



Save
the
Date



Carolina Liberty Conference

February 25-26, 2022

CRABTREE MARRIOTT IN RALEIGH

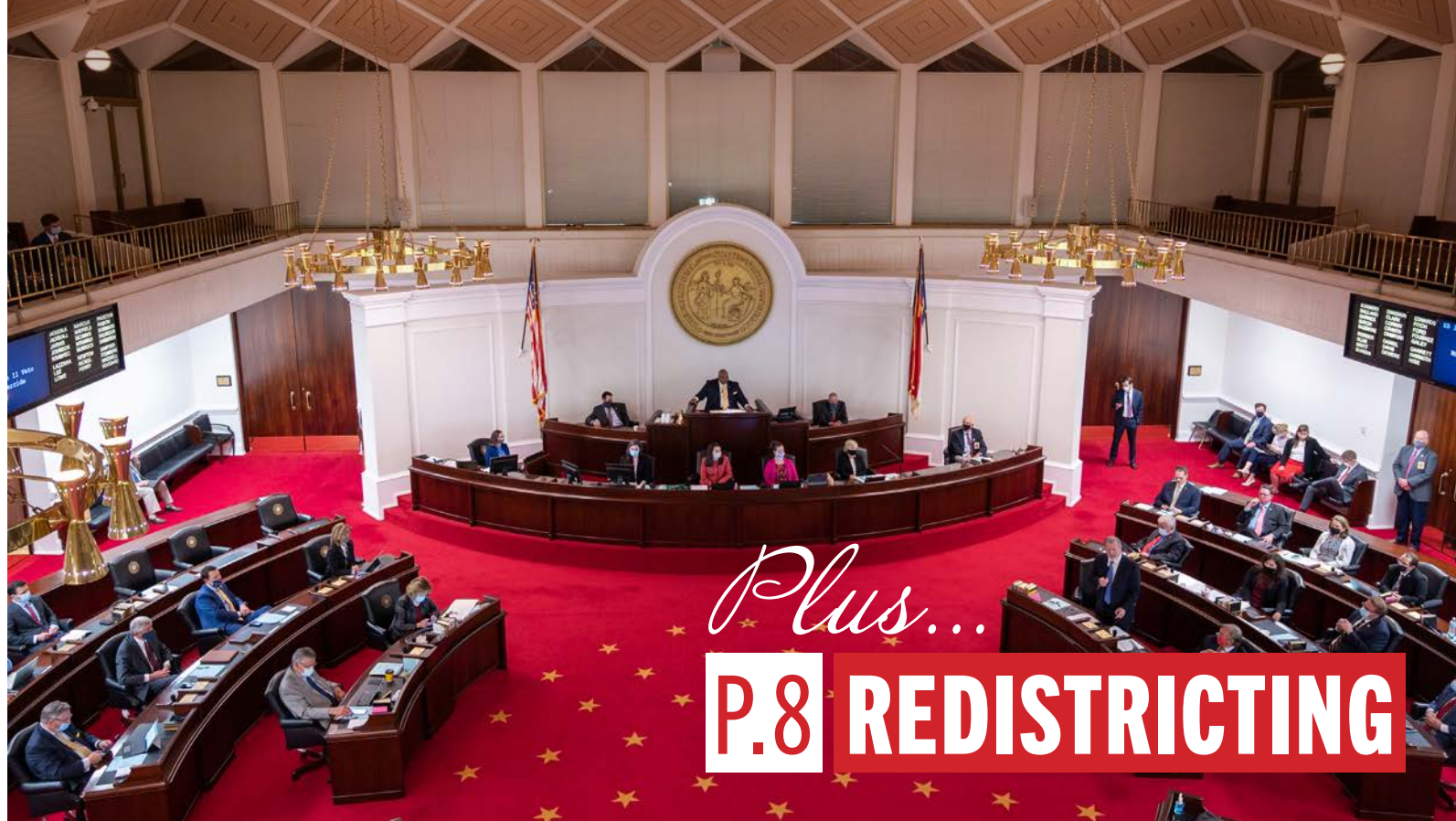
THE CAROLINA JOURNAL

AN AWARD-WINNING JOURNAL OF NEWS, ANALYSIS, AND OPINION FROM THE JOHN LOCKE FOUNDATION

CAROLINAJOURNAL.COM

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FINALLY N.C. HAS A NEW BUDGET



Budget Bill BY THE NUMBERS

\$25.9 billion

North Carolina's
2021-22 budget

▲4.3%

Increase over last
year's budget

3.99%

Personal income tax
will be lowered to
3.99% over six years

▲\$500

The child tax deduction
will be increased by
\$500 per child

▲6.7%

The budget funds an
average 6.7% raise for
teachers

\$100 million

Dollars set aside for
salaries for low
wealth schools

\$1 billion

New federal funding for
broadband expansion

\$5.9 billion

State funding over
the biennium for the
State Capital and
Infrastructure Fund

BY THERESA OPEKA

After months of negotiations — and years without a new plan — North Carolina has a new budget. Roy Cooper signed the \$25.9 billion, 2021-22 plan into law Nov 18. It's the first budget from the General Assembly Cooper has signed since he took office in 2017, and the first new budget for the state since fiscal 2018-19.

A new budget should have been in place when the fiscal year began July 1, but the first offer from lawmakers went to Cooper in late September. Still, many of the priorities and proposals were vetted through the House and Senate plans throughout the months-long process.

"While I believe it's a budget of some missed opportunities and misguided policy, it's also a budget that we desperately need at this unique time in the his-

tory of our state," Cooper said Nov. 16, when he announced his intention to sign the plan into law.

Cooper said the budget gets many things right: Expanding, for instance, high-speed internet across the state so people can access education and conduct telehealth visits with a medical provider. He mentioned funding for universities, infrastructure, and help for businesses recovering from the pandemic. Cooper praised many of

the things that were also in his own budget proposal. But the legislature's conference budget didn't escape his criticism, particularly his years-long demand to expand the Medicaid entitlement program, a reason he gave for vetoing every budget since taking office.

"This budget fails to extend health care to hundreds of thousands of people by expanding Medicaid. The legislature directs future tax cuts to corporations rather than the mid-

dle class and lower-income," Cooper said.

"This budget also makes unnecessary politically motivated missteps that will be overturned in courts. By signing this budget, I want to make it clear that I didn't consent to the constitutionality of these provisions."

Cooper made those comments in reference to language in the budget banning collusive set-

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4800 SIX FORKS ROAD, #220
RALEIGH, NC 27609

CJ ONLINE

f carolinajournal
t @CarolinaJournal
www.carolinajournal.com
✉ editor@carolinajournal.com



PUBLISHER
Amy O. Cooke
[@therightaoc](#)

EDITOR-IN-CHIEF
Donna King
[@DonnaKingCJ](#)

MANAGING EDITOR
John Trump
[@stillnbarrel](#)

OPINION EDITOR
Ray Nothstine
[@RayNothstine](#)

STAFF WRITERS
Dallas Woodhouse
[dwoodhouse@lockehq.org](#)

CONTRIBUTORS
David Bass
Andrew Dunn
Johnny Kampis

CREATIVE DIRECTOR
Greg de Deugd
[gdedeugd@lockehq.org](#)

PUBLISHED BY
locke
THE JOHN LOCKE FOUNDATION

The John Locke Foundation
4800 Six Forks Road, #220
Raleigh, N.C. 27609
(919) 828-3876 • Fax: 821-5117
[www.JohnLocke.org](#)

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Chairman

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Trust in institutions is collapsing, but there is good news



DONNA KING
EDITOR-IN-CHIEF

More than 67% of North Carolinians do not trust that the mass media reports the news fully, accurately, and fairly. That from a new Civitas poll conducted in November of a bipartisan pool of 600 likely voters.

That should come as no surprise as the nation watches the Kyle Rittenhouse trial in Wisconsin, the coverage of our nation’s southern border, and pundits discussing the Biden administration’s Build Back Better legislation, expected to drive up everything from child care costs to the national debt. Only the Wall Street Journal’s opinion page called it the “most dishonest bill in American history.”



We now bounce things off friends, our church small groups, and our colleagues, rather than trusting what is covered in large newspapers or cable news.

pected to drive up everything from child care costs to the national debt. Only the Wall Street Journal’s opinion page called it the “most dishonest bill in American history.”

So where do we turn? The eroding trust in our national institutions like education, government, and media has led people into their personal communities to develop their understanding of the news. We now bounce things off friends, our church small groups, and our colleagues, rather than trusting what is covered in large newspapers or cable news. Aggregating perspectives and information through our personal lens is not necessarily a bad thing. It has always been a part of the process for critical thinking. However, knowing where to get that information is vital.

