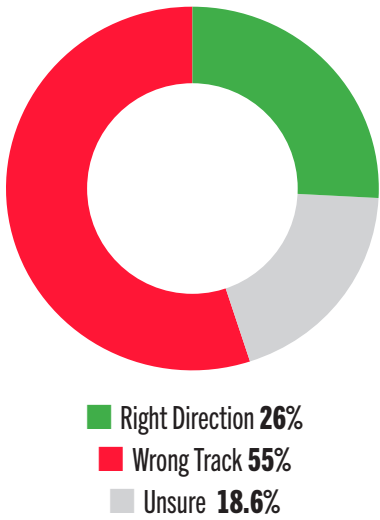
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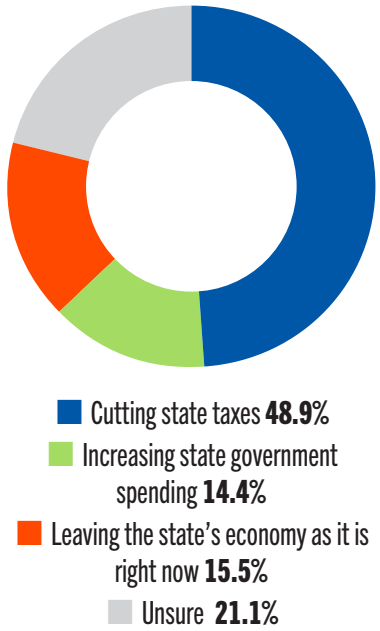
PUBLIC OPINION

Voters: Cut taxes and get education back on track

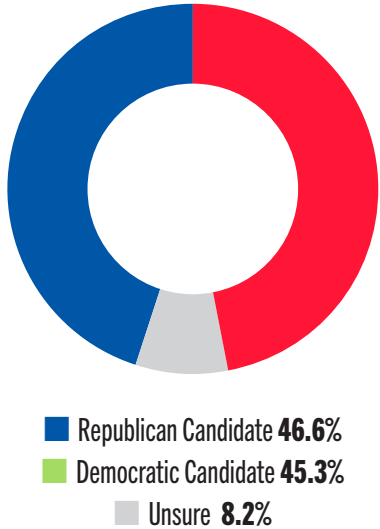
Education in North Carolina
Generally speaking, would you say that education in North Carolina is headed in the right direction or off on the wrong track?



Taxation & Spending
For you personally, which of the following options would be most beneficial to your current financial situation right now?



2022 Elections
If the 2022 general elections were held today, and you had to make a choice, would you be voting for the Republican or Democratic candidate for State legislature?



Cygnal Polling, on behalf of John Locke Foundation, surveyed 600 likely voters from June 17-20, 2021, with a margin of error of +/- 4.0%

PHOTO ESSAY: Scenes from the 2021 N.C. Republican Party Convention



Former U.S. President Donald J. Trump speaks at the N.C. GOP state convention hosted in Greenville in June. Trump spoke on issues of the border, voter laws, and U.S trade deals.

CJ PHOTO BY MAYA REAGAN



Lt. Gov. Mark Robinson speaking passionately on hot-button issues, such as the Black Lives Matter protests, slavery, and transgenderism.

CJ PHOTO BY MAYA REAGAN



A man from Carteret County weaves through the tables donning an American flag cape and top hat.

CJ PHOTO BY MAYA REAGAN



Hallmon Hughes and Catherine Whiteford, the current chairwoman of the NC Young Republicans.

CJ PHOTO BY MAYA REAGAN



N.C. Representative Kristen Baker (R-Cabarrus)

CJ PHOTO BY MAYA REAGAN



BILLS TO WATCH

BUDGET
Senate Bill 105
This is the piece of legislation most people are watching at this point in the session. The Senate has passed its version, which keeps state government spending growth under the rate of population and inflation increases, and now it is the House's turn to present a two-year spending plan. The biggest question remaining is whether the governor will sign the budget the legislature sends him. Gov. Roy Cooper, a Democrat, has never signed a budget since being elected to his first term in 2016.

DONOR PRIVACY
Senate Bill 636
The General Assembly is considering a bill clarifying in state law that the personal information of nonprofits and charities must remain confidential. The Senate passed the bill earlier this summer, and the House is set to consider the bill. The measure comes up in the House just as the U.S. Supreme Court ruled in favor of donor privacy protections. S.B. 636 would codify into law what the Supreme Court has affirmed twice, that governments collecting and disclosing the personal information of nonprofit donors is an infringement on First Amendment rights.

REGULATORY SANDBOX
House Bill 624/S.B. 470
The bill would create a new regulatory structure for startups in the FinTech, banking, and insurance industries. The regulatory sandbox would allow startups to submit waiver requests for certain regulations that may hinder their business model. These startups would be relieved of some regulatory burden for two years, allowed to "play in the sandbox," if you will, then work to make recommendations for updating laws.

SAVE ACT
Senate Bill 249/H.B. 277
This bill is stuck in the Senate Rules Committee after it was first introduced in 2019 and again in this session. A recent stakeholder meeting could breathe new life into the SAVE Act. The bill would modernize nursing regulations and free North Carolina's advanced-practice registered nurses from practicing under burdensome physician supervision. For years, North Carolina's nurses have been fighting for full-practice authority, and the momentum is building.

COVID exposes certificate-of-need laws

Onerous laws keep people from getting care

BY ANDREW DUNN

As patients began to show up to emergency rooms with symptoms of a novel coronavirus last spring, hospitals sounded an alarm: North Carolina doesn't have enough beds.

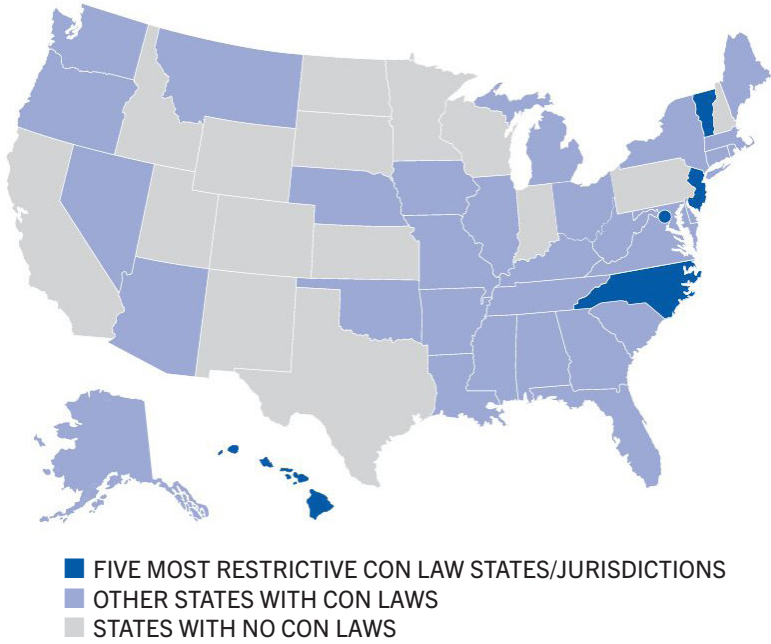
Experts predicted a disastrous scenario. Models showed the potential for more than 250,000 COVID cases across the state by the end of May, even with lockdowns and social distancing; in fact, the number would be about 28,000 at that point.

The government swung into action, clearing out hospitals and suspending laws preventing hospitals from adding capacity.

On March 20, 2020, the N.C. Department of Health and Human Services asked all hospitals and surgery centers to stop performing elective procedures — a category that includes cancer screenings, organ transplants, and any other procedure that can be scheduled.

Nineteen days later, Gov. Roy Cooper signed an executive order suspending some of the state's certificate-of-need laws so hospitals could add new beds as quickly as possible.

Jurisdictions with the most restrictive CON laws



SOURCE: MERCATUS CENTER

The dual actions put a harsh spotlight on North Carolina's controversial CON system, government control over how many hospital beds and medical equipment could be operated across the state.

To open a medical facility, add beds, or even buy equipment, health care providers and physicians' groups must get permission from a board appointed by the governor. The process takes months or even years, as well as thousands of dollars.

States with certificate-of-need laws have 30% fewer hospitals per capita and 13% fewer hospi-

tal beds, according to a study conducted for the John Locke Foundation. The impact on some more specialized services is even more dramatic: 49% fewer neonatal intensive care beds and 42% fewer substance abuse treatment centers.

Because of these laws, North Carolina entered the pandemic with far fewer hospital beds and much less life-saving medical equipment than it would have otherwise. North Carolinians unnecessarily faced canceled cancer screenings, organ transplants, and other crucial procedures.

"CON laws have always been a hindrance in natural disasters when facilities and services are needed quickly," Dr. Jay Singleton, an eye surgeon in New Bern, told Carolina Journal. His ophthalmology center performs cataract surgeries and other eye disease treatments. Singleton has been stymied by certificate-of-need laws in the past.

During the pandemic, Singleton was able to reopen before many other facilities because he could keep tight control over how many people went into and out of his office. For a time, it was one patient in, one patient out — with N95 masks for all.

"Other independent surgery centers should have done the same — if any were allowed," he said.

North Carolina continues to have one of the most restrictive CON laws in the country, and there is still no movement to change that despite the state's experience with the coronavirus.

CON laws emerged in the 1970s, when the federal government required states to pass them to control costs in Medicare and Medicaid. The efforts did not work, and Congress repealed the mandate in 1987.

Today, 12 states have fully repealed their programs. Thirty-eight states have some form of CON law on the books, and 24 of them suspended some or all CON laws during the pandemic.

In many states, these efforts were too late. New York, for example, had just a week to staff up hospitals before they approached full capacity.

Soon after North Carolina suspended its CON laws, hospital systems began planning to set up

temporary hospitals to deal with expected COVID patients. Atrium Health and Novant Health were close to constructing temporary field hospitals in Charlotte.

"There's no way we could do that without waiving the CON laws," Sen. Joyce Krawiec, R-Forsyth, told Carolina Journal in March 2020. "If we had a big outbreak and people needed hospitalization, this could be a real problem. This shows how onerous — and how dangerous — those CON laws could be."

At the same time, the state continued with many of its restrictive CON laws.

Even with the CON law suspension, North Carolina continued to deny certificate applications. A proposed Atrium Health acute care hospital north of Charlotte was shot down in late March 2020.

As COVID retreats, states will need to decide what to do with their CON programs. Medical experts in other states are already pushing for CON law repeal, citing the experience of the pandemic.

South Carolina Gov. Henry McMaster, a Republican, took a similar action to suspend CON laws in his state around the same time. Lawmakers in South Carolina, as well as Maine and Alaska, are considering a full repeal.

In North Carolina, bills that would permanently repeal the CON program haven't moved forward.

"A law that's good enough to be lifted during an emergency is probably a law that should be lifted permanently," Dr. Marcello Hochman, president of the Charleston County Medical Society, said to WCSC News.

North Carolina holds off Medicaid expansion, but 'transformation' complete

BY ANDREW DUNN

The General Assembly has successfully held off efforts to expand Medicaid in North Carolina for another year, but a years-long effort to improve the health care program finally went into effect this summer.

For years, expanding Medicaid has been one of the top priorities for Gov. Roy Cooper and his Democratic Party. The federal program extends health insurance to low-income people who are parents, disabled, or elderly. Under Medicaid expansion, virtually anyone making up to 138% of the federal poverty line could get free government health insurance. Estimates put the number of North Carolinians who would qualify under Medicaid expansion at about 500,000, with the vast majority of the newly eligible being able-bodied childless adults of working age.

Cooper included expanding Medicaid in his budget proposal for the 2021 long session, as he's done in years past. His proposal wasn't seriously considered in the General Assembly, and the Senate's budget bill does not include Medicaid expansion.

At roughly \$4 billion in state funding each year, Medicaid spending consumes about 14% of the state General Fund budget, and several laws to tweak the program have been signed into law this year.

Most of these are relatively minor changes, including creating an expedited appeals system for Medicaid coverage decisions.

But the General Assembly also plans to set aside more money as North Carolina completes a major realignment of the Medicaid program, known as "Medicaid transformation."

Under Medicaid transformation, the state moves from a system in which the government pays providers based on the number of services and tests performed and toward one in which the state pays based on health outcomes.

Previously, the state Department of Health and Human Services paid doctors and hospitals directly. Now, the state has essentially privatized the system. North Carolina will pay five "managed care" companies roughly \$30 billion over the next half-decade to handle health care for 1.6 million of the state's Medicaid participants.

The managed care companies act as the health insurers, and the state pays them a fixed amount per month per person enrolled. These companies are responsible for cost overruns, but they also get to keep as profit amounts saved.