That is why Carolina Journal is upfront. We do not hide our perspective that we report news from

a free-market, liberty perspective. In these pages you will find information that you will not get elsewhere and opinion writers who have faced editing or rejection from left-leaning publications. In that same Civitas poll, which surveyed 195 Republicans, 231 Democrats, and 152 unaffiliated voters, only 22% thought the national news media is middle of the road. More than 49% thought the national news outlets were too liberal, 8% thought they were too conservative, and the rest reported being unsure.

Pundits on cable news media intentionally stoked anger during the riots last summer. It triggered

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N.C. Supreme Court is collateral damage in left’s lust for power



AMY O. COOKE
PUBLISHER

IF YOU AREN’T hair-on-fire alarmed at how the left is using a nuclear option to stage a coup at our state’s highest court, you haven’t been paying attention. The coup would nullify two election cycles and nearly 10 million votes.

This won’t be North Carolina’s first coup d’etat. In 1898, Democrats led by News and Observer owner Josephus Daniels marched into Wilmington, violently seized control of the Republican-majority city council, and changed the course of political power in the state for nearly a century. It’s the only successful forceful overthrow of an elected government in U.S. history.

Our modern-day sto-



Justices Tamara Barringer and Phil Berger Jr.

ry starts in 2013. That year the N.C. General Assembly combined voter ID with a package of election reforms. Federal courts tossed out the entire package, ruling it would harm minority voters. Supporters then took their case directly to the people. The General Assembly proposed an ID amendment for the state constitution.

READ MORE

PAGE 20: Court accepts arguments over forced removal of its own justices

In 2018, voter ID secured 55% approval, with 2 million North Carolinians casting “yes” ballots. The measure won by 405,000 votes.

Refusing to accept the people’s will, the state’s

NAACP went to court.

The key argument: Legislative districts were gerrymandered so egregiously that Republican legislative leaders amounted to “usurpers.” They had no right to place any amendments on the ballot, the group charged. In a revealing move, the suit also challenged a tax-related amendment but omitted two other successful amendments on less politically contentious topics.

A trial court judge bought the NAACP’s argument and threw out the challenged amendments. Then the N.C. Court of Appeals reversed course. Appellate judges noted that the people of North Carolina made the ultimate decision on both targeted amendments, agreeing to limit future tax increases and enshrine voter ID in the state constitution.

That brings us to 2021. The voter ID case now sits with the N.C. Supreme Court, a seven-member elected body, where Democrats outnumber Republicans 4-3 in races run as partisan elections. Both of the court’s newest justices, elected in 2020, are Republicans.

In a not-so-subtle political shot across the bow, the NAACP’s latest voter ID legal challenge seeks to have the two new justices disqualified from the voter ID case. One, Tamara Barringer, had been a state senator in 2018, when legislators placed constitutional amendments on the ballot. The other, Phil Berger Jr., is the son of the Senate’s top elected officer, a frequent foe of Democrats.

Here’s the key: With-

continued PAGE 19



New Maps

North Carolina has new maps for upcoming elections based on the 2020 U.S. census.

Remembering veterans page 4

Will Democrats lean into Washington-driven policy or heed the results in Virginia? page 6

ABC warehouse operator tells lawmakers it can’t show up to answer their questions page 6

Long odds for sports betting legalization page 12

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1 WE HAVE A BUDGET! Gov. Roy Cooper signed the plan into law Nov 18.

5 School boards become flashpoint for parental revolt

8 REDISTRICTING: Lawmakers release maps for upcoming elections.

12 Leandro judge sets off firestorm by ordering \$1.7 billion transfer

PUBLIC OPINION

Direction of the country, politics, and approval

Direction of Country

Generally speaking, would you say things in the United States are headed in the right direction or off on the wrong track?



Right Direction 28.7%
Wrong Track 64.8%
Unsure 6.5%

Food Shortages

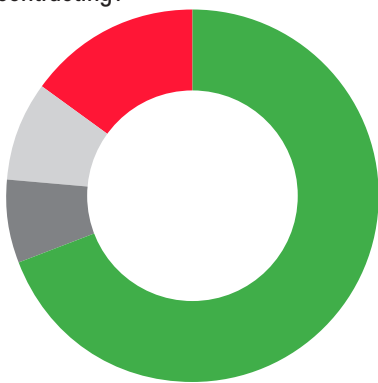
When going to your local grocery store this year, have you noticed a shortage of meat, dairy, or eggs?



Yes 61.1%
No 33.4%
Unsure 5.5%

N.C. Constitutional Amendment

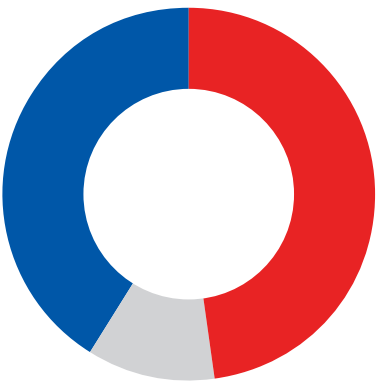
...to prohibit the state from discriminating or granting preferential treatment on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, or public contracting?



Support 69.2%
Oppose 14.8%
Neither 7.3%
Unsure 8.6%

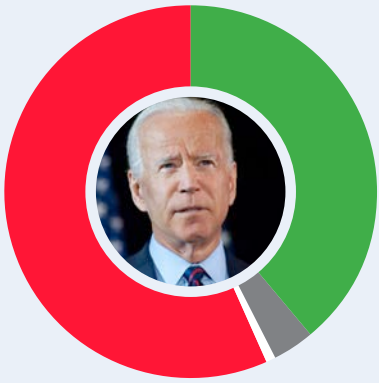
Republicans v. Democrats

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?



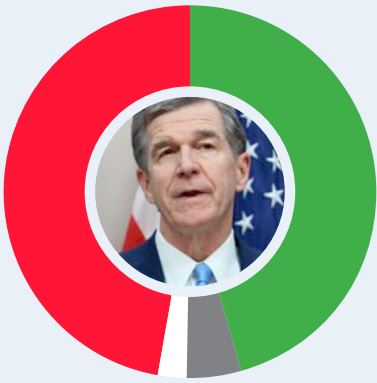
Republican 48%
Democrat 41.1%
Unsure 10.9%

President Biden Approval



Approve 38.9%
Disapprove 56.5%
Neither 3.7%
Unsure 0.9%

Gov. Roy Cooper Approval



Approve 45.8%
Disapprove 47.0%
Neither 4.6%
Unsure 2.6%

Civitas Action survey of likely general election voters in North Carolina. Conducted Nov. 12-14 n=600 | ±4.00%

Operation Christmas Child continues despite rising costs, supply chain issues

BY DAVID N. BASS

Rampant inflation, supply chain issues, and the COVID-19 pandemic aren't dampening the Christmas spirit at the international Christian charity Samaritan's Purse.

Volunteers are hard at work collecting shoeboxes filled with gifts for needy children across the globe.

Operation Christmas Child began in 1993 as a simple way to deliver shoebox gifts — filled with school supplies, hygiene items, and toys — to children worldwide.

The ministry has delivered more than 188 billion shoebox gifts to children in more than 170 countries and territories. This year, it expects to reach another 9.7 million children.

"In the midst of the pandemic, children around the



Volunteers pack boxes for Operation Christmas Child.

world need to know that God loves them and there is hope," said Samaritan's Purse president Franklin Graham. "A sim-

ple shoebox gift opens the door to share about the true hope that can only be found in Jesus Christ."

The ambitious charity effort is taking place in an environment where the cost of consumer goods has accelerated rapidly.

The U.S. Bureau of Labor Statistics announced recently that in October the Consumer Price Index rose 0.9% on a seasonally adjusted basis.

The CPI is up 6.2% over the past 12 months, not seasonally adjusted, which is the fastest inflation rate since November 1990.

National Collection Week takes place the third week of November each year, with more than 4,000 drop-off locations open across the country manned by nearly 270,000 volunteers.

There is still time to fill a shoebox — find a drop-off location near you, or mail a shoebox to the Samaritan's Purse headquarters in Boone or Charlotte.

2021-22 N.C. BUDGET

MORE BUDGET HIGHLIGHTS

SALARIES

5% PAY RAISE for most state employees and an average 5% pay raise for teachers over the biennium

Increase minimum wage for all non-certified personnel and community college staff to **\$15 PER HOUR**

\$2,800 BONUS to most teachers using federal funds

Bonuses for all state employees using federal funds between **\$1,000 AND \$1,500**

\$100 MILLION for a new state-funded teacher salary supplement focused on low-wealth counties

CAPITAL/ INFRASTRUCTURE

Provides **\$1 BILLION** for broadband expansion.

\$6 BILLION in cash to the State Capital and Infrastructure Fund

\$16.1 BILLION in cash contributions to capital and infrastructure projects and debt service (over 10 years)

\$84 MILLION to Elizabeth City State University for a residence hall, sky bridge, dining facility, and flight school.