The idea is to help control costs to the state, which have risen rapidly in recent years. The General Assembly has worked to move toward the new system since passing a law requiring it in 2015. The transition has run into repeated delays since then, as the Cooper administration has fought its implementation despite widespread support among Republicans and Democrats. Cooper's vetoes in 2019 cut off the money needed to finish the process, though a 2020 law ultimately restored the funding.

The new policies went into effect in July. North Carolina joins more than 40 states that have already moved to the managed care system.

The Senate's budget bill would set aside more than \$200 million per year for the Medicaid transformation effort, as well as a half-billion to cover rising Medicaid costs.



Dr. Mandy Cohen, secretary of the N.C. Department of Health and Human Services, has pushed the Cooper administration's goal of Medicaid expansion.

CJ PHOTO BY MAYA REAGAN

School choice scholarships help retired soldier's autistic daughter to thrive

BY DAVID BASS

Without North Carolina's school-choice scholarships for students with special needs, retired soldier James Martin would have moved his family to another state. That's how important these scholarships have been to his 11-year-old daughter, Mia.

"It's been priceless," said Martin, a veteran of Operation Iraqi Freedom and Operation Enduring Freedom. "People ask me why we're staying in Fayetteville, North Carolina. This is it."

Mia was diagnosed with autism at age 3. Martin and his wife initially enrolled her in an early-intervention program in Cumberland County Public Schools. Mia attended a mainstreamed kindergarten class, but at the conclusion of her first year the school system decided a self-contained classroom would be a better fit.

So Mia spent first through fourth grade at Cliffdale Elementary in Fayetteville. At first, she benefited from Applied Behavior Analysis services in the classroom, but the school system discontinued them after the first grade. That meant Mia ended up pulling 12- to 13-hour days in combined classroom time with her behavioral tutoring.

"She would wake up at 5 a.m. to be on the bus by 6 a.m.," Martin said. "I would pick her up from school at 1:15 p.m. to go to clinic for ABA services from 2 p.m. to 6 p.m. We'd get home around 6:30 p.m. We did this Monday through Friday for four years. She was frustrated, tired, sad, angry, and I felt helpless to change the confines and conditions of her environment."

Even with a classroom of 16



Mia Martin, who is 11 and the daughter of Iraq veteran James Martin, has benefited from N.C. school choice scholarships. At 3, Mia was diagnosed with autism.

students with a special-education teacher plus an assistant, Mia struggled to learn. At one point, the teacher put her in a seat in the far-left corner of the classroom — next to the bathrooms — because her behavior had become such a distraction.

"Our greatest fear was that Mia would get lost in the system — that she would not get the services and support she desperately needed and would end up incarcerated or destitute as an adult because no one took the time to understand her limitations," Martin said.

A NEW OPPORTUNITY

That all changed in 2020, when Mia was presented a new

opportunity to thrive through a private-school education. Even as classrooms were shutting down across the state and students were experiencing unprecedented learning loss, the pandemic provided the catalyst to put Mia on the pathway to a better life.

The lever of change came when Martin and his wife secured help through North Carolina's Education Savings Account and the Children with Disabilities Grant Program. The combined funding through the two programs covers the tuition for Mia to attend New Leaf Academy, a specialized school-clinic that is a collaboration between First Impressions Academy — a private school — and New Leaf Therapeutic Ser-

vices, an ABA clinic.

The classroom size matches six kids with autism and six ABA technicians and clinicians, with one special-education teacher. That's a 7-to-6 teacher-to-student ratio.

Martin calls the school "a diamond in the rough right here in Fayetteville, North Carolina." It's an environment where Mia is thriving.

"Her maladaptive behaviors, aggression levels, and meltdowns have been reduced significantly, and the self-soothing and coping methods taught by the school clinic have helped tremendously," Martin said. "Her eye contact, verbal requests, and overall interaction with us and others have in-

creased dramatically."

Even during the pandemic — when public schools were shuttering across the state even for students with special needs who desperately needed ongoing help — Mia's education never slowed down.

"Our school wasn't impacted by the lockdowns and restrictions. There was no virtual learning where my daughter would've been forced to sit still in front of a computer attempting to be educated for hours while enduring endless frustration and meltdowns," Martin said.

MORE HELP FOR N.C. FAMILIES

If Republican lawmakers in the General Assembly are successful this year, more help could be on the way for students like Mia.

In April and May, the House and Senate passed their own versions of legislation that would combine the Children with Disabilities Grant Program and ESA into one program to ensure adequate funding and reduce wait lists.

The bills also would expand the Opportunity Scholarship Program, an income-based scholarship meant to help middle- and working-class families pay for private-school tuition if they want to escape their locally zoned public school.

To Martin, continuing to make North Carolina a leader in school choice will pay dividends for decades to come.

"If you get these kids the help they need right off the bat — while they're growing, while they're learning, while they're able to — they will grow and flourish. They will be brilliant and wonderful," he said.

Lawmakers seek to expand K-12 school choice, remediate COVID-19 learning losses

BY DAVID BASS

Significant changes are in store for K-12 education across the state, arising from the 2021 session of the General Assembly.

Lawmakers are poised to pass major updates to North Carolina's school choice laws, even as they work to remedy COVID-19 learning losses for traditional public school students and tussle over Critical Race Theory, whether to delay the state's controversial new social studies standards, and whether to empower local districts to make the call on student mask policies.

"The ideas are big. The pace is slow. The patience is thin," said Terry Stoops, director of the Center for Effective Education at the John Locke Foundation. "While Republican leaders should be commended for judiciousness and restraint, the General Assembly is six months into a long session with shockingly little to show for it."

"A number of proposed K-12 education measures could change the trajectory of the fast-approaching school year and thus should be addressed without further delay," Stoops added.

SCHOOL CHOICE

A budget for the new biennium passed by the N.C. Senate in June includes a significant expansion of the state's three school choice scholarships aimed at low- and middle-income families and those with students with special needs.

Under the budget proposal, income eligibility for the Opportunity Scholarship Program would increase to 175% of the amount to qualify for the federal free and reduced-price lunch program, meaning a family of four making \$85,794 a year would qualify. The scholarship amount would increase from \$4,200 a year to match 90% of the per-pupil allotment for students enrolled in public school during the prior fis-

The ideas are big. The pace is slow. The patience is thin. While Republican leaders should be commended for judiciousness and restraint, the General Assembly is six months into a long session with shockingly little to show for it.

- Terry Stoops, John Locke Foundation

cal year — about \$5,800 per student.

Beyond the Opportunity Scholarship Program, the Senate budget would combine the Children with Disabilities Grant Program and Education Savings Account

into one program to ensure adequate funding and reduce waitlists. Now, the disabilities grant and ESA program provide up to \$8,000 and \$9,000, respectively, for students with special needs to help defray the cost of tuition, specialized treatments, and therapies or equipment.

In May, the state House additionally passed House Bill 729 to open new funding sources and add flexibility to charter schools. The bill better levels the playing field between public charter schools and their traditional district school counterparts.

SCHOOL REOPENING, LEARNING LOSS, AND MASKS

In March, Democratic Gov. Roy Cooper and Republican lawmakers reached a deal on reopening public schools for in-person instruction. The compromise plan returned most decision-making

autonomy to local school boards.

A month later, lawmakers and Cooper found agreement again on two bills designed to address pandemic-caused learning losses. The first, House Bill 82, required all public school districts to offer a minimum of six weeks of in-person summer school this year.

The second, Senate Bill 387, made key updates to the 2013 "Read to Achieve" law, built around ensuring students are reading proficiently by the third grade. The bill switches literacy instruction from a "look-and-say" method to the phonetic method.

More recently, another measure — Senate Bill 173, the "Free the Smiles Act" — has drawn more stark partisan divisions. The bill would allow local school systems to set their own classroom mask policies, rather than allowing them to be set by state government or the governor.

S.B. 173 passed the House in a

A continuing ‘emergency’

Lockdowns and suppressions: COVID-19 disrupts government, jobs, lives

BY JEFF MOORE

When the calendar flipped from 2020 to 2021, some breathed a sigh of relief. The advent of COVID-19 and the associated pandemic policies were a whirlwind of emergency measures that threw the state, nation, and world into disarray. What has transpired over the first half of this year could well be considered the aftermath.

In addition to the novel coronavirus, this includes fallout from myriad and unprecedented COVID policies. Whether it be businesses struggling to meet “re-opening” demand while competing for labor with increased unemployment benefits, parents fighting for their kids’ return to school, or the state legislature figuring out how to allocate revenue surpluses — which many people would have assumed to be deficits only one year ago — 2021 has largely been a reaction to the response.

2021 N.C. GENERAL ASSEMBLY

Usually, the “long session” of the General Assembly is dominated by the formation of a new biennial budget. This year, some of the most consequential legislative action came before budget writers had even wet their pens.

Multiple massive federal rescue packages approved by Congress meant lawmakers’ first order of business involved allocating billions in federal funding. In early February, the legislature passed, and Gov. Roy Cooper signed, Senate Bill 36, a COVID relief bill allocating millions for schools, vaccine distribution, rental assistance, and expanded broadband services. It included \$1.6 billion for K-12 schools, \$95 million in federal funding for vaccine distribution, \$39 million to expand rural broadband internet access, and



While some bills to pass out federal money won unanimous support in the General Assembly, other legislation tied to the COVID-19 pandemic generated far more debate.

\$546 million for the Emergency Rental Assistance Program; plus an additional \$155 million in rental assistance distributed to local governments.

While passing out federal dollars enjoyed unanimous support, other priority COVID aftermath legislation endured far more debate. Cooper “strongly urged” elementary schools to open for in-person instruction in early February, a welcome sign for parents and students alike dealing with remote learning struggles, but middle and high schools remained closed. The General Assembly passed Senate Bill 37, mandating in-person instruction options for

all schools, but Cooper vetoed that bill. It wasn’t until the next month that the N.C. State Board of Education issued new guidance and subsequent negotiations yielded an agreement that led to the overwhelming majority of K-12 schools opening to students.

Yet the damage from months of remote-only instruction had been done. Closing the COVID education gap began in earnest soon thereafter, as the legislature passed the Summer Learning Choice for N.C. Families Act on April 1, with the governor signing the bill into law just eight days later. The bill provided for a summer school program to offer core

academic courses and enrichment instruction to tackle learning deficits accrued after months out of the classroom.

Beyond reopening schools was the question of the governor’s authority to make such sweeping actions in the first place. Throughout 2020, acrimony over emergency powers was palpable, and that tension extended into 2021. Eviction moratoriums, mask mandates, capacity restrictions, and business closures; almost exclusively, the most impactful COVID-19 emergency orders were decreed by Cooper unilaterally. Over the spring, the state House and Senate passed separate

bills, the Emergency Powers Accountability Act and the Emergency Management Act Revisions Act, respectively, that shared a central aim. Both pieces of legislation pointed squarely at reining in the governor’s open-ended and unilateral use of emergency authority through reforming the N.C. Emergency Management Act to require multiple layers of concurrence, from the Council of State to the state legislature itself.

Neither bill passed out of the General Assembly, undoubtedly due to assured vetoes. But major elements of those reforms are now contained as policy items in the biennial budget under discussion. Other bills targeting the end of the extraordinary supplemental unemployment insurance benefits, an effort to spur higher work force participation as economic demand grew, were passed, but ultimately vetoed. Still, not immune to public pressures, and faced with undeniably waning cases of COVID-19, Cooper reluctantly began to lift the most onerous of emergency orders.

INCREMENTAL REPRIEVE FROM EXECUTIVE ORDERS

During the first half of 2021, the executive orders that disrupted life so significantly over the prior year began slowly to peel away. But not right away. Cooper began the year by extending stay-at-home orders that set curfews for businesses, capacity restrictions, a moratorium on evictions, and statewide mask mandates.

It wasn’t until Feb. 24 that Cooper suspended the statewide curfew and began to ease business restrictions, albeit incrementally. A month later, as COVID-19 vaccines became available, came more incremental easing of business restrictions. But another month later, on April 28, the outdoor mask mandate was finally lifted. These changes came because of pub-

January

- Gov. Roy Cooper twice extends the state's modified stay-at-home order, as well as extending the moratorium on evictions, and other COVID-related executive orders.
- COVID hospitalizations hit their highest point, at more than 4,000
- N.C. unemployment rate at 5.9%

February

- Cooper lifts modified stay-at-home order
- Vaccine distribution increases
- State lawmakers pass \$1.6 billion COVID relief bill

March

- Cooper eases capacity restrictions, extends mask mandate and evictions moratorium
- CARES Act signed into law by President Biden, providing \$300 extra weekly unemployment benefit
- Cooper reinstates work search requirements for new claimants of unemployment insurance benefits
- Legislators and Cooper reach 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 classrooms.