TAXES

Increases zero-tax bracket to **\$25,500**

Increases child tax deduction by **\$500 PER CHILD**.

Cuts the personal income tax rate from 5.25% to **3.99%** by 2027 starting with 4.99% in 2022.

Eliminates state income tax on military pensions.

EDUCATION

Additional **\$1.5 BILLION** above the base budget for K-12 education

\$528 MILLION transfer from the N.C. Education Lottery to the Needs-Based Public School Capital Building Fund

\$200 MILLION to the Public School Capital Fund

\$80 MILLION into a newly created repair and renovations fund

Fayetteville State University joins the N.C. Promise program, which guarantees **\$500 IN-STATE TUITION** per semester

OTHER ITEMS

5% SUPPLEMENT for state retirees

Revises Emergency Management Act to require a vote of the Council of State to extend a statewide emergency beyond 30 days (effective Jan. 1, 2023).

Prohibits collusive settlements by the Attorney General.

\$283 MILLION to support deepening and expanding the Wilmington Harbor

4 REMEMBERING VETERANS

Hidden Raleigh war memorial tells unforgettable story of our Greatest Generation

BY DALLAS WOODHOUSE

It has been a long time since I lived on Hillock Drive, which runs off North Hills Drive near Crabtree Valley Mall in Raleigh. My parents moved there with their two children, Joy and Brad, in 1971. I came along two years later as, my mom says, their “postscript.” It was a great, safe neighborhood to grow up in, and I spent my entire childhood there.

A short walk up the street was a unique mystery. Memorial is a short street with only about four houses on each side. It measures less than a tenth of a mile, and it connects with Hillock. Memorial Drive also connects with Philcrest Road, and at that corner is a long-forgotten World War II memorial.

Today it’s overgrown. A flagpole there is rusty and surrounded by overgrowth. A plaque about the memorial park was removed decades ago. Few people driving by today would know it’s a memorial to the Greatest Generation, and for a Raleigh hero and his crew forever lost at sea.

Thomas Lombard Philbrick

Thomas Lombard Philbrick was born April 18, 1915. He grew up in Raleigh and attended Broughton High School, where he was active in drama. At 23, he married Eliza Willie “Bill” Andrews on Aug. 20, 1938.

According to his draft card at the time of his enlistment, Philbrick lived with his young wife at the Mansion Park Hotel on the corner of Edenton and Blount streets in downtown Raleigh.

The four-story building, with its many gables and turrets, was solid brick and in Queen Anne-style. It was designed by Raleigh’s enigmatic 19th-century architect Adolphus Gustavus Bauer. After its completion in 1899, Meredith College occupied the site for the next quarter-century. When Meredith relocated its campus to its current home on Hillsborough Street in 1926, the Blount Street building became the Mansion Park Hotel.

After World War II, the outdated hotel fell out of favor with travelers, and within five years it was closed. In 1951, the state bought the property and built a parking lot.

The Philbricks eventually began a life together on New Bern Avenue in Raleigh, near the current-day Terry Sanford Federal Building. But the couple had plans to settle down north of the capital city, on Philbrick family property.

On Feb. 25, 1942, the 25-year-old Philbrick enlisted in the Army Air Corps.

As reported by the News and Observer on Independence Day 1943, Philbrick received his silver navigator’s wings in Texas and was commissioned as a second lieutenant.

By late 1944, the Americans had been beating back the Japanese since their victory at Midway in June 1942. Philbrick was



At left: Lt. Thomas Philbrick with his wife, Eliza. At right: A memorial plaque, bearing the names of Philbrick’s crew members. That plaque was removed from the memorial and is now with Philbrick’s nephew.



The memorial park for the fallen crew was to be connected to a church that was never built, leaving the park alone with no one to look after it.

no novice to the air war, now being fought all over the South Pacific. He had more than 25 missions as a navigator with the B-24 “Liberator” bomber as a member of the 868th Bomber Squadron, part of the 13th Army Air Corps. The 868th was called the “Snoopers.”

For Philbrick and the other men in the bomber squadron, their B-24 carried a top-secret technology designed to help win the war — on-board radar. Flying at night, the bombers of the 868th would take off alone to attack Japanese ships and land-based targets in the Pacific. In September 1944, Philbrick and his 11-man crew were on the front lines of the campaign to retake the Philippines.

As navigator, Philbrick’s job was to plot a course to the target and to return safely. It had been almost a month since the 868th had moved from its base in Los Negros to Noemfoor Island in the Irian Jaya area of Indonesia. American paratroopers had only recently taken the island from the Japanese. The 868th’s planes were stationed at Kornasoren airfield — now known as Yeburro — built by the Japanese before the allied invasion in July.

On Sept. 21, 1944, the mission for Philbrick and crew was to fly a bombing run on Menado in the

northern Celebes islands. There, the lone bomber would strike the Japanese in the dead of night; being just four days past “new moon,” the sky would be near pitch black. The plane was one of 32 original bombers that arrived at the squadron in January 1944. A year later, only 13 would remain.

Philbrick and his crew were scheduled to take off at 10 p.m. and fly northeast to bomb Menado.

Trouble began shortly after the B-24 became airborne. The tower operator watched the plane lose altitude before climbing again. That wasn’t normal, so he called the aircraft and asked if anything was wrong. Tech Sgt. Donnell Walker radioed back that his pilots indicated they had lost one of their engines and were returning to the airfield. The B-24, already miles out to sea, began to bank around to come back to the island. At one

Amid the quiet dignity of a landscaped acre of pines, dedicatory services were held for the Thomas L. Philbrick Memorial Park, a grove set aside as a memorial to a Raleigh youth and his crewmates who lost their lives in World War II.

- News and Observer Sunday, Sept. 22, 1946

parents were determined to memorialize their son and his comrades.

Heroic airmen honored by memorial park

“Amid the quiet dignity of a landscaped acre of pines, dedicatory services were held for the Thomas L. Philbrick Memorial Park, a grove set aside as a memorial to a Raleigh youth and his crewmates who lost their lives in World War II.”

News and Observer
Sunday, Sept. 22, 1946

The park was laid out by his father and mother on the site Philbrick had chosen for a post-war home.

The Rev. Charles Reichard spoke of talking with the crew just before it departed for its final mission. He declared he could still hear them say, “Plan, work, and pray, and see that it does not happen again. ... Let it never appear as our gift was in vain.”

As reported by the News and Observer: N.C. Gov. Robert Greg Cherry praised the spirit of American youth in the past conflict and declared that surviving soldiers and those whose liberty was saved through sacrifice must never forget those who died for them.

The dedication service included the playing of Taps and “The Star-Spangled Banner.”

The park was to be connected to a church that was never built, leaving the park alone with no one to look after it. In the park was a plaque, which bore the names of the crew members.

That plaque is now with Dr. Russell Philbrick, a retired N.C. State professor of physics and of atmospheric sciences. He is Thomas Philbrick’s nephew and owns the memorial park site, which he inherited from his grandparents.

He remembers, as a young child, greeting his uncle while home on leave from the service. His uncle picked him up and put him on his shoulders. He remembers the dedication ceremony and the park fondly.

“It was a special place in my young time. We would go down to the park and help clean it up and trim things,” said Philbrick. “It was something that was very special to my grandparents. It was intended to ease the grief of losing their son.”

Thomas Philbrick and Eliza never had children. She never remarried. Widowed at age 30, she lived another 39 years. Philbrick’s father lived 25 years after his son died, passing in Raleigh in 1969. His mother died in 1978. He left behind three siblings.

Time and distance have made it difficult for the family to tend to the memorial. But its existence is still a source of comfort for the surviving family, as are words Reichard spoke at the park dedication.

“The power of common sorrow binds you to the bosom of the Father, and to each other. As to your first cry in the night, only God can answer you as to why your own were taken. Since some had to go, by giving yours, your own capacity for giving is brought out into glorious light.”

School boards become flashpoint for parental revolt

BY DONNA KING

The N.C. School Boards Association has voted to end its relationship with the National School Boards Association. The decision takes effect June 30.

The move follows NSBA's letter to the White House and U.S. Attorney General Merrick Garland comparing parents who speak at school board meetings to "domestic terrorists." The comparison was made at least twice in the letter, using the term to justify the Department of Justice's use of The Patriot Act for an investigation.

"For a number of years, some of the state school boards associations, including North Carolina, have voiced concerns over governance and financial issues at NSBA," Executive Director Leanne Winner wrote to county school boards Nov. 11. "During that time, little has been done to address these concerns. The Sept. 29 letter from NSBA to President Biden, in both its inflammatory language and the request for federal agencies to intervene in our communities, was just one in a series of lapses in governance."