April

- Cooper removes outdoor mask mandate, eases gathering restrictions
- All 100 counties report drop in unemployment; statewide average drops to 5.0%
- Lawmakers pass, and Cooper signs, two bills designed to address pandemic-caused learning loss with remedial learning over the summer and expanded reading instruction.

lic sentiment turned decidedly toward reopening and a desired return to normalcy.

Still, Cooper retained the remaining restrictions with the promise of lifting them only as the state hit vaccination targets by certain dates. It was an ultimatum he couldn't enforce, as consumer economic activity and public perception of the threat posed by COVID-19 began to diverge significantly from that implicated by the state of emergency.

On May 14, citing progress on vaccination, Cooper signed Executive Order 215, officially lifting all capacity restrictions and social-distancing requirements for businesses and venues and suspending the statewide mask mandate, except for certain settings.

It marked a return to normal, largely, as coronavirus numbers continued to dwindle. That also meant a turn to work search requirements for those receiving unemployment benefits. Cooper signed such an order May 24 as job openings increased markedly and labor market woes became pronounced.

In the following weeks, most of the executive's attention then shifted to vaccination as a primary focus. With progress toward vaccination targets slowing as nearly half of all adults received their shots, Cooper signed an executive order implementing a vaccine lottery to incentivize more to get shots.

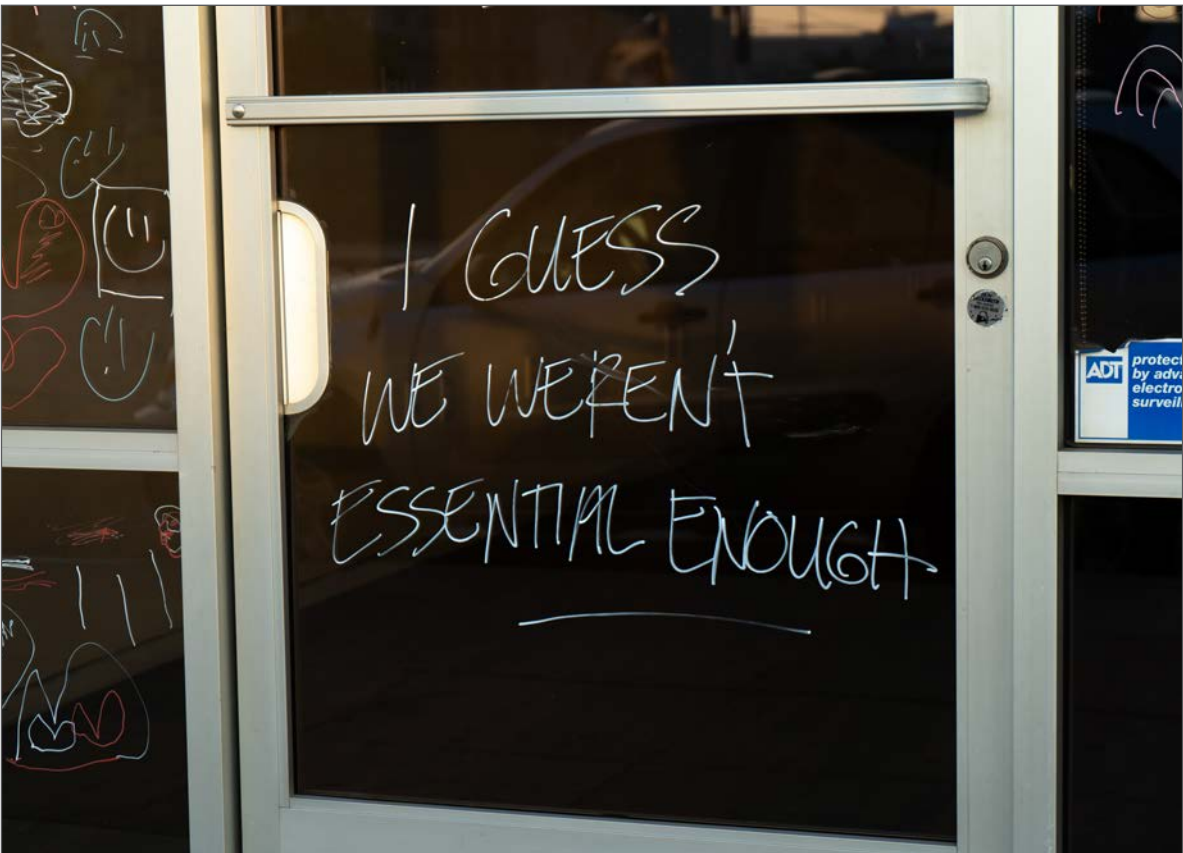
Four \$1 million prizes and four \$125,000 scholarships for adults and kids, respectively, who got at least one dose of the vaccine, were offered via a random lottery funded by federal COVID money at the executive's disposal.

Winners have been announced, but the incentive hasn't resulted in a renewed rush for vaccination. At time of publication, North Carolina is still short of Cooper's goal to have two-thirds of adults vaccinated, with an original target date of July 4.

North Carolinians' interest in bringing back summer was not slowing down, however. The pre-Memorial Day orders in effect cleared the runway, and the confluence of federal stimulus checks, savings, and pent-up demand provided the motive power to take off.

THE ECONOMY

The term "Carolina Comeback" was actualized over late spring and early summer. The state last year saw the steepest job losses on record in a span of a mere few weeks



From 3.5% in January 2020, the unemployment rate in North Carolina topped out at 13.5% in April and May, according to federal statistics.

in spring 2020, yet the intervening months proved V-shaped for many segments of the economy. Stock markets retraced losses and broke out to new highs, and unprecedented federal spending packages landed in consumers' pockets, complementing a similarly historic injection of liquidity into the financial system from the Federal Reserve.

North Carolina was no exception. From 3.5% in January 2020, the unemployment rate in North Carolina topped out at 13.5% in April and May 2020, according to numbers from the U.S. Bureau of Labor Statistics.

Since then it has moved in the opposite direction. At the outset of 2021, the state's unemployment rate stood at 5.9% and has continued to fall as the state emerged from pandemic restrictions. Preliminary numbers for June 2021, the latest month on file, put the unemployment rate at 4.6%, a level similar to that enjoyed in 2017.

It's even lower in certain areas of the state, such as the Crystal Coast of North Carolina, where tourists have flocked to enjoy vacations by the sea. At 3.6%, the unemployment rate in Carteret County is near a historic low, and visitation numbers are breaking record highs.

It has not been without pain

points. Remember, this is the aftermath. This, as Director of Economic Development for Carteret County Don Kirkman puts it, "creates a severe work force challenge."

While consumer demand came surging back, and restrictions were lifted, businesses rushed to reclaim lost revenues and get back on their feet. Job openings began to pile up. Heading into the summer, "Help Wanted" signs were more numerous than "Grand Re-Opening" signs in towns across the state. The same unprecedented measures taken in Washington, D.C., that left many consumers flush with cash, also added a supplement to unemployment benefits that changed the calculus for the unemployed to accept a job offer.

That means businesses hiring low-skill labor, hospitality workers, and seasonal jobs, had to compete with Uncle Sam. Those pressures aren't unique to smaller towns. Even businesses in relatively large labor markets have felt the effects of the aftermath.

Labor, getting enough workers, has been our No. 1 struggle over the last six months. Then comes food scarcity and rising costs of goods. Moving forward it will be rising wages.

- Heath Stanley, owner of Captain Stanley's Seafood Restaurant

rising costs of goods. Moving forward it will be rising wages," Stanley adds.

The wave of COVID cash has met with the large ripples of sup-

ply disruption still reverberating throughout the economy. Everything from lumber to chicken wings has faced some level of supply crunch, and with it a spike in prices.

Mountaire Farms, one of the nation's largest chicken product producers, operates some of the largest poultry plants in the country right here in North Carolina. The community relations manager for the company's Siler City plant, Jarrod Lowery, says his company is doing all it can do to keep up with demand, after facing product surplus challenges only months ago.

"We were deemed essential workers from the beginning, and we took precautions to make sure our workers were safe, but it's been full-speed ahead in 2021," Lowery said.

Last spring, Lowery helped organize community sales — refrigerated trucks full of 40-pound bags of chicken — to distribute surplus production direct to consumers, as disruptions in the supply chain stifled demand from large customers.

Then, he says, "It was like a switch flipped. One day we have too much chicken, too few buyers, and the next day it seemed like we couldn't get enough. We literally called a truck back that had been sent to distribute surplus, because it changed that fast."

In the meantime, Mountaire Farms has managed to grow from the sixth- to the fourth-largest producer of chicken in the country. The company harvests about 880,000 chickens each day. Lowery credits the company's work force, and the focus on keeping them safe and productive, for the growth. Still, Lowery worried for a time he would have to hatch chicks himself when labor got so tight.

"We treat our workers well," Lowery said. "They're making \$19.50 an hour to start, and it was a struggle earlier this year for a lot of the industry to keep enough workers to meet demand. We were well-positioned, but there were times we'd help out other producers who just didn't have the labor to harvest all the chickens they had coming on a given day."

Things are running apace now, but Lowery says challenges remain. Namely, exporting has become more difficult as world trade bounces back but containers remain scarce. North Carolina doesn't exist in a vacuum, after all, and the policies of pandemic panic still reverberate on a global scale.

May



Cooper lifts capacity restrictions, social-distancing requirements in all settings, general face covering requirement lifted in most settings



Employers report hiring difficulty as reopening demand surges



The House passes House Bill 729 to open new funding sources for public charter schools, add flexibility, and better level the playing field between charters and traditional school counterparts

June



Cooper signs executive order establishing vaccine lottery as statewide vaccination rate stagnates around 50% of adults



COVID hospitalizations in state hit new lows for year, down more than 85% from January peak



N.C. Senate unveils biennial budget proposal



The House passes a bill to delay the implementation of North Carolina's controversial new social studies standards for K-12 until the 2022-23 school year.



The House passes the "Free the Smiles" act to allow local school systems to set their own classroom mask policies, rather than allowing them to be set by state government. The Senate later votes not to accept the House's version of the bill, sending the measure to a conference committee.



The Senate passes a budget for the new biennium that would spend \$10.4 billion in 2021-22 and \$10.5 billion in 2022-23 on K-12 public education. The budget significantly expands and strengthens the state's three school choice programs.

July



Cooper ends statewide mask mandate



General Assembly debates budget



Cooper vetoes bill to end extra federal unemployment benefits as worker shortage continues



N.C. unemployment drops to 4.6%

8 REGULATORY REFORM

Lawmakers targeting governor's powers

BY JOHN TRUMP

The idea Gov. Roy Cooper is misusing his considerable power has, especially since the start of the pandemic, progressed from popular theory to incontrovertible fact.

Cooper, a Democrat, issued his first executive order of the pandemic in March 2020, at the time implementing an interminable state of emergency, typically reserved for the occasional hurricane or severe winter weather.

Bills in the General Assembly to curb Cooper's considerable powers represent one aspect of myriad efforts to ease obstructive regulations, which can hurt the way people do business and, ultimately, affect their livelihoods and freedom to ply their trades.

House Bill 624, for instance, establishes a "regulatory sandbox" — like one created in Arizona in 2018 — waiving certain regulatory obstacles for a trial period for fast-emerging products and services. H.B. 624 mimics Senate Bill 470, which passed that chamber, 47-0, in June.

Each measure would create an innovation council to market the program and seek and review applications. The council would evaluate applications based on level of innovation, potential consumer risks, the level of consumer protections and complaint resolutions in place, and level of business plan and capital. It would then make recommendations to the state agencies ultimately responsible for the final decision.

"We believe that this is an incredibly forward-looking piece of legislation that recognizes the coming growth in the fintech industry," said Jordan Roberts, government affairs associate for the John Locke Foundation. "It also recognizes that often government regulation moves slower than the innovation in the private sector."

Roberts points to other pieces of legislation toward reforming an oftentimes intrusive regulatory environment, including House Bill 361. That bill would add language



CJ PHOTO BY MAYA REAGAN

“Among the most important lessons of the pandemic is the need to ensure one person cannot exercise unilateral control over North Carolina's 10.5 million people, along with thousands of businesses and schools.”

to existing laws saying that any policy, guideline, or “other interpretive statement” an agency tries to implement is unenforceable until it completes a review process, as written in law.

COOPER'S POWERS

Reining in unchecked powers, such as Cooper has displayed, is a key part of Senate Bill 105, the Senate's budget bill. The bill places limitations on the power of a governor — now and in the future — to declare emergencies and allow them to continue interminably.

The move would require approval from the Council of State, the other nine statewide elected executive branch officials. The council includes the lieutenant governor and attorney general. Republicans hold six of the nine seats, not including Cooper.