The NSBA letter has since been removed from its website, but it read, "As these acts of malice, violence, and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes."

Of the 24 examples the NSBA provided from across the country, three were actual threats, emailed or verbalized, toward a school board member. The rest were sometimes volatile comments from parents speaking at a meeting, exceeding their allotted time during meeting public comment periods, or picketing outside chanting slogans and carrying signs reading "Freedom of Choice," "We Will Not Comply" and "Don't hide my smile."

"When rioters set fire to buildings, looted stores, and laid siege to a federal courthouse last summer, we were told over and over that the 'mostly peaceful protests' were a necessary racial reckoning and actually good for public health," state Senate leader Phil Berger, R-Rockingham, said on the issue. "When parents show up at school board meetings in actual, real peaceful protests over concerns about policies impacting their own children, the media and the teachers' unions demand the FBI start investigating."

Garland quickly responded to the NSBA letter with a memo directing the FBI and U.S. attorneys' offices to investigate parents protesting over issues the administration supports, such as Critical Race Theory and mask mandates. But documents — revealed



Parents demonstrate outside the Wake County School Board meeting in Cary on Sept. 7, 2021.



Parents address the Johnston County School Board on Nov. 9, 2021. Board members voted to continue masking policy.

through a public records request from Parents Defending Education — the letter was coordinated with the White House. After a House Judiciary Committee meeting on the issue, 19 members of Congress demanded an investigation.

"Parents cannot tolerate this collusion between the NSBA and the Biden administration to construct a justification for invoking federal law enforcement to intimidate and silence parents using their constitutional rights to advocate for their child's future," they wrote. "Threats of violence are completely unacceptable; however, this is nothing more than a scare tactic to silence parents who are pushing back against unnecessary mandates and an agenda they disagree with being forced down their children's throats."

"The more backstory we get on why AG Garland sent the FBI after parents, the worse it gets," U.S. Rep. Dan Bishop, R-9th District, told The Washington Times.

"We regret and apologize for the letter," the NSBA wrote in a statement issued Oct. 22. "To be clear, the safety of school board members, other public school officials and educators, and students is our top priority, and there remains important work to be done on this issue."

In total, 13 states' school board associations have left the national organization this fall as anger reaches a fevered pitch among

BY THE NUMBERS

1.5 million

Number of North Carolina public school students

parents objecting to forced school closures, curriculum shaped by Critical Race Theory, and policies like masking and bathroom privacy. The elected head of N.C. public schools lauded the NCSBA's decision to cut ties with the national association.

"We should all act civilly toward one another, particularly toward those elected officials who serve us, but to demonize concerned parents and call for their arrest while they are simply exercising their First Amendment rights is uncalled for," Superintendent of Public Instruction Catherine Truitt posted on Facebook. "Glad our state's school boards association recognizes that as well."

For state school board groups like North Carolina, it was too little too late. Florida, Kentucky, Wisconsin, Alabama, Louisiana, Missouri, Montana, New Hampshire, Ohio, Pennsylvania, and South Carolina all voted to leave after the letter was issued.

From Transylvania to New Haver counties, North Carolina has experienced angry vocal parents at school board meetings, as have most states. The state legislature passed a bill last year requiring school districts with mask mandates to vote once a month to continue them.

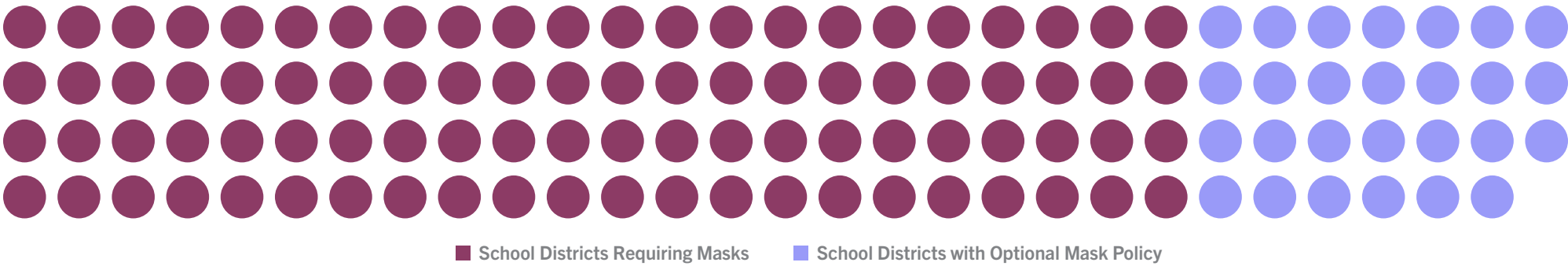
Parents have attended meetings in growing numbers, reading from the Constitution and threatening to campaign against board members and pull their children from public schools.

"My child, my choice," shouted one parent at school board members in a meeting on masking in the Iredell-Statesville school district.

The state school board association petitioned the General Assembly to remove the state law requiring the once-a-month mask vote, but lawmakers rejected the request. Now, the meetings and votes have continued under the watchful eye of parent groups. Before the pandemic, their meetings may not have drawn a crowd. Since online classes gave parents a peek behind the education curtain, parent activists say a sleeping giant has awoken.

News Update: Virginia's Loudoun County School Board has reinstated and settled with teacher Tanner Cross, who sued after he was suspended for speaking out against the district's bathroom and pronoun policy during a school board meeting. Read the entire story at carolinajournal.com.

88 public school districts in North Carolina still require masks, and 27 have implemented optional masking policy...



SOURCE: N.C. SCHOOL BOARD ASSOCIATION

Will Democrats lean into Washington-driven policy or heed the results in Virginia?

Yes, Virginia, 2021 cycle produced lessons for 2022 elections

BY DONNA KING

Widely seen as the testing ground for the 2022 nationwide midterm elections, Virginia's November election drew more voters than any in the state's gubernatorial history, with 3.3 million voters casting a ballot in the state among 5.9 million registered. It's the highest overall turnout since 1992, and Republicans swept the top three statewide races.

Analysts on both sides of the aisle think it could be a sign of things to come and provides real-time lessons for Democrats and Republicans. Candidates stumped on key issues expected to shape the 2022 midterm elections and serve as a barometer for the Biden presidency.

Former Virginia Gov. Terry McAuliffe's campaign led a massive get-out-the-vote effort, and it worked. He received more votes than any Democrat governor in Virginia history, but still lost. Newcomer and Republican Glenn Youngkin is now the governor-elect, as he secured the most votes ever in a Virginia governor's

race. Republicans have potentially taken control of the state's House of Delegates, too, with recounts ongoing.

"Together, we will change the trajectory of this commonwealth," Youngkin told supporters.

Despite hiring known election litigator Marc Elias, McAuliffe conceded the next morning.

"While last night we came up short, I am proud that we spent this campaign fighting for the values we so deeply believe in," McAuliffe tweeted.

"I do think this wave is building," said Republican Florida Gov. Ron DeSantis in an interview after the election. "I think it was strong last night, but I think it's going to keep building all the way into 2022. And if you go back to the 2010 wave that Republicans had, I think there's more dissatisfaction with what's going on in D.C. today than there was at this time in that election cycle. And that is good news for Republicans, and that is bad news for Joe Biden and his regime."

National trajectory is what appears to have worried Virginia voters. McAuliffe tested Democrat talking points like social justice, more regulation and taxes on business, and Democrat disdain for former President Trump. In a 15-minute campaign speech the day before the election, McAuliffe said "Trump" 13 times. His loss indicates voters aren't impressed with that strategy, and they're likely battle-worn by high inflation, supply chain problems, big government spending bills, Biden's chaotic retreat from Afghanistan, and embarrassing performances overseas.

"History repeats itself yet again



Virginia Gov.-elect Glenn Youngkin tosses a basketball to supporters. Youngkin beat former governor Terry McAuliffe, 50.7% to 48.6%.

for the eighth consecutive time: The party that controls the White House in a first term has lost the Virginia gubernatorial contest," said Michael Bitzer, professor of politics and history at Catawba College in Salisbury.

Youngkin, a former head of the equity firm The Carlyle Group, spent \$20 million of his own money campaigning on optimistic messaging focusing on reducing taxes, adding 400,000 jobs, and opening 20 charter schools, and backing parents' concerns about public education. Generally, he steered clear of political heavy hitters from the Republican party, including Trump.

The Youngkin win also raises a red flag for Democrats on the stump power of Biden, Vice President Kamala Harris, and former President Obama. All three campaigned for McAuliffe in the

last few days. Just 10 months ago, Biden and Harris won Virginia by 10 points in the 2020 elections.

"What happens in Virginia will in large part determine what happens in 2022, 2024, and on," Harris said in a campaign speech for McAuliffe the week before the election.

Lessons learned

In the wake of the Virginia election, analysts say the race became nationalized as an example of backlash amongst Republicans, independents, and moderate Democrats against the "wokeism" policies of the left and school shutdowns.

Exit polling data showed two issues were foremost on voters' minds: the economy and education. McAuliffe's showing among female voters and independents

slid from Biden's performance in 2020, while Youngkin shored up the GOP base and got strong turnout in conservative counties. Youngkin also performed better among college-educated white voters and suburban voters compared to Trump in 2020.

In more urban counties, success for Youngkin came in closing the gap, not necessarily winning the county. For example, in Loudoun County — a decidedly blue county on the outskirts of Washington, D.C., Youngkin lost the county by just 10%, compared to Trump's 25% loss in 2020. Loudoun had become the epicenter of parental backlash against a public school system trying to shut out their voices, including one story of a father who says the school district tried to cover up his daughter's violent sexual assault in a high school bathroom by a "gender-fluid" boy wearing a skirt.

In the aftermath of their defeat, Democrats are roundly criticizing McAuliffe for bungling the education issue. McAuliffe's attitude came into keen focus in a debate in September, when he said, "I don't think parents should be telling schools what they should teach."

Implications for N.C.

All 170 seats in the General Assembly are up for grabs in 2022, along with sheriffs in every county, an open U.S. Senate seat, and 14 congressional districts, including a new district created due to population growth. According to political experts, Youngkin's win in Virginia could serve as a roadmap for a Republican strategy next year in North Carolina.

ABC warehouse operator tells lawmakers it can't show up to answer their questions

BY JOHN TRUMP

Leadership or staff from the company contracted to operate the state's liquor warehouse and delivery system won't meet with lawmakers to explain why N.C. ABC stores across the state have so many empty shelves.

The state warehouses are stocked with popular products such as Jack Daniel's and Tito's vodka, yet those same products aren't showing up in the stores. Lawmakers, including Rep. Tim Moffitt, R-Henderson, and other members of the N.C. House ABC Committee, want to know why.

The committee met Nov. 17, but warehouse operator LB&B, said Moffitt, has told him the company can't spare anyone to speak with lawmakers. During the meeting, Moffitt referred to it as "a scheduling conflict."

Lawmakers, to be clear, want to meet with a member of the company, not with outside counsel.

"I'm disappointed," Moffitt told Carolina Journal, "that the warehouse operator for all distilled spirits in the state did not work harder to have someone here to answer



The view from N.C. ABC stores around the state

our questions."

It's not OK, said Moffitt.

"This is the legislature."

The operator, LB&B Associates, has told lawmakers it is meeting the terms of its new contract with the state.

"Yet we still have empty shelves in ABC stores," Moffitt said.

The warehouse is three weeks behind its delivery schedule, sources

say ABC managers are telling them, and that includes holiday products, which are stored in a second, stocked warehouse in Raleigh. Further, the warehouse won't release a particular product to any single store until all 400 or so stores can get it, too. Regardless of population or customer demand.

Cases of the popular and hard-to-get Buffalo Trace bourbon are

stacked in the warehouse, say sources. But the product is not in stores. LB&B has blamed the problems on labor shortages, particularly truck drivers, and a new computer system.

Moffitt, the ABC committee chair, and other members of the ABC committee spent more than two hours on Sept. 29 trying to determine what's going on. Moffitt, after the meeting, said he had more questions than answers.

"This issue has really been compounding itself for the past four or five months," he said then.

The issue was referred to the Joint Legislative Commission on Governmental Operations, but it has landed back with Moffitt's committee. An extensive report on the issue is forthcoming.

In March, the ABC Commission voted unanimously to recommend the state award a new 10-year contract for warehouse services to LB&B. A 2018 audit determined the company has, over previous years, cost the state about \$13.5 million. The ABC concurred with the audit and promised to fix problems, including a focus on accountability and efficient delivery.

The agreement, the ABC says, includes a requirement of nearly error-free and on-time deliveries as well as increased delivery frequency to the state's 171 local ABC boards. LB&B has operated the state warehouse system since 2003.

A new software system was implemented in early July and, says LB&B attorney Ben Thompson, customers are still learning to use it. Some local ABC boards are reluctant to use the new system at all, continuing to use the older system, which connects suppliers and customers with the warehouse.

"Which one is it?" Sen. Todd Johnson, R-Union, asked Thompson in September after the lawyer offered many reasons for the issues but failed to articulate the biggest failure.

"It's all of them," answered Thompson.

Zander Guy abruptly resigned as chairman of the ABC Commission earlier in September. ABC spokesman Jeff Strickland offered no additional information.

LB&B did not immediately answer a request for comment from CJ.

North Carolina has a new budget

continued from PAGE 1

lements and limiting a governor's emergency authority. He also made clear his opposition to cutting taxes on businesses.

"I do not support tax cuts for corporations. They don't need it," he said in response to a reporter's question. "I do not support tax cuts for the wealthiest individuals in North Carolina.

There are many years to fight for a fairer tax system in our state.

... I think it is wrong, that particular part of the budget, but I will continue to fight for fairer taxes moving forward."

Cooper said that, if he vetoed the budget, many critical funding opportunities would evaporate when they're so desperately needed. But he praised his veto power, supported by Democrats, saying it was an important and successful tool in making North Carolina a better place for people to live and work.

"I will continue to use it when I believe a bill causes more harm than good. I will also continue to reach across the aisle and work with this legislature in a bipartisan way whenever I believe the people will benefit from it," he said. "However imperfect as this budget is, our schools, communities, small businesses, our families, need help right now, especially as we recover from this pandemic. I will sign this budget because of its critical and necessary investments, and I will fight to fix its mistakes."

Budget plan

The \$25.9 billion plan, released Nov. 15, represents a 4.3% increase over the previous proposal. The fiscal 2022-23 portion of the biennial plan is \$27 billion, and the state's rainy-day fund grows to \$4.25 billion by the end of the biennium.

Among the highlights are tax cuts, including lowering the personal income tax rate from 5.25% to 3.99% over six years and phasing out the corporate income tax beginning in 2025 and ending in 2031. Tax cuts were one of the priorities for Republican leadership over the past decade and a point of contention for Democrats.

The budget contains an increased standard deduction, raising the number of people who owe no state income tax to those who make \$25,500 or less.

An increase in the child tax deduction by \$500 per child is also included.

The budget exempts military pensions from state income tax. North Carolina has the fifth-largest military population of any state, with eight major installations and \$66 billion in impact to the state economy annually.

"We want to make North Carolina the most military-friendly state in the country, and this tax exemption should get us there," Sen. Jim Burgin, R-Harnett, stated in a news release.

Though Medicaid expansion wasn't included, the budget extends postpartum benefits and increases funding for home and community-based service enhancements.

To soothe the issue of Medicaid expansion, which Cooper has cited for previous budget vetoes, a new Joint Legislative Study Committee on Access to Healthcare will study and report a bill to the General Assembly in the 2022 session on health care access and Medicaid expansion.

The budget funds an average 6.7% raise for teachers over the biennium, while state workers should see a 5% raise. Bonuses for teachers range from \$1,000 to \$2,850, plus a \$1,000 bonus for all state employees.

Other items in education include 5% state and teacher retiree cost-of-living bonuses over the biennium, \$100 million for salaries for low-wealth schools, implementation of a \$13-an-hour minimum wage in fiscal 2021-22 and a \$15-per-hour minimum wage in fiscal 2022-23 for local, noncertified employees for public schools and community colleges.

leges.

Another important health care item includes the addition of 1,000 innovations waiver slots to serve the intellectually and developmentally disabled. More than 15,000 families qualify for the program, but many wait years for help. The additional slots have been in previous budgets Cooper vetoed.

Regarding infrastructure, the budget includes \$1 billion in new federal funding to the state's broadband expansion initiatives, and \$5.9 billion in state funding over the biennium in the State Capital and Infrastructure Fund. It provides money to build, repair, and renovate state, university, and other capital assets, and authorizes \$878 million in capital projects for state agencies.

Beyond funding, some policy issues made their way into the budget. Revisions to the governor's emergency authority would go into effect after Jan. 1, 2023.

This was part of the original Senate budget bill from this past spring and is a direct response to Cooper's emergency declarations over the past 20 months due to the pandemic.

Those orders included restricting people's movements, limiting gatherings, shutting down businesses and schools, and setting curfews. The revision would require such orders to get approval from the Council of State after a set period.

The Council of State is a group of 10 statewide elected officers, including the lieutenant governor.

The budget contains language to ban collusive settlements effective immediately. Cooper vetoed a bill in September designed



Gov. Roy Cooper: "While I believe it's a budget of some missed opportunities and misguided policy, it's also a budget that we desperately need at this unique time in the history of our state."



Rep. Donny Lambeth, R-Forsyth: "I think there is no question that everyone in this room is here because they love North Carolina."