Executive orders from the governor have closed schools and shut

down businesses. They have mandated masks and stopped public gatherings, even those involving family.

“Among the most important lessons of the pandemic is the need to ensure one person cannot exercise unilateral control over North Carolina's 10.5 million people, along with thousands of businesses and schools,” says Mitch Kokai, senior political analyst at the John Locke Foundation.

“Gov. Roy Cooper's unique interpretation of the state Emergency Management Act has given him too much unchecked power,” Kokai told CJ. “Adding time limits for his one-man rule makes perfect sense. It's also a good idea to add input from other elected officials, whether it's the other statewide elected officials on the Council of State or the lawmaking branch of state government. As an official government state of emergency extends well beyond a year, the need for emergency management

reform grows stronger.”

LIQUOR RULES

The General Assembly this session has considered — and is continuing to consider — several bills to help N.C. distillers and to further loosen alcohol regulation in the state. Some have progressed to the House or Senate floor, while others are mired in committee. None, as of the writing, have become law.

One measure, House Bill 693, passed the House on June 16 and was sent to the Senate. The move would allow alcohol to be sold and served on common carriers, such as charter buses. Another measure, House Bill 781, Bring Business Back to Downtown — creating so-called social districts — passed the House in May but is stuck in the Senate. The move generated much discussion before moving to the House Rules Committee. House Bill 722, which

would expand the size of growlers — essentially refillable containers for beer and cider, from two liters to four liters — passed the House. It was referred to the Senate's Rules Committee.

House Bill 890 was, as introduced, an all-encompassing measure, incorporating some measures that have already cleared one chamber of the General Assembly. It would allow people to order online and pick products up from state ABC stores, loosen rules for tours in N.C. distilleries, and allow distillers to sell their products at festivals.

Maybe most important — and probably the biggest point of contention — is a provision in the bill that levels the proverbial playing field, allowing distilleries to operate like their beer and wine counterparts, apart from ABC control regarding hours of operation. As it stands, distilleries can't open if a local ABC store is not open.

That measure passed the House and was referred to the Senate. It's now in the Senate Rules Committee. Other alcohol measures, such as House Bill 619, are stuck in committee. That bill would provide a sales tax exemption for equipment, machinery, and supplies used in creating certain types of alcohol. It sits in a House committee.

“Legislative leaders have spent the past decade focusing attention on sweeping away unnecessary regulations,” Kokai said. “Reform of this type doesn't get as much attention as tax cuts, but it can have a major impact on helping business owners and entrepreneurs boost their contributions to the state's economy.”

“It's been good to see lawmakers look for new and innovative ways to address the issue, including the regulatory sandbox approach,” he added. “That proposal earned unanimous support in the state Senate. This should remind us that regulatory reform can be bipartisan.”

David Bass and Jeff Moore contributed to this story.

Bill snips away at barriers to entry in cosmetology

BY DONNA KING

At Alexander Paul Institute of Hair Design in Greenville, students are looking toward the future. Here they learn to cut, curl, and color hair, but also tend to customers and build their client base — all the skills they will need for a lucrative career in cosmetology and other personal services.

Some 50 students launch a new career here each year, but space for a student spot is tight. State regulations dictate student/teacher ratios, and current state rules require that a potential cosmetology instructor work for five years or take a lengthy course to become an instructor. The long process to teach has kept some of these chairs empty.

“Many practitioners would make excellent teachers but are unlikely to leave their good-paying jobs to enroll in an instructor program,” said Paul Naoum, co-founder of Alexander Paul Institute of Hair Design.

“Their only other option is to work full time for years before be-



CJ PHOTO BY MAYA REAGAN

Students learn at Alexander Paul Institute of Hair Design in Greenville.

ing eligible to take the teacher exam.”

A bill in the state legislature would open some of the barriers to teaching and free up more student space. House Bill 718 would reduce the required working time to one year of experience before taking an 800-hour instructor course

to teach cosmetologists, estheticians, natural hair care specialists, or manicurists. The state exam requirement would remain in place. Naoum says the change would mean more instructors and more working graduates.

“In my experience, the length of time that someone has prac-

ticed has no bearing on how good a teacher they are,” he said. “The exam for teachers given by the board tests one's knowledge and abilities in teaching methodology.”

Occupational licensing reform is one front in the effort to lower the cost and time for entry into some fields, particularly amid post-pandemic labor shortages. House Bill 434, also in committee this session, is designed to put more service professionals to work by having the state honor the national certification of reflexologists by the American Reflexology Certification Board, rather than creating another layer of state-level regulations.

“All of this just illustrates how invasive and burdensome North Carolina's occupational licensing really is,” said Becki Gray, senior vice president of government affairs at the John Locke Foundation. “It's so complicated and intertwined and full of protectionism and exclusivity, it is almost impossible to unwind all the tentacles and free people to pursue their dreams, have confidence in investing in their futures.”



All of this just illustrates how invasive and burdensome North Carolina's occupational licensing really is.

- Becki Gray, John Locke Foundation

“Think Audrey, the carnivorous plant in ‘The Little Shop of Horrors,’ and you'll begin to understand the life-blood sucking of the state's occupational licensing requirements.”

For as long as they've been tracking it, 100% of students seeking a job as a stylist after completing their course find a position.

“If the length of time for proof of practice can be reduced, it will allow cosmetology schools to employ more teachers, serve more students, and have a greater positive economic impact on our communities,” said Naoum.

‘Frozen in amber’

UNC-dependent Chapel Hill suffers after COVID locks town down

BY JOHN TRUMP

It's around lunchtime on a Wednesday in mid-July, the bright remnants of the morning quickly morphing into the typical hot, heavy Carolina afternoon. A dozen or so people — diners and drinkers — survey downtown Chapel Hill from atop a third-floor balcony at Top of the Hill Restaurant & Brewery.

It's a neighborhood landmark, since 1996 the ideal place to watch the incessant flow of people and cars that grudgingly meet at Franklin and Columbia streets. The sense of vibrancy that personifies this town, which laid dormant the better part of a year, has returned. Because the University of North Carolina has, even though the academic calendars say it's summertime.

COVID suppressions and shutdowns last year closed Chapel Hill, a town of 60,000 or so people dependent on a university and its wide orbit.

Businesses closed, and, even for the iconic TOPO, things got tense.

TOPO survived because of will and determination. Innovation, determination, and Paycheck Protection Program loans.

"Without the university in session, downtown Chapel Hill was frozen in amber," Scott Maitland told Carolina Journal. Maitland is the proprietor of TOPO, as well as a like-named distillery a few blocks up Franklin Street.

When COVID hit, 152 people worked at the restaurant. All but



Scott Maitland of Top of the Hill Restaurant & Brewery in Chapel Hill says that when COVID hit, 152 people worked at TOPO. All but 10 were suspended or furloughed.

10, Maitland says, were suspended or furloughed.

"We just scrambled," he says. "Somehow, we were able to scrape by, and, to be frank, we would not have survived without the PPP money, and I am grateful for that. Beyond words."

Offering take-out food wasn't an option, in no small part because Top of the Hill is just that, a third-floor space at what's usually — pre- and post-COVID anyway — one of the town's busiest junctions. Maitland and his team consolidated operations at the distillery, selling meal kits, six-packs of beer, and whiskey, rum, vodka,



If there's a silver lining ... hopefully it's that people realize the importance of restaurants, and bars, and coffee shops, because it's culture. It's our culture.

- Scott Maitland, owner of TOPO

gin, ... and hand sanitizer.

"That was actually a lot of fun," he says. "When I look back at COVID, I think that's going to be my fun memory, a team of eight of us just really working hard."

Maitland said the restaurant got some \$250,000 from donations as part of a Founders Club 2.0 membership campaign. Which helped Maitland and his crew to keep going, surviving.

"I can't tell you how much I appreciate it, people's support in that regard. But again, to me, the government's restriction on restaurants was never the factor," he said.

A dark, empty UNC campus was. Challenges for the town and its residents, manifesting in unique yet onerous ways.

"The overarching thing ... I think what something like COVID did, was reveal what the basis for our economy in Chapel Hill is. And it's the university, right?"

The COVID shutdowns, he said, exposed a need for the town to diversify, to grow its economy beyond the university's massive shadow.

"I think that when people think about the university, only logically they're just thinking about the students, and they don't see it as an employer of thousands. They don't see it as a tourist attraction. They don't see it as a cultural events center. I think, when people think of a university, they think of students, and they think of sporting events. But what they don't see is the true economic impact that sporting events have,

and I'm not just talking about football and basketball."

He's talking about places such as Dorrance Field, a 4,000-seat stadium for soccer and lacrosse. About Karen Shelton Stadium, named for the long-time field hockey coach.

"The point is," Maitland says, "people come into these events, and it's their parents, and they're taking their kids out, and you've got recruits, and you've got the parents of the recruits, and you've got people coming to camps, and you've got all of these things happening."

But Chapel Hill, like towns and cities throughout the state and country, has returned, albeit some more slowly than others. Some bruises have yet to heal. Scars, some big, others small, the permanent reminders.

Maitland has no quarrel with the government's COVID moves, and he's grateful for all the support and encouragement, from patrons and donors and the N.C. Restaurant and Lodging Association.

"If there's a silver lining ... hopefully it's that people realize the importance of restaurants, and bars, and coffee shops, because it's culture. It's our culture."

"I saw a real decrease of people going out, that digital interaction was replacing actual human interaction as a way to meet people, as a way to associate with people."

Those winds have shifted, he says.

"I'm actually pleasantly surprised. People are like, 'No, I want to go out. I want to see people,' which is great."

TOPO now employs about 65 people. He shuttered an event space and has closed the restaurant on Tuesdays, staying open Monday because so many other places are closed. Workers are getting overtime, an extra day off. They're happy. Maitland is happy.

"I gotta tell you," he says, "I'm shocked at the amount of business we're doing. Are we setting records? No, but we've got business."

Proposed constitutional amendments may appear on your 2022 ballot

BY CJ STAFF

Two key constitutional amendments were proposed this legislative session in the General Assembly.

The Taxpayer Bill of Rights would put a limit on future state spending by establishing a required formula so future lawmakers adhere to a fiscal philosophy like the one that has guided the last 10 years of growth. Senate Bill 728, The Public Nondiscrimination Act, would codify the Civil Rights Act of 1964 by putting in our state constitution that the government or its agencies cannot show preferential or discriminatory treatment to anyone based on their race, sex, country of origin, or religion.

Sens. Bill Rabon, R-Brunswick; Paul Newton, R-Cabarrus; and Warren Daniel, R-Burke, are sponsors of Senate Bill 717, Taxpayer Bill of Rights. It would cap state spending at the level of the previous year's spending,

plus the combined rate of inflation plus population growth. The amendment would also put into the constitution that excess revenue be returned to the taxpayers. Any tax increase would have to go before the people for a statewide vote.

"Companies are not coming here for a day, week, month, or a year, they are making 50-year bets on our state," said Newton in a recent John Locke Foundation Shaftesbury Society panel discussion. "The more structural, or sticky if you will, we can make these tax changes, the more confidence these job creators will have in choosing our state over other states."

Senate Leader Phil Berger, R-Rockingham, and Sen. Deanna Ballard, R-Watauga, sponsored the Public Nondiscrimination Amendment, which would ask voters to amend the state constitution, that "the state shall not discriminate against, or grant preferential treatment to, any individual or

group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."

Critics call it a ban on affirmative action. Supporters say that, as in states like California and Michigan, it would ban government discrimination and affirm the Civil Rights Act's foundation.

The challenge in getting the proposals approved lies in that they are constitutional amendments. In both the Senate and House, the measure requires a three-fifths vote of the chamber's entire membership to win approval. If approved by a 30-vote majority in the Senate and 72-vote majority in the House, the proposed constitutional amendments would go on voters' ballots for the 2022 primary. That higher standard means Republicans will need some bipartisan support to place the measure on the ballot for voters.



Senate Leader Phil Berger, R-Rockingham, and Sen. Deanna Ballard, R-Watauga, sponsored the Public Nondiscrimination Amendment.

CJ PHOTO BY MAYA REAGAN

‘Where there’s smoke, there’s fire’

Task force expert reviews first round of CRT submissions

BY JEFF MOORE

Lt. Gov. Mark Robinson in March announced the launch of a task force to address growing concern among public school parents about political and cultural indoctrination in the classroom, specifically related to Critical Race Theory. The task force, called Fairness and Accountability in the Classroom for Teachers and Students, or F.A.C.T.S., is composed of education professionals representing all levels of K-12 — including teachers, administrators, and university professors. The group opened a submission portal for concerned parents, teachers, and residents to report examples of possible indoctrination in violation of the Code of Ethics for North Carolina Educators.

Carolina Journal was able to review a sample of submissions to the portal in advance of the task force’s first release and analysis of initial findings. While the open submission portal provided for a smattering of messages from political trolls and plenty of unactionable complaints about the state of education in general, the first round of submissions also yielded a bevy of tangible examples of tenets of CRT in classroom and district administrations.

One parent of a Wake County high school student described assignments from her child’s English teacher that focused specifically on white privilege and systemic racism, not as general concepts and definitions but presented as a certified perspective. In one assignment, students were told to select among content from the New York Times video series titled “Who Me? Biased?,” to evaluate examples of the aforementioned terms. One episode is labeled “Peanut Butter, Jelly, and Racism.” It argues implicit bias is a more subtle form of racism that everyone, even the students, is engaged in.

“I felt it totally inappropriate, but my daughter was afraid for me to say anything because of whatever backlash may occur,” reported the parent. “I simply told her not to take part in that assignment. I nor my child should [not] be afraid to speak up due to fear of what my child may have to face.”

That’s one example, but the Wake County Public School System, the largest district in the state, has itself garnered national attention for incorporating CRT at a professional development level. City Journal’s Christopher Rufo reported on “an equity-themed” teachers’ conference with sessions on “whiteness,” “microaggressions,” “racial mapping,” and “disrupting texts,” encouraging educators to form “equity teams” in schools and push the new party line: “antiracism.”

Several submissions to the task force portal drew attention to this specific teacher training in Wake County.



Lt. Gov. Mark Robinson in March announced the launch of the Fairness and Accountability in the Classroom for Teachers and Students, or F.A.C.T.S., task force.

ContentStructureConfigurationPeopleReportsHelp

Home > F.A.C.T.S. SUBMISSION FORM > Results

F.A.C.T.S. SUBMISSION FORM: Submission #429

ViewEditNotes

HTMLTablePlain textData (YAML)

The View page displays a submission's general information and data. Watch video

Previous submissionNext submission

Submission information

NAME

CONTACT INFORMATION

DATE OF INCIDENT

DESCRIPTION OF ISSUE

Croatian High School freshman English reading assignment is the book Speak by Laurie Halse Anderson about rape. We addressed the book with our local school board representative John "Bubba" McLean. He was likewise disturbed when we told him the assigned reading for freshman English class. He looked into the issue and was told that the 'teachers' wrote a report defending its' selection. The local school board signed off based on the teacher(s) justification, Parents are not aware of this assigned reading or the justification behind it or given an alternate reading selection for their kids. Our teenage son brought it to our attention in the midst of reading it. Why do parents not have a say in this type of curriculum in our students classroom? Teachers justifying a book they select and defend without parental input on something that is sexually sensitive in nature, is adversarial to a decent and moral public education.

An example F.A.C.T.S. task force submission. Several submissions to the task force portal drew attention to the incorporation of Critical Race Theory at a professional development level in Wake County Public Schools.

BY THE NUMBERS

\$25,000

The amount Charlotte-Mecklenburg Schools paid CRT activist Ibram X. Kendi to speak at a leadership conference in June.

“Despite the claims of some progressives, the threat of Critical Race Theory is real, and the racial divisiveness championed by proponents of CRT is terrifying,” says Terry Stoops, a task force member and director of the Center for Effective Education at the John Locke Foundation.

Stoops emphasized that this is only the initial round of collections, and he expects the portal to remain active in routinely evaluating submissions of objectionable material. More important, Stoops suggests, the effort has already validated concerns from parents and teachers in the face of active denials by some education leaders and anti-racist activists themselves.

“Where there’s smoke, there’s fire,” Stoops noted. “Before Lt. Gov. Robinson created the task force, parents in Wake and Mecklenburg counties complained about the distribution of ‘white privilege’ worksheets. The addition of F.A.C.T.S. submissions confirms that a segment of North Carolina’s teacher work force has embraced Critical Race Theory and incorporated elements of it into classroom instruction.”

Many teachers, too, describing their plight of self-censorship amid fears of reprisal, used the portal to

principal openly calls to “teach for social justice,” and complains professional development is dominated by issues of race, LGBTQ politics, and other leftist political positions.

In the state’s second-largest district, Charlotte-Mecklenburg Schools, complaints of political indoctrination and ideological teacher training sessions were common among portal submissions. The latter is demonstrated by superintendent Earnest Winston’s controversial decision to pay Ibram X. Kendi \$25,000 to be the keynote speaker for the Summer Leadership Conference in June. Kendi, the author of “How to Be an Antiracist” and a veritable rock star among CRT activists, was presented to district leaders via a 45-minute interview that touched on structural racism, Critical Race Theory, and, notably, how “that’s not what we’re trying to teach.”

That, it seems, is certainly central to the debate. Moreover, it’s a question for which the task force seeks to be a resource. To that point, Stoops says, the task force “can provide a ‘second opinion’ for parents and students who are unsure whether educators have crossed the line into political or ideological advocacy.”

For many making submissions to the task force portal, though, there is little uncertainty that lines have been crossed.

Parents report their academically or intellectually gifted students being assigned “Stamped (For Kids): Racism, Antiracism, and You,” another book authored by Kendi. Parents of elementary schoolers report vocabulary sheets that list Donald Trump as an example of the term “xenophobic.” North Buncombe High School seniors taking a college-credit sociology course for high schoolers complain the teacher uses it as a veritable social justice warrior course, requiring white students to list their white privilege and applying Marxism as a solution to current events. High schoolers taking American History II are asked to identify institutional racism in the United States, presenting “police unions and the judicial system” as a correct answer. Kids at Sycamore Creek Elementary School are given assignments exalting Vice President Kamala Harris. Parents in Guilford County note their concern over the fact that the chair of the county school board is literally a racial equity consultant and trainer.

The latter complaint references Deena Hayes-Greene, chair of the Guilford County Board of Education, who was re-elected in 2018. Hayes-Greene is co-founder and managing director of the Racial Equity Institute, an “alliance of trainers, organizers, and institutional leaders who work to create racial equity within society.”

The company contracts with local governments and school districts across the state, and beyond, for equity training events. The training process rests on the presupposition that “Racism is a fierce, ever-present, challenging force, one which has structured the thinking, behavior, and actions of individuals and institutions since the beginning of U.S. history.”

Critics might say examples like those above do not include worksheets listing out the structure of Critical Race Theory, but the parents and teachers making submissions to the portal seem unmoved. When it comes to core tenets of CRT and other tributaries of social justice ideology being functionally incorporated within the classroom, district administrations, school boards, and local government, the dominant sentiment is that the lines have long since been crossed.

Stoops thinks the task force is one way to document those concerns, to bring transparency and attention to the issue, but ultimately it will be the parents and community members themselves that determine if recent trends continue.

“Increasingly, parents and children are attending school board meetings and speaking out against indoctrination in the classroom. In the end, families — not the F.A.C.T.S. Task Force — hold the key to uprooting Critical Race Theory and its offshoots.”

Editor’s note: The submissions are from concerned parents and teachers who highlighted student assignments on white privilege and systemic racism and pressured “equity” training for staff as examples of the promotion of the controversial ideology in public schools.



Liberty

continued from PAGE 2

Theory is based on exactly this question. With the impending August release of Lt. Gov. Mark Robinson's FACTS task force commission report, supporters of CRT are already polishing their message. They discount opposition to CRT, calling it "manufactured rage." I assure you the passionate reaction I see everywhere from coffee shops to school board meetings is not manufactured by some nameless political group. It's a groundswell triggered in part by parents who spent the last year of remote school seeing firsthand what their kids are studying and how.

CRT is creeping into the classroom, not as an overt lesson or chapter. I would support the idea of teaching it as critical thinking exercise, along with the brilliance of our founding documents, the arrival of those fleeing religious persecution, the sacrifices of the Greatest Generation, the fight of the civil rights movement, and the horrors of the enslaved throughout history. Rather, CRT is coming in through the back door, training the trainers to blanket the school day with it. Teaching from an angle does not develop critical thinking skills students need to lead our nation and compete in an increasingly global market. With inflation on the rise, they will need every advantage we can provide, and a solid, fact-based education is mandatory.

If there's a silver lining in COVID shutdowns, it's that many of us have a renewed appreciation for personal liberty because it has been threatened this year. It will take a fight to recover and preserve it. From reclaiming your right to open your business, maintain your privacy, know what your kids are learning, or feel confident your government will not discriminate against you, the big questions lie before us.

Corporate Media

continued from PAGE 2

ty of anti-journalists. They don't leave their bubble or report news. They act as information gatekeepers for the progressive left that now controls the executive and legislative branches of the federal government. As an institution, they sit with the ruling elite at the cool kids' table.

Anti-journalists publish only what fits their world view and censor what they deem "misinformation." At the national level, they're responsible for a long list of leftist fairy tales, including the Covington kids, Michael Avenatti for president, Russian collusion, Gov. Andrew Cuomo as COVID savior, "hands up, don't shoot," the "debunked" Wuhan lab leak, 1619 Project accuracy, and Black Lives Matter's mostly peaceful protests. They continually get stories wrong with little or no regret.

Americans know the role compliant anti-journalists played during the 2020 elections. As Time explained: "a well-funded cabal of powerful people ... working together behind the scenes to influence perceptions, change rules and laws, steer media cover-



FROM THE PUBLISHER: The corporate media anti-journalists act as information gatekeepers for the progressive left that now controls the executive and legislative branches of the federal government.

age, and control the flow of information."

So worried about President Trump's potential re-election, the cabal interfered through questionable changes to state voting laws, sometimes after ballots dropped. That included interference in North Carolina led by former Hilary Clinton attorney Marc Elias. Ironically, in North Carolina, the one abusing executive

power is our Democrat Gov. Roy Cooper. Yet the anti-journalists never question his 16-month-long state of emergency and perpetual rule by executive fiat.

At Carolina Journal, we see the changing industry as an opportunity. We are a member of the N.C. Press Association, but the smaller N.C. Capitol Press Corps denies us entry. We don't need their blessing to act as counterbalance. We pub-

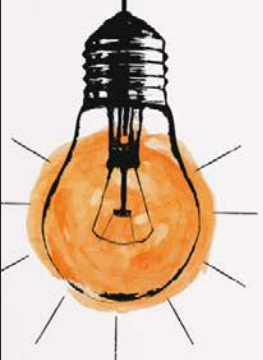



lish stories they sometimes won't and provide perspectives they're likely to ignore.

We tell you: how critical race theory is being taught in some schools; some protests are violent; election integrity isn't "Jim Crow 2.0"; and Cooper is abusing his power. Admittedly, our bias is toward freedom and human flourishing, and whomever champions them. Ultimately, what you believe to be the truth is up to you.

Also, we are expanding Carolina Journal's statewide footprint. Under the leadership of new editor-in-chief Donna King, CJ just launched an updated news wire and a dedicated opinion section. We're building a new studio and soon will be debuting new video products. We've also adjusted our print publication schedule to reflect the state political calendar. We've invested in additional professional staff, including a photojournalist.

We know we can't stop the anti-journalism trend, but we can provide an alternative. As information consumers, I hope you take in all of it, trust your critical thinking skills, and make up your own mind. We prefer you as CJ consumers rather than enemies.

**Thanks to Andy Kessler and his excellent Wall Street Journal piece "How to Be an Anticapitalist," which served as the impetus for this column.*



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Education

continued from PAGE 5

largely party-line 66-44 vote June 23 and was in a conference committee between the two chambers as this issue of Carolina Journal headed to print.

DELAY IN SOCIAL STUDIES

Racial strife has reared its head in legislative debates, as well. In June, House lawmakers passed Senate Bill 654, which would delay the implementation of North Carolina's controversial new social studies standards for K-12 until the 2022-23 school year.

The social studies standards have drawn criticism from Republicans — Lt. Gov. Mark Robinson, who called them "politically charged" and "divisive" — for focusing too heavily on race, gender, and discrimination for U.S. history and civics instruction.

S.B. 654 also would make key COVID-19 learning loss adjustments, including distributing

\$1,000 grants to disadvantaged students in need of tutoring, instructional materials, or other services.

Additionally, the measure delays a scheduled reduction in the size of kindergarten classes for the fall in anticipation of an influx of new student enrollments after a year of remote learning. And the measure waives school performance reporting requirements for the 2020-21 school year because of COVID-19, and it prohibits the N.C. State Board of Education from using 2020-21 data to identify low-performing schools.

S.B. 654 passed the House, 74-34, but the Senate voted not to accept the House's version of the bill. It sits in a conference committee featuring negotiators from the two chambers.

ANTI-CRT BILL, ACADEMIC TRANSPARENCY

In May, the House passed House Bill 324 by a vote of 66-48. That measure would prohibit the exclusive teaching of Critical Race Theory in public school classrooms.