BY THE NUMBERS

\$4.25 billion

RAINY DAY FUND: Under the new budget plan, North Carolina's rainy day fund grows to \$4.25 billion.

to block the state attorney general from entering into collusive lawsuit settlements and stems from a controversial 2020 lawsuit settlement involving state election rules.

Final pieces

The last puzzle pieces of a new budget came together when both chambers passed the budget by veto-proof majorities. The House voted for final passage, 104-10, on Nov. 18, with all Republicans and 40 Democrats, including House Minority Leader Robert Reives, D-Chatham, voting in favor.

The Senate voted 41-7 for the budget Nov. 17, with seven Democrats on board, although Sen-

ate Minority Leader Dan Blue, D-Wake, voted against it.

"I think there is there no question that everyone in this room is here because they love North Carolina," said Rep. Donny Lambeth, R-Forsyth. "They love their community, and they want to do what's right for their community. There are things in this budget that I don't like, but this is an extraordinary budget for an extraordinary time."

Democrats spoke in favor of the budget on the House floor, urging their colleagues to drop partisan differences and vote "yes."

"This budget is a historic work of bipartisan compromise. I would ask you to vote your conscience. I intend to vote yes and urge many members to do the same," Rep. Gale Adcock, D-Wake, said.

Much of the money in the appropriations bill goes to long-overdue repairs to the state's buildings and infrastructure, including \$150 million to remove lead paint from schools. Every county in the state

receives funding.

"With water and sewer infrastructure in this budget, we are going to give small communities an opportunity to have new water and sewer lines. Some haven't been replaced since the '20s and '30s. This budget makes sure that all 100 counties are broadband-capable. There is nothing bigger to access to care in rural North Carolina than the new Brody School of Medicine. It's transformative," House Majority Leader John Bell, R-Wayne, said.

"The budget that has passed today and will be signed by Governor Cooper is the product of much time, hard work, and the invaluable contributions from our Appropriations chairs, members of both chambers, the governor, stakeholders, and staff," said House Speaker Tim Moore, R-Cleveland. "The significant investments made in this spending package demonstrate to all North Carolinians that we see these needs and are meeting them where they are at."

OFFICE OF THE GOVERNOR

CJ PHOTO BY MAYA REAGAN

8 REDISTRICTING

Lawmakers release maps for upcoming elections

Let the progressive lawsuits commence

BY THERESA OPEKA

North Carolina has new maps for upcoming elections for Congress and the General Assembly, all based on the 2020 U.S. census.

Redistricting happens every 10 years, and, typically, the party in charge draws the maps. The process opens the door for lawsuits and other legal challenges.

So, here we go again.

Separate lawsuits were filed Oct. 29 and Nov. 5 — the first arriving before lawmakers finalized maps. The second was filed just one day after lawmakers approved the maps.

The governor has no say in the process, although Gov. Roy Cooper has already intimated that he thinks the maps are unfair. The General Assembly adopted rules for redistricting in August, including not taking partisan, electoral, or racial data into account.

The flurry of lawsuits isn't surprising, nor is North Carolina unique in that regard.

Criteria for drawing the maps include criteria for considering population — the number of people in each legislative district must be within plus or minus 5% of the ideal district population.

Legislators weigh contiguity and county groupings as required by previous court cases. They split voting units only when necessary.

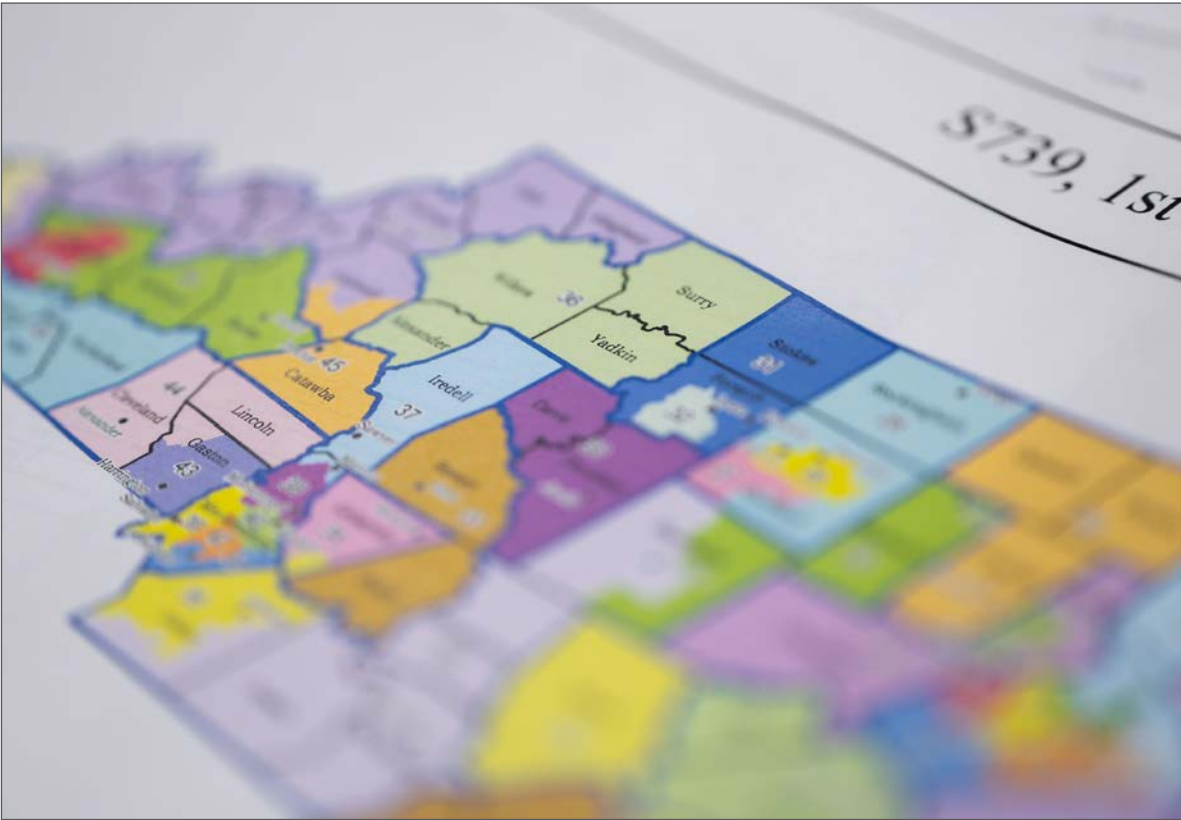
Lawmakers also consider the relative compactness of districts and municipal boundaries, trying to keep counties as whole as possible and limiting the splitting of municipalities.

Lawmakers in September held 13 public hearings across the state to address redistricting, which began Oct. 6.

Republican lawmakers such as Rep. Destin Hall, R-Caldwell, who chaired the House Redistricting Committee, called it the most transparent redistricting process in the state's history.

The process played out for all to see. In open committee rooms and livestreamed on YouTube.

Still, Democrats aren't — nor will they be — happy. Democrats and progressives, such as former U.S. Attorney General Eric Hold-



The redistricting process in North Carolina played out for all to see, including on livestreams and in open committee rooms.

CJ PHOTO BY MAYA REAGAN

N.C. House approves maps

The N.C. House on Nov. 2 voted along party lines, 67-49, for the new House election district map. Even as many Democrats said the redistricting committee should “go back to the drawing board” and redo the maps including race as a factor.

Republican leadership, as it has many times, said the map-making process was transparent and strictly followed the law. They said decisions in previous litigation prevent race from legal consideration in district boundaries.

Hall addressed the chamber to defend the process and map-drawing criteria, which didn't include prior voting data and, importantly, took a “race-neutral” approach.

“Every effort was made to keep areas intact,” Hall said. “The first criteria was to keep counties whole, like Lee and Chatham,” he said. “We also kept municipalities together as much as possible, bare minimums of double-bunking. We didn't consider racial or political data in drawing this map.”

In previous redistricting, an outside consultant was brought in to oversee and analyze the process. Not this time, however.

“We did it this time transparently,” Hall said. “Maps were done without a computer algorithm. It is unprecedented transparency, not using political data on this map.”

Hall said he was disappointed that no House Democrat introduced a map to be considered for the public, unlike their Democrat colleagues in the Senate. Democrat House members introduced a few amendments, but they failed to pass.

“Race is a factor that you need to consider making districts fairer,” said House Minority Leader Robert Reives, D-Chatham. “History can be used to teach us how to be better. We don't want to use our history in the wrong way. The most important aspect in bringing people back together is people

er and lawyer-for-hire Marc Elias, will sue to win, using any legal means — however controversial — needed.

“They can't win at the ballot box,” Hall told Carolina Journal. “They are going to try to win through the court system.”