While the bill does not identify CRT specifically, it would prohibit public schools from promoting the idea that one race or sex is inherently superior to another; an individual is racist, sexist, or oppressive based solely on their own race or sex — consciously or unconsciously; an individual should receive special treatment solely because of his or her race or sex; moral character is determined by moral or sex; or based solely on race or sex, an individual bears responsibility for actions taken in the past by members of that same race or sex.

H.B. 324 was referred to the Senate Education Committee on June 30 and hasn't received a vote as of this issue of CJ going to print.

Another measure, House Bill 755, would require public school teachers to post the outline of lesson plans and assignments on a public-facing website after the school year concludes. The bill is part of a broader effort to crack down on bias and indoctrination in classrooms.

H.B. 755 passed the House in a 66-50 vote and is currently assigned to the Senate Rules Committee.

Cases involving Barber, CON

continued from PAGE 2

ment's permission before adding new hospital beds, expanding facilities, or purchasing major medical equipment.

The latest CON dispute stems from the destruction of a magnetic resonance imaging, MRI, scanner during a 2018 office relocation. State regulators allowed the MRI machine's owner, the Bone and Joint Surgery Clinic, to replace its broken scanner with upgraded equipment.

But competitor Wake Radiology challenged the decision. Now Wake Radiology is fighting state regulators' later decision to allow Bone and Joint's newer MRI scanner to be used for more purposes than the original CON permitted.

Judges Richard Dietz, Allegra Collins, and Fred Gore will wade

through the complexities of CON law on Aug. 10.

"The 15 judges of the Court of Appeals are looking forward to holding oral arguments in person in the fall," said Chief Judge Donna Stroud in a news release. "And although we are pleased to welcome attorneys, parties to cases, and the public back to our Court, we will also continue to use some innovations adopted due to the pandemic to the extent those innovations improve public access to the Court and improve the Court's operations."

Starting in April 2021, the Court of Appeals heard most arguments by Webex, according to the release. The court began hearing some arguments in person in cases with parties requesting in-person arguments. Temporary safety measures in place during spring in-person hearings expired as of June 15.

The court plans to maintain one major change adopted during the pandemic.

All in-person and remote arguments moving forward will be recorded and livestreamed online, according to the news release.

12 BOOKS

LATE SUMMER READING

Looking for a good book? We got you.

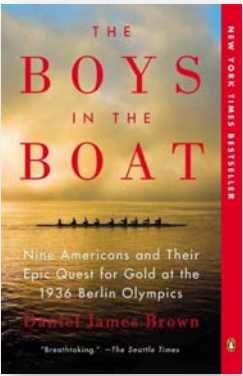
With summer winding down, sometimes we all need to check in—to a true story, a work of fantasy, of dystopian fiction, or a new way of seeing history. Here are the vacation reads filling our beach bags.



MOUNTAIN FOLK
John Hood
Defiance Press

WHAT THEY SAY: Goran is a rare fairy who can live without magical protection in the “Blur,” but when he’s ordered to help the New World’s other fairy nations crush the American Revolution, Goran must choose between a solemn duty to his own people and a fierce loyalty to his human friends and the principles they hold dear.

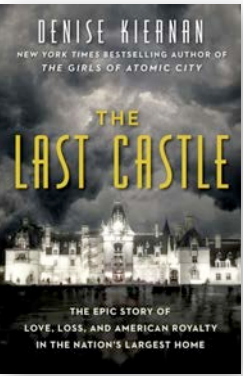
WHY WE LOVE IT: It’s fantasy and fiction, yes, but it remains true to history. Fast-paced and thought-provoking, “Mountain Folk,” at its core, is a book about freedom, liberty, principle, and loyalty — to oneself, one’s friends, and one’s country.



BOYS IN THE BOAT
Daniel James
Penguin Publishing Group

WHAT THEY SAY: Out of the depths of the Depression comes an irresistible story about beating the odds and finding hope in the most desperate of times — the improbable, intimate account of how nine working-class boys from the American West showed the world at the 1936 Olympics in Berlin what true grit really meant.

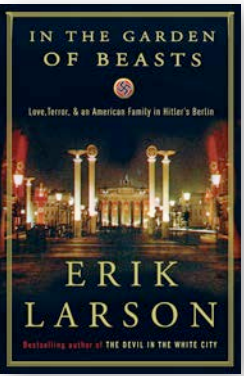
WHY WE LOVE IT: In the midst of the Tokyo Olympics, this compelling true story will touch your heart. It makes us ask, “Who is in my boat?” The athletes’ strength of character, built by adversity, led them to form a team for which each member played a critical role and could alternately lead and follow. Organizations and companies alike can learn how to get their teams pulling in the same direction.



THE LAST CASTLE
Denise Kiernan
Touchstone

WHAT THEY SAY: Orphaned at a young age, Edith Stuyvesant Dresser claimed lineage from one of New York’s best-known families. She grew up in Newport and Paris, and her engagement and marriage to George Vanderbilt was one of the most watched events of Gilded Age society. But none of this prepared her to be mistress of Biltmore House. The story of Biltmore spans World Wars, the Jazz Age, the Depression, and generations of the famous Vanderbilt family.

WHY WE LOVE IT: If you’re a sucker for history books set in North Carolina, this is a great one. It’s a true story of the Biltmore Estate and has it all — romance, fame, wealth, and tragedy.



IN THE GARDEN OF BEASTS
Erik Larson
Crown

WHAT THEY SAY: Set in Berlin in 1933-1934, the book tells the story of America’s first ambassador to Nazi Germany, William Dodd, and his daughter Martha, as they experience the rising terror of Hitler’s rule. As that first year unfolds, the Dodds experience days full of excitement, intrigue, romance — and ultimately horror, when a climactic spasm of violence and murder unmasks Hitler’s true character and ruthless ambition.

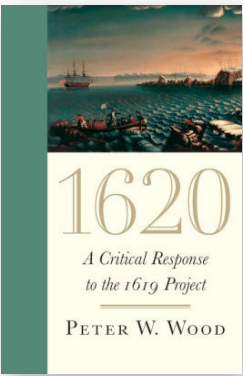
WHY WE LOVE IT: It reads like fiction, but this true story about an American family is an amazingly close look at Hitler’s Germany and how the Nazi horrors were revealed.



THE MANDIBLES
Lionel Shriver
Harper Collins

WHAT THEY SAY: The Mandibles is a near-future novel that explores the aftershocks of an economically devastating U.S. sovereign debt default on four generations of a once-prosperous American family. In 2029, the United States is engaged in a bloodless world war that will wipe out the savings of millions of American families. Overnight, on the international currency exchange, the “almighty dollar” plummets in value, to be replaced by a new global currency, the “bancor.” In retaliation, the president declares that America will default on its loans. “Deadbeat Nation” being unable to borrow, the government prints money to cover its bills. What little remains to savers is rapidly eaten away by runaway inflation.

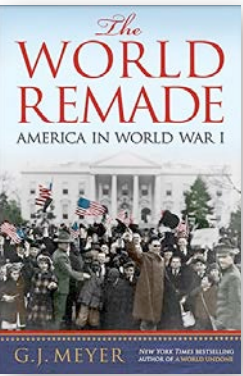
WHY WE LOVE IT: A ‘1984’ for today. While it’s futuristic fiction, it’s eerily familiar and shows the dangers of underestimating the power of economics and debt on our social fabric.



1620: A CRITICAL RESPONSE TO THE 1619 PROJECT
Peter Wood
Encounter Books

WHAT THEY SAY: Was America founded on the auction block in Jamestown in 1619 or aboard the Mayflower in 1620? The controversy erupted in August 2019, when the New York Times announced its 1619 Project. The Times set to transform history by asserting that all the laws, material gains, and cultural achievements of Americans are rooted in the exploitation of African Americans.

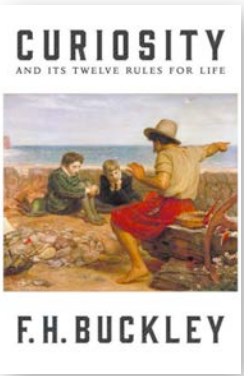
WHY WE LOVE IT: Peter Wood cuts through the rhetoric and gives a thoughtful analysis that will get your next dinner party, or classroom, talking.



THE WORLD REMADE: AMERICA IN WORLD WAR I
G.J. Meyer
Random House

WHAT THEY SAY: This is an engrossing chronicle of America’s pivotal, still controversial intervention into World War I, encompassing the tumultuous politics and towering historical figures that defined the era and forged the future. When it declared war, the U.S. was the youngest of the major powers and militarily the weakest by far. On Nov. 11, 1918, when the fighting stopped, it was not only the richest country on earth, but also the mightiest.

WHY WE LOVE IT: If you are a military history buff, this one’s for you. It is a deep dive into the motives and role of the U.S. in World War I, but it also gives sharp insight on the architects of America’s development as a world power and perspective as our nation addresses future conflicts.



CURIOSITY AND ITS TWELVE RULES FOR LIFE
F.H. Buckley
Encounter Books

WHAT THEY SAY: Curiosity asks us to examine the most fundamental questions of our existence. When you put all this together, curiosity tells us how to live our lives in full. While there’s a natural desire to explore, there’s also a natural desire to stay home. We have a dark side that wants to hide from the world. We’ve also been made incurious by the rise of bitter partisanship and narrow ideologies that have sent things and people we should care about to our mental trash folders.

WHY WE LOVE IT: After more than a year of COVID lockdowns, it’s easy to become complacent. This interesting read sparks the imagination and encourages you to engage with the “world of wonder.”



CJ PHOTO BY MAYA REAGAN

Woke hubris will lead to backlash

JOHN TRUMP
MANAGING EDITOR



The “woke” movement — phenomenon, ideology, whatever it’s called — has gone too far, taking a hard left and then another sharp turn around the next corner.

Veering out of control.

To conservatives, libertarians, and even moderate thinkers, this is obvious. If the most irksome and unpleasant voices on the left — including Democrats at large — have failed to figure this out, they soon will.

The condescension and pedantic lecturing, apparently intended for our edification, is annoying at the least and infuriating at the worst.

The predominant idea is those who think or act differently are inherently wrong, that their lives amount to a series of poor choices and repeated mistakes. That can

be true, of course, but it’s egregiously insulting to those of us who have tried to live our lives by leaning on faith, family, and what we believe is moral and just.

When the proverbial pendulum swings too high, its previous momentum falters, powering it down, hard and fast in the opposite direction.

Even hard-core progressives have taken notice.

Kevin Drum, a professed liberal who for 12 years wrote for Mother Jones, published a piece on jabberwocking.com called “If you hate the culture wars, blame liberals.” In it, Drum makes the case that “Democrats have moved significantly to the left on most hot-button social issues while Republicans have moved only slightly right.

“It is not conservatives who have turned American politics into a culture war battle,” he writes. “It is liberals.”

This, keep in mind, is from a stalwart liberal.

Eyebrows raised.

Peggy Noonan, who wrote speeches for Ronald Reagan and writes a weekly piece for the Wall Street Journal, wasted no time in calling attention to Drum’s work, devoting an entire column to it. She points to Drum’s use of a magazine interview with Daniel Shor, who Drum calls “a data geek who identifies as socialist but is rigorously honest about what the numbers tell us.”

“Over the last four years,” Shor told New York in 2020, “white liberals have become a larger and larger share of the Democratic Party. ... And since white voters are sorting on ideology more than nonwhite voters, we’ve ended up in a situation where white liberals are more left-wing than black and Hispanic Democrats on pretty much every issue: taxes, health care, policing, and even on racial issues or various measures of ‘racial resentment.’ So as white liberals increasingly define the party’s image and messaging, that’s going to turn off nonwhite conservative Democrats and push them

against us.”

Noonan takes it from here.

“The cultural provocations that are currently tearing us apart do, certainly and obviously, come from progressives. And the left seems to have no prudent fear of backlash. They don’t seem to believe public opinion counts for much anymore.”

The point resonates loudly with conservatives and moderates in North Carolina. The concept of pushing Critical Race Theory in schools deeply divides not only the political parties but, as CJ’s Ray Nothstine says, also those who want our true history preserved, by teaching “the core basic knowledge that reinforces America’s founding principles and documents.”

No matter how ugly or perverse.

Proponents of CRT and similar tenets, as well as those aspiring to be “woke,” would rather twist history in a shape that fits their beliefs, and then castigate those who step outside their convoluted

boundaries.

Mainstream and left-leaning media are completely complicit, eschewing common sense and the opportunity for reasonable discussion and debate.

They’re right. We’re wrong. We should apologize. Again and again.

The Democrats’ hold on Congress is tenuous at best, and Biden is probably a one-term president. Gov. Roy Cooper’s term is up.

The Democrats took a small lead and squandered it. The support they received in 2020 from moderates and disenfranchised Republicans led to toxic overconfidence and insufferable hubris.

Noonan, as she often does, says it best, writing that “the left is overplaying its hand.”

That pendulum is now swinging hard to the right. The left can maybe slow that momentum, but only if they stop talking for a second and sit down to listen.

They’ll keep shouting, of course, until voters remove their podium.

A CIVICS LESSON

Why we must relearn the separation-of-powers principle

RAY NOTHSTINE
OPINIONS EDITOR



THE AMERICAN founders were diligent students of history. The separation-of-powers concept is an essential framework of our Constitution designed to prevent the tyranny of centralized power. Unfortunately, a concept that is already floundering because of lack of civic instruction or knowledge of American history has been further weakened by the coronavirus pandemic. Many state governors, including here in North Carolina, doled out ex-

cessive emergency orders with little to no checks on their decrees.

Amazingly, a recent study by the Rand Corporation reveals that barely half of teachers and administrators feel it’s essential that students understand concepts like federalism, checks and balances, and separation of powers. It’s a stunning admission and explains a lot about our collective woes pertaining to civic knowledge and broader engagement in the public square.

“The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed,

ed, or elective, may justly be pronounced the very definition of tyranny,” wrote James Madison in the Federalist.

The brilliance of the Constitution isn’t just that the separation of powers includes separate branches at one level of the government, but the framers designed our government in a way where power is shared at the federal, state, and local levels.

Our often-ignored 10th Amendment should be a good starting point as it directs us that, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

If we are going to have a healthy political society, it requires a healthy, civic-minded culture. Otherwise, partisan bickering will only continue to spiral out of control given that most of the chips are put into one basket — at the federal level. Here in North Carolina, one of the biggest problems is an activist judiciary interfering with the powers of the legislative branch. Understanding and teaching core concepts like separation of powers is vital to the health and state of our nation. Without that understanding tyranny begins to take root and further erodes the fabric of the greatest experiment of self-government in the entire world.

Public high school social studies teachers' opinions on what are essential subjects

Understanding federalism, separation of powers, and checks and balances

64%

2010

53%

2019

SOURCE: RAND CORPORATION

Bootleggers, Baptists, and a zebra cobra

DONALD BRYSON
CONTRIBUTOR



Many of the problems with modern American politics stem from a media obsessed with creating a dramatic narrative and politicians dying to be on center stage. We don't have to look any further than Raleigh's recent case of the missing zebra cobra (*N. nigricincta*) to find an example.

Residents of Wake County were served nearly hourly updates from the local press when a zebra cobra was reported on the loose on June 29. With breathless handwringing, the media reported on the search for the missing snake, and when it was finally caught, the Raleigh News & Observer published a play-by-play account of how the snake was heroically captured.

The press, mostly local but also national, worked feverishly to educate citizens on the zebra cobra, including a story from USA Today which assured readers that the snake was not indigenous to North Carolina.

I, for one, was astonished to learn that cobras are not indigenous to the Old North State.

After the cobra's capture, two incredibly predictable things happened. First, the owner of the snake, Christopher Gifford, 21, was charged with 40 counts under N.C. law. These charges are misdemeanors and can translate into up to 60 days in jail and a \$1,000 fine.

The accusations against Gifford include keeping venomous snakes in improper enclosures and one charge for not reporting the zebra cobra missing when it initially escaped. Gifford has a right to due process, but if the charges are accurate, then a dangerous animal was handled inappropriately, and if it was provoked, it could have seriously harmed or killed someone.

However, the second predictable outcome was the immediate reaction of politicians to create more laws to protect the vulnerable hearth and home.

State Sen. Wiley Nickel, D-Wake, has announced that he will be introducing legislation for a new state law to govern the handling of dangerous animals, specifically venomous snakes.

As quoted by CBS 17 in Raleigh, "It's clear though, our laws do not go far enough. We need to have better protection in place for folks, and how we get there, we're

still trying to figure it out," Nickel said.

There are currently no specific details on what will be included in the legislation, which seems strange since Nickel has said he plans to file the legislation within two weeks.

Let's pause for just a moment to recap the situation. A young man in Raleigh owned a venomous snake that somehow got loose. The snake was caught, and the young man has been charged with 40 criminal counts. Now, a state legislator wants to create new laws in the spirit of protecting citizens — even though it appears that what happened was already illegal.

Setting aside that no one disputes that a cobra is dangerous, this type of situation is how a nanny state is created. Politicians feel the need to show their usefulness, be seen in the press, and generate goodwill with their constituents.

Therefore, they leap at the chance to "draft new legislation" or "launch an investigation" or "call for hearings" on matters ranging from silly to serious. Elected officials are afflicted with the constant need to do something to justify their elected positions.

Nickel told the liberal News & Observer, "We've got enough going on in the world right now where people shouldn't have to worry about a neighbor with 70 dangerous venomous snakes living next to them."

What does that mean about people who live next to zoos or even a state or local park? Six species of venomous snake are indigenous to North Carolina — the copperhead, cottonmouth, timber rattlesnake, pygmy rattlesnake, eastern diamondback rattlesnake, and eastern coral snake. Any of these could be in a park next to a person's home.

Will park rangers need to document and publicize the number of

venomous snakes in those parks? Will that make the public safer?

I am not trying to make light of the danger of an angry cobra. I am calling into question why lawmakers rush to create new laws when trying to correct something already illegal.

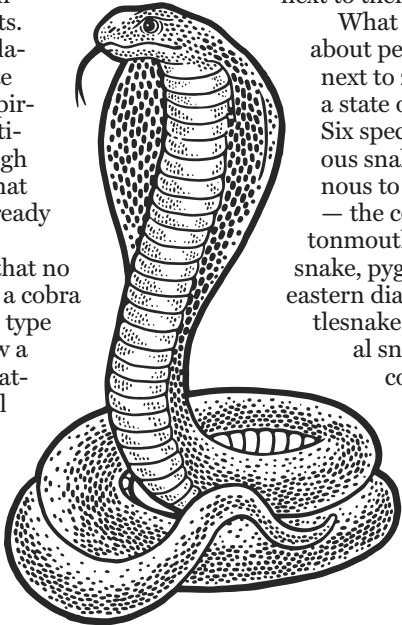
Setting aside the fact that current law may already be sufficient, there is also the genuine possibility that banning the ownership or sale of certain animals will create a high-stakes black market for those same animals.

Economists call this sort of situation "bootleggers and Baptists," where the group calling for increased regulation gets support from the group that can make a pretty penny by breaking the law — similar to what we saw with Prohibition.

Before we rush to create new laws about something we don't understand yet (and Nickel has admitted that he is new to this issue), maybe our elected officials should ask if we have too many laws already.

Asking that question would have prevented a lot of the unintended consequences in history.

Donald Bryson is president and chief strategy officer at the John Locke Foundation.



Supreme Court offers new protections for N.C. election reforms

MITCH KOKAI
CONTRIBUTOR



ANY NEW N.C. election law will end up in court. It's guaranteed. Partisans seeking even a marginal electoral gain from legal action will consider the effort worth the expense.

It's fortunate for state legislative leaders, then, that the U.S. Supreme Court has set new limits on cases that can succeed in federal court. The court's decision in an Arizona lawsuit shut the door on some of the worst potential arguments against state election rules.

Republicans control North Carolina's General Assembly. They're likely to dictate terms of election reforms. Regardless of the level of input GOP lawmakers solicit from colleagues across the aisle, they'll face lawsuits from Democrats and affiliated groups. Those groups will use courts to pursue rules that produce more capital-D Democratic (as opposed to democratic) results.

Here's where the U.S. Supreme Court's recent ruling should help rein in Democrats' legal strategy. By a 6-3 majority, the high court turned back a dubious attempt to kill two Arizona election laws. One banned Election Day voters from casting ballots outside their designated precinct. The other banned "ballot harvesting," the process of allowing one person to collect and turn in multiple election ballots.

Democrats and their allies challenged both provisions under Section 2 of the federal Voting Rights Act. They said both provisions discriminated against minority voters.

A clear majority of Supreme Court justices disagreed. Writing for the court, Justice Samuel Alito declared that Section 2 was designed to ensure that voting is "equally open" to all eligible voters.



Election workers process mail-in ballots. A recent Supreme Court ruling favored Arizona election integrity laws.

With that core concept in mind, Alito set out five factors courts ought to consider when addressing similar future lawsuits.

First, Alito wrote, the size of a burden imposed by an election rule is "highly relevant." Every election rule creates some burden. If the new burden is minor, "mere inconvenience" in Alito's words, there's no good reason for it to trigger a lawsuit.

Related to the first point, Alito also called on courts to consider how a disputed election rule differs from those in place in 1982. That's when Congress last amended Section 2. Forty years ago, most states required in-person voting. Only three permitted no-excuse absentee voting. Those facts should influence a court's judgment of a new election rule's potential impact.

The third factor involves "disparate impact." Critics of election rules tend to cite differences between an election rule's likely impact on white voters and minority voters. Alito affirms that the size of the disparity matters. "What are at bottom very small differences should not be artificially magnified," the justice wrote.

Fourth, courts should consider challenged voting rules in the context of a state's entire voting system. For example, Arizona's ban

on out-of-precinct Election Day voting did nothing to stop people from casting ballots in early voting or using other voting options. Looking at the larger picture helps place a disputed election rule in perspective.

Fifth, courts should examine why a state chose to enact a disputed voting rule. Fighting voting fraud is a "strong and entirely legitimate state interest," Alito wrote. He also described as "valid" and "important" the state government's interest in ensuring votes are cast freely.

Along with his five factors, Alito delivered election reformers another victory. In employment law, the "cat's paw" theory of discrimination holds employers liable for bad actions committed by a supervisor, even when that supervisor is not directly responsible for employment decisions. Alito dismissed the notion that "cat's paw" analysis could apply to legislatures approving state election laws.

It's inevitable that changes in N.C. election law will face legal challenges. The Supreme Court's latest action ensures that those election changes can withstand purely partisan attacks.

Mitch Kokai is senior political analyst at the John Locke Foundation.



Will higher inflation rates persist?

MICHAEL WALDEN
CONTRIBUTOR

When I joined the N.C. State University faculty in the late 1970s, prices were rising at double-digit rates, and they continued at that pace for several years. It took a severe recession in the early 1980s to bring inflation under control.

In recent years the annual inflation rate has hovered near 2%. But there's a worry this happy situation is about to change. The current annualized inflation rate is above 5%, and some analysts think it may go higher. If inflation is trending higher, then the question is whether the situation we faced four decades ago years ago will be repeated.

Before giving answers, here's some background on what inflation means, how's it measured, and why we worry about it.

Inflation measures the rise in prices, and the inflation rate calculates that rise as a percentage, usually over the course of a year. So, if the inflation rate is 5%, it means prices rose 5% over the last year.

Whatever the measured inflation rate is, it does not mean all prices rose at that rate. The inflation rate is an average number. The federal government tracks thousands of individual prices and averages them to form the final inflation rate. However, all individual price changes aren't counted equally in the average. They are "weighted" by the importance of the product or service in the typical consumer's budget.

The government reports two inflation rates, the "headline rate" and the "core rate." The headline rate includes all consumer products and services, while the core rate includes all except food and fuel products. Food and fuel products tend to be volatile, resulting in wild swings in the inflation rate. Economists like to track the core rate to detect underlying trends in inflation. But contrary to what is sometimes asserted, the headline rate is the official inflation rate, not the core rate.

Most people know why we worry about inflation, but here's the summary. Inflation depreciates the value of the dol-

lar. An inflation rate of 5% over the last year means a dollar is worth only 95 cents in purchasing power today compared to its value a year ago. If your income and investments increase at rates less than the inflation rate, then you're moving backward in your current and future standards of living.

Let's now look at the debate over where inflation is headed. As usual, there are two camps. I'll call them the "no worries" camp and the "worried" camp.

The "no worries" camp is based, like many things today, on the unusual impacts COVID created for the economy. The headline inflation rate dropped at an annual rate of 4% between February and May of 2020 when the pandemic was still spreading. In the comparable period in 2019 headline inflation rose 5%. The conclusion is inflation may take a near-term jump to make up for the reduction in prices during early 2020, but the rise will be temporary.

The "worried" camp focuses on two concerns. One is the large amount of money waiting to be spent in the economy. The federal government will eventually have pumped \$6 trillion into the economy fighting COVID and protecting households, businesses, and institutions. This is more than was lost in the economy due to the COVID shutdowns. Despite the recession of last year, consumers have money to spend and desires to spend it.