Said House Speaker Tim Moore, R-Cleveland, “I am confident that the House and Senate have approved redistricting plans that include maps that are constitutional in every respect.”

The courts, though, will ultimately decide.

The N.C. House Redistricting Committee submitted its proposed maps Oct. 22. The first hearing on the released maps was held Oct. 25 in Raleigh and at remote sites.

A common theme from the left centered around the lack of time to prepare for the hearings.

People who spoke said they're worried the maps divided several urban areas, including the Triad, Triangle, and Wilmington. Speak-

ers argued that parts of some urban areas were grouped with more rural areas, dividing voters of race and ethnicity, as well as members of the Democrat Party.

“North Carolina is a 50-50 state. Fair maps should reflect that,” Susan McClanahan of Orange County told the House Redistricting Committee in the hearing. “If any of these maps are used, we will not have free elections in North Carolina because you have already determined the outcome.”

Andy Jackson is director of the Civitas Center for Public Integrity at the John Locke Foundation. He told Carolina Journal, “While hearings like these are an important part of the redistricting process, organizations use it in an attempt to train people to testify in public hearings.”

“Those groups are seeking to get hearing records to bring a public record for lawsuits against any districts the General Assembly

passes,” Jackson said. “One group, in particular, is seeking to use redistricting hearings as a tool for future litigation. The organization All On The Line is a wholly owned project of the National Redistricting Action Fund, a 501(c)(4) that functions as the advocacy and lobbying arm of Eric Holder's National Democratic Redistricting Committee.”

“This is not conjecture,” Jackson said. “One of the leaders of the [New North Carolina Project] publicly stated that they want to have the testimony in public records [so] that ‘they can be impactful during any future litigation.’”

“Of course, we all have the right to form organizations that help instruct members of the General Assembly. However, this is not representative that the comments presented at these hearings are representative of the general public.”

As the song goes, we've only just begun.

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Updated redistricting timeline

BY ANDREW DUNN

N.C. voters rarely voted in the same districts twice over the past half-decade, as legal challenges required the General Assembly to redraw state legislative and congressional districts numerous times. As the General Assembly conducts redistricting after the 2020 census, here's a look at the debacle that followed the last one.

2010

In the November 2010 election, Republicans gained a majority in the state House and Senate for the first time in a century, the culmination of long-term trends driven by national party politics.

2011

The new Republican majority in the General Assembly begins the decennial task of redrawing electoral maps for the U.S. House, as well as the state House and Senate. Under the law, districts may not be drawn based on race and county lines are to be followed as much as possible. But at this point, legislatures were allowed by the U.S. Supreme Court to take party registration and past election results into account while drawing lines.

Then-N.C. Sen. Bob Rucho led the Senate maps, and Rep. David Lewis was in charge of maps for the U.S. House and N.C. House.

2012

Under the new maps, Democrats went from seven seats in the U.S. House to four in the 2012 elections, while Republicans grew from six seats to nine. Two years later, Republicans picked up another seat, bringing the gap to 10 to three. The U.S. House maps were used in the 2012 and 2014 elections.

The General Assembly maps approved in 2011 were used in the 2012 through the 2016 elections.

2013

Opponents begin mounting a legal challenge to the congressional maps on the grounds they amounted to an unconstitutional racial gerrymander. Mapmakers were not allowed to pack members of a minority group into one district or spread them apart unreasonably to minimize their effect in elections.

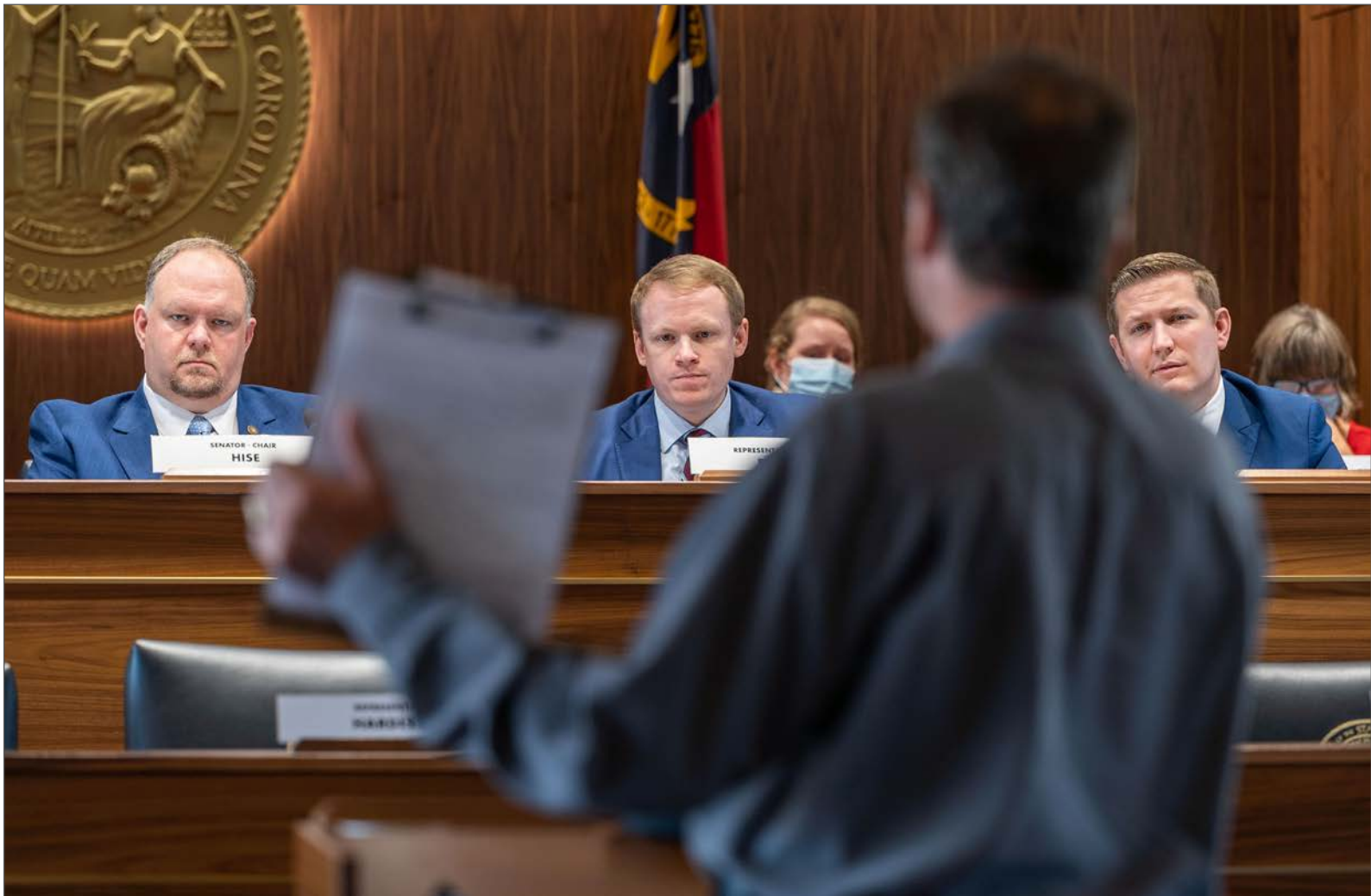
The challenges focused on congressional Districts 1 and 12, both heavily favoring Democrats to prevent challenges in Republican-held districts.

The congressional challenge came in the case McCrory v. Harris, which later changed its name to Cooper v. Harris. This federal court challenge argued that Republican mapmakers relied too heavily on race while drawing districts. Republicans contended they were trying to uphold the Voting Rights Act, which requires minority groups to have districts with enough to have an effect at the ballot box, as opposed to being spread out to dilute their impact.

2015

Opponents file a suit challenging General Assembly districts. The case in federal court, known as North Carolina v. Covington, claimed that mapmakers improperly used race to pack African Americans into nine N.C. Senate districts and 19 N.C. House districts.

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Sen. Ralph Hise, R-Mitchell, left, and Rep. Destin Hall, R-Caldwell, center, listen during legislative hearings on redistricting.

the chamber's Democratic leader. “Where most of the Democratic seats are, in the urban areas, Democrats ended up the only ones being double-bunked,” Blue said. “That isn’t an issue with rural legislators. We ended up with double-bunking in Wake, Guilford, and two double-bunkings in Mecklenburg. All but one was resolved. The process sorted out members and districts. I appreciate the effort for unbunking those.”

Blue introduced a few of the several amendments, all of which were tabled.

The House on Nov. 4 voted 65-49 to approve the Senate’s map.

Congressional map for the 14th District moves forward

A population increase, as shown by the 2020 census, created a 14th congressional district for North Carolina. On Nov. 2, the N.C. Senate passed a bill that created a new congressional map, and on Nov. 4 the House voted 65-49 in favor of the new district in the western part of the state. Fifteen counties — from Cherokee to Watauga — are included.

Hall, the Redistricting Committee chair, said lawmakers agreed to an amendment of the congressional map that kept the “finger” counties in the Northeast together. Still, 11 counties across the state were split, along with 24 voter tabulation districts. Two municipal boundaries — Charlotte and Greensboro — were split based on population.

Hall, again, expressed his disappointment with Democrats over a general lack of participation.

Reives also introduced an amendment that would have kept Guilford County together. Reives said the amendment was introduced in the Senate a few weeks earlier and had been on display for the public to view.

Hall said he saw the amendment just a few minutes before the session to approve the maps.

“I notice it would split the finger counties in the northeast,” Hall said. “It splits more municipalities and will split more counties. This map doesn’t comply with criteria the base map has.”

The amendment was voted down, 67-47.

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having faith in their government.” He proceeded to ask members to vote no on the maps.

Rep. Susan Fisher, D-Buncombe, said the current maps are similar to past “illegal” maps and have “double-bunking” issues, placing two incumbents in one district.

“People are not stupid,” she said. “They believe politicians have no business drawing political lines. They prefer nonpartisan redistricting.”

The subject of race is a familiar one. Those opposed to the maps, including Democrats and political interest groups, say the maps dilute minority voting by splitting districts in certain areas, and the new districts combine areas with nothing in common. These same opponents say the maps divide several urban areas or well-established areas such as the Triad, the

Triangle, and Wilmington, and include them with more rural areas, in effect splitting up voters by race and ethnicity.

The Senate on Nov. 4 voted to approve the House map, 25-21.

Senate takes final vote on its maps

The N.C. Senate voted along party lines Nov. 3, passing its version of maps, 26-19.

Sen. Ralph Hise, R-McDowell, one of three co-chairs of the Senate Redistricting Committee, said lawmakers didn’t use racial or election data as part of the criteria but considered equal population — the number of people in each legislative district within plus or minus 5% of the ideal district population. Senate lawmakers weighed contiguity and county groupings as required by previous court cases. They split voting districts only when necessary, and like the House, considered the compact-

ness of districts, municipal boundaries, and the use of member residence, or keeping politically aligned communities intact.

“Following those criteria, we did our best keeping communities together, kept counties whole, municipalities and precincts or voter tabulation districts,” Hise told the chamber. “We also tried to draw compact districts while respecting these communities. We did this without using racial or political data to draw the districts or reach some predetermined number of Republican or Democrat seats.”

Hise told colleagues the Senate map follows criteria for keeping counties whole and drawing districts with minimal county splits.

“The Stephenson anti-gerrymandering provision provides a map that only splits 15 of the 100 counties in the formation of the 50 Senate districts,” Hise explained. “For the 15 counties we did have to split, we tried to leave as many in the district based in their home

county. Besides counties, the most concrete way to define a community is a municipality or [voting district]. We were able to limit split municipalities to 11 out of 552 municipalities, or less than 2% of our municipalities. We also followed the spirit of the criteria and kept as much of the community whole in one district as possible. In Cumberland County, for example, 88% of Fayetteville was kept in the district, and 85% of Hope Mills was kept in the district.”

The theme of transparency was prominent from both sides of the aisle

Hise thanked co-chairs Sens. Warren Daniel, R-Caldwell, and Paul Newton, R-Cabarrus, for working on the maps, calling it an “incredible and amazingly transparent effort with all of the drawing of the maps being livestreamed.”

Sen. Dan Blue of Wake County thanked the senators. Blue is a prominent Democrat, serving as

February 2016

A federal appeals court ruled that the congressional districts drawn in 2011 were unconstitutional and ordered an immediate redraw.

September 2016

Left-leaning groups Common Cause and League of Women Voters sue to try to block the new congressional maps, arguing that the 2016 maps constituted “one of the worst partisan gerrymanders in modern American history” by creating districts such that Democrats could win most votes statewide but still be relegated to three congressional seats.

November 2016

Congressional elections are held under new maps, including a new 12th District held entirely in Mecklenburg County. Republicans maintain a 10-3 advantage in the congressional delegation.

Later that month, a federal court ruled that the state House and Senate districts were unconstitutional and ordered them redrawn by March 2017, with special elections to be held that fall under the new districts.

January 2017

State Republicans appealed to the U.S. Supreme Court and asked for special elections to be put on hold. That request was granted.

May 2017

The U.S. Supreme Court upholds the lower court ruling that the 2011 congressional maps did constitute an illegal racial gerrymander. But by that point, the districts had been changed, so the effects were moot.

June 2017

The Supreme Court sided with the lower federal court in the state legislative district case, agreeing the districts were unconstitutional. The Supreme Court told the lower court to figure out if North Carolina should hold special elections in 2017.

August 2017

The General Assembly begins drawing new state legislative districts. These new 2017 maps are challenged as still not good enough, though only 12 districts were challenged, instead of 28.

October 2017

The federal court appeals court appoints a “special master” to draw some legislative districts.

10 REDISTRICTING

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“I think a reasonable argument can be made in Greensboro and Guilford County that the African American population feels targeted with surgical precision,” said Rep. Amos Quick, D-Guilford.

So what’s the difference between the 2001 congressional map, approved by the then-Democrat-controlled General Assembly, and the 2021 version for Guilford County?

The answer, says Jackson, the public integrity director, is nothing. The number of congressional districts in 2001 was three, same as the 2021 version.

His analysis also shows that Forsyth and Cumberland counties were kept whole in the 2021 congressional map, compared to the 2001 version, in which Democrats split Forsyth into two districts and Cumberland, home to Fort Bragg, into three.

“I am taken aback that the Democrats wished that they had more involvement in this process,” said Hall. “There was no input. We have no alternate congressional map from Democrats. If you have a process that doesn’t consider election data, it’s done out in the open with audio and video, you consider keeping cities and counties whole, and if you still don’t like the outcome, perhaps the problem is not the process, perhaps the problem is your ideas.”

Ubiquitous lawsuits

Critics of the maps say they give Republicans a great advantage, group urban and rural areas — districts with little or nothing in common — and fail to account for race. In otherwise familiar mantras.

A lawsuit was filed even before lawmakers could vote. On Oct. 29, the Southern Coalition for Social Justice filed a lawsuit on behalf of the North Carolina NAACP and Common Cause against Moore and Senate Leader Phil Berger, R-Rockingham, in their official capacity as legislative leaders, along with the chairs of the House and Senate Redistricting and Elections committees, and members of the N.C. State Board of Elections.

The lawsuit objects to the map-making process because it fails to consider race as a factor in drawing boundaries. Legal decisions from litigation over prior maps set conditions for the mapping process, says Sen. Paul Newton, R-Cabarrus.

“They litigate to limit our use of racial data, and now they are litigating saying we should,” Newton said to the Senate chamber. “The General Assembly can’t draw districts using race due to the Voting Rights Act unless they satisfy the three Gingles preconditions: a reasonably compact majority/minori-



The N.C. Senate voted along party lines to approve its map, shown here.

CJ PHOTO BY MAYA REAGAN

ty VAP [voting-age population] district, a politically cohesive minority community, [and] white bloc voting usually defeating that community’s candidate of choice.”

The 1986 Thornburg v. Gingles U.S. Supreme Court case set legal standards for N.C. redistricting. Legislative mapmakers said those conditions prevent lawmakers from legally using race as a factor in these maps.

Many Democrats want none of that.

“We reject the notion that we should flout binding precedent and clear guidance from the court, even when facing a lawsuit from a litigious group that developed some of the very guidance that it now asks us to ignore,” said Newton.

“The Assembly did the proper thing and said they wouldn’t decide things on race at all,” said Skip Stam, a former Republican representative from Apex. “Now [Democrats] are complaining about that. When they get their heads together, that will be a good thing.”

On Nov. 5, the day after all

three maps were approved in a final vote, plaintiffs deferred to Holder, the former Obama-era

attorney general who filed a lawsuit in Wake County Superior Court labeling the congressional map a partisan gerrymander.

Critics say the map “specifically violates the Free Elections, Equal Protection, Freedom of Speech, and Freedom of Assembly Clauses of the North Carolina Constitution.”

More than a dozen individual voters are listed as plaintiffs. The plaintiffs are working with the National Redistricting Foundation, a group linked to Holder’s National Democratic Redistricting Committee and the Democratic Party.

Elias, not surprisingly, is listed among the attorneys in the case.

The lawsuit aims its arguments at a three-judge panel that threw out N.C. election maps in 2019. “[R]ather than adhere to this Court’s admonition that extreme partisan gerrymanders un-

constitutionally deprive millions of North Carolinians of fundamental rights, Legislative Defendants enacted another extreme and brazen partisan gerrymander,” according to the new complaint.

“Like the 2016 congressional