The second concern is the slow return of workers to jobs may result in the amount of products and services available for consumers to buy will be less than the quantity consumers want to buy when spending ramps up. Putting the two concerns together, we'll run into a situation of "too many dollars chasing too few goods and services," which is the classic definition of higher inflation.

Inflation is something affecting all of us, so keep your eyes open for news about it. The next six to nine months will tell us if faster inflation is temporary, or if it is imbedded in the economy for the longer run.

Michael Walden is a William Neal Reynolds Distinguished Professor Emeritus at N.C. State University.

What to do when they're wrong

JOHN HOOD
CONTRIBUTOR



Here are three true statements, as best as I can determine. First, Americans of all backgrounds have experienced gigantic declines in poverty over the past two generations. Second, most diversity training is worse than a waste of time. Third, police officers are no more likely to kill minorities than they are to kill whites during traffic stops or arrests.

Surprised? I don't blame you. These statements are difficult to square with establishment opinion. That doesn't make my statements false, however. It simply makes them inconvenient.

I'll back up each statement in a moment. But to cut to the chase: What should you do when you're convinced your political opponents are wrong? In my opinion, that is the key question we face in our present moment, not how best to address issues of mobility, equality, and justice.

Let's begin with poverty. The standard measures are absurd. They exclude much of what lower-income households actually receive to live on, such as refundable tax credits, nutrition assistance, and Medicaid. When correctly measured, poverty has fallen dra-

If I ever hope to persuade others I'm right, I must accept the possibility that someone will persuade me I'm wrong.

matically — from 30% of Americans in 1960 to 13% in 1980, 6% in 2000, and less than 3% today. Average poverty rates are down among all age and demographic groups.

Now let's look at diversity training. After hundreds of studies later, it's safe to say that most diversity training either produces no long-term benefits for the companies, universities, or other institutions employing it or actively damages relationships among participating co-workers.

Finally, I'll explain my point about fatal shootings by police officers. On average, about a thousand Americans die every year at the hands of law enforcement. The vast majority are armed and dangerous, of course, although we know from recent tragedies that some are neither. Among those whose race or ethnicity is known, 51% of those killed by police since 2015 were white, while 27% were black and 19% Hispanic.

Because blacks and Hispan-

ics make up smaller shares of the population, they are disproportionately more likely to die in this way. But that's not the same as saying police officers are more likely to shoot them than they are whites in similar circumstances. Blacks and Hispanics are also more likely to be stopped, questioned, or arrested. When Harvard economist Roland Fryer ran the numbers on fatal incidents, he found "no racial differences in either the raw data or when contextual factors are taken into account."

Knowing what I think I know about poverty, diversity training, and police shootings, then, should I feel empowered to taunt, ridicule, or savage those with contrary views? No. For one thing, these statements are factual but don't tell the whole story. Why are blacks and Hispanics stopped more often by police, for example? Both differences in crime rates and unjust racial profiling are likely at play.

More importantly, these statements are true as best as I can determine. If I ever hope to persuade others I'm right, I must accept the possibility that someone will persuade me I'm wrong. It's a two-way street. And the only one worth traveling in a free, open, and civil society.

John Hood is president of the John William Pope Foundation.

What is happening with our state budget?

BECKI GRAY
CONTRIBUTOR



THE GENERAL Assembly convened Jan 13 and has met for well over 100 days. Over 1,700 bills have been filed; bills on election reform, appropriating federal COVID money, energy modernization, medical marijuana, sports betting, constitutional amendments, education reforms, health care advancements, regulatory reforms, unemployment benefits, confirmations, and appointments — just to name a few.

Out of all the bills filed, the one that matters most is the overall budget.

Under our state constitution, the legislative branch is charged with appropriations bills and determining how much revenue is needed to meet core functions of government (taxing).

On one side, Republicans have established a decade-long record of restrained spending, fiscal responsibility, saving and paying down debt, and returning tax money to those who need it. They are working to narrow the function of government and empower citizens over their own property. On the other side, Democrats have a 140-year-long record of tax-and-spend policies. But there are sides within the sides having heated discussions within their own caucuses, among state departments, and with the governor. Working out a budget is complicated, nuanced, and takes time.

The governor takes the first stab at a budget in early spring.

He proposed spending \$27.4 billion in 2021-22 and \$28.5 billion in 2022-23. Once the governor presents his plan, the legislative chambers take turns by the biennium. This year, the Senate goes first, passing its budget on June 25. The House anticipates having its budget done by mid-August. The two proposals will go to a conference committee, appointed from the members who voted yes on either proposal. The conference report is voted up or down by both chambers and then goes to the governor. He can sign it, veto it, or if he does nothing, it becomes law within 10 days.

Although we're far from a final budget, there are a few things we know. Our economy is strong. We have \$5.7 billion in surplus revenue. Legislative chambers agreed to cap spending at \$25.7 billion, a 3.45% increase over last year for 2021-22 and \$26.7 billion, a 3.65% increase for 2022-23, with a population growth plus inflation calculation. There will be tax cuts, most likely to the personal and corporate income rates, the standard deduction will be increased to offer more tax relief to low- and middle-income families, and the per-child tax deduction will be increased.

Every North Carolinian who pays taxes will see cuts. Capital needs will be met without further debt. Money will be put into savings. Investments will be made in water and sewer, roads, and broadband.

Teachers and state employees will get pay increases, but, more importantly, the state retirement fund and health plan will

be shored up to ensure promises made will be kept. Medicaid expansion won't happen.

As always, there will be policy in the budget. Look for an expansion of Opportunity Scholarships, certificate-of-need reforms, expansion of telehealth, a focus on mental health services, revisions to the Emergency Management Act, transparency requirements in education and health care, and election reforms. There will be special provisions spread across specific districts. There will be last-minute insertions.

Expect a budget to pass the General Assembly with bipartisan support and be on the governor's desk by Labor Day. Gov. Roy Cooper has vetoed every budget presented to him. If he vetoes this one, will at least two Democrats in the Senate and three in the House join their Republican colleagues to override a veto? If not and a budget does not pass, due to a 2016 law, spending just reverts to the previous year, and the General Assembly will try to pass a series of mini budgets to address timely needs and federal matching funds as needed.

It's messy and complicated. There is something for everyone and something for opponents to complain about. But in the end, North Carolina will have a budget, even if it's last year's. Schools will open, law enforcement will do its job, the government will govern, we'll continue to pay taxes, and the General Assembly will have done its work.

Becki Gray is senior vice president at the John Locke Foundation.

The next battle: revisions to North Carolina science and health standards

DR. TERRY STOOPS
CONTRIBUTOR

In July, the N.C. State Board of Education approved the remaining supplementary materials accompanying revised social studies standards approved earlier this year. Barring intervention by the General Assembly, state education officials will begin assisting educators responsible for implementing the new social studies standards during the coming school year.

The presumptive implementation of the new standards does not mean debate over the quality and content of social studies education in North Carolina is over. Republican lawmakers' laudable effort to address the teaching of Critical Race Theory in public schools signals the start of a sustained effort to monitor and strengthen the teaching of history, economics, and civics through legislative action. Moreover, courageous parents continue to demand that school boards use their statutory authority to prohibit classroom instruction and professional development informed by Critical Race Theory.

But when it comes to education policy, there is no rest for the weary.

At the June State Board of Education meeting, members approved a request to begin revisions of K-12 science and health living standards. State education officials established a tight timeline for the review and implementation of new standards in these subjects. Over the next nine months, state Department of Public Instruction staff will publish drafts of the revised standards and gather input from educators and the public. They anticipate



CRT protest in Raleigh: New standards for social studies don't end the debate.

state board approval in the spring or summer of 2022 and the initial installation launched in the fall of that year.

Traditionally, science instruction in elementary and secondary schools focused on teaching children about practical applications of the scientific method and the essential concepts used in the physical and life sciences. But even science is not immune to the influences of Critical Race Theory. For example, Lt. Gov. Mark Robinson's Fairness and Accountability in the Classroom for Teachers and Students Task Force received a complaint from a parent concerned about a "how whiteness is a problem in science" assignment

in a high school chemistry class. As they contemplate revised science standards, members of the State Board of Education may decide if woke assignments will become the exception or the rule.

Debates over the social studies and science standards may pale in comparison to those related to new healthful living standards. The authors of the revised standards will be tasked to create a framework for discussing some of the most contentious issues in contemporary public discourse: sex and gender.

How will standards writers require teachers to depict the concept of biological sex? It has become commonplace to substitute

the term "assigned sex" to accommodate individuals who do not physically or emotionally identify with their biological sex.

Reorienting the standards to focus on assigned sex would necessitate LGBTQ-inclusive sex education with lessons on gender identity, gender expression, transgenderism, and gender nonconformity.

New Jersey, Colorado, Oregon, Illinois, Nevada, and California have passed laws related to LGBTQ-inclusive instruction in public schools. For example, the California state legislature approved The California Healthy Youth Act in 2016. That legislation requires that teachers "af-

Lt. Gov. Mark Robinson's FACTS Task Force received a complaint from a parent concerned about a 'how whiteness is a problem in science' assignment in a high school chemistry class.

firmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships." The legislation also requires educators to discuss "gender, gender expression, gender identity, and explore the harm of negative gender stereotypes." California parents may request that their child not participate in state-approved sexual health education and HIV prevention education.

I suspect that opt-out provisions will not be enough to satisfy parents who object to LGBTQ-inclusive instruction in the first place. Alternatively, the LGBTQ community may contest healthy living standards that, they believe, fail to describe the nuances of sex and gender. If standards writers cannot craft standards that satisfactorily address the concerns of both groups, then North Carolinians may witness larger tears in the state's social, political, and cultural fabric.

Dr. Terry Stoops is the director of the Center for Effective Education at the John Locke Foundation

Court decisions should prompt GA on Second Amendment

RAY NOTHSTINE
OPINIONS EDITOR

DESPITE CORPORATE media and many politicians clamoring for more gun control measures, an inherent right continues to expand in much of the nation today.

The Fourth Circuit Court of Appeals made Second Amendment history by expanding the right of those under 21 to purchase handguns. While the ruling doesn't take immediate effect, and the Supreme Court may ultimately decide the issue, the federal court has jurisdiction over North Carolina, Virginia, South Carolina, Maryland, and West Virginia. In 1968 a federal law restricted licensed handgun sales to anybody under 21.

When it comes to an inherent right enshrined in the U.S. Constitution, the court refused "to relegate either the Second Amendment or 18- to 20-year-olds to a second-class status."

Further good news is that since the 2008 Heller decision, many courts have shifted their rulings toward deeper respect of the plain



meaning of the text in the Bill of Rights.

"The phrase 'the people' meant the same thing in the Second Amendment as it did in the First, Fourth, Ninth, and Tenth amendments — that is, each and every free person," declares Stephen Halbrook, a senior fellow at the Independent Institute.

State legislatures have been even more aggressive in protecting the right to bear arms. Twenty-one states now have constitutional carry, and Tennessee, Iowa, Montana, Texas, and Utah have all passed permitless carry laws in 2021. Louisiana may be next if it can secure the necessary votes to override Gov. Jon Bell Edwards'

recent veto. Even three New England states have constitutional carry.

Why does North Carolina continue to lag on gun rights? Guns & Ammo magazine no longer ranks North Carolina in the top half of states, ranking 26th nationally.

Not all the blame falls on Gov. Roy Cooper, given that Republicans in the state legislature could not pass constitutional carry before his tenure, even with a Republican governor and supermajority control of the legislature.

Furthermore, Republicans have been unable to repeal the Jim Crow pistol permit process, an early 20th-century law passed in North Carolina to curtail black citizens exercising a right to bear arms. No other state in the Southeast still has this law, given its racist past. Also, firearm purchases from licensed dealers already require federal background checks. New residents to North Carolina that are impacted by gun laws are frequently shocked that North Carolina still has such a draconian firearms measure.

Republicans in the General Assembly are running out of excuses. They have done excellent

work on issues like the budget and taxes but have failed on one of the most basic functions of government — protecting and securing the rights of citizens.

Seeing other states surpass North Carolina so quickly on securing a right inherent in the Constitution should be troubling for citizens. In *The Federalist*, James Madison notes that America is unique from Europe because the citizenry rule over the government, and unlike Europe, the people are trusted with arms.

In his 1833 commentary on the U.S. Constitution, former Supreme Court Justice Joseph Story called the right to bear arms one of the "palladium liberties of the republic." Story further explains its purpose is a moral check against government tyranny that potentially allows for the "people to resist and triumph over them."

The Second Amendment strikes at the heart of our capacity for self-government. If our rights are not protected by the government, it inevitably dilutes the moral authority of the state. The issue remains a great reminder for legislators to align themselves with first principles over politics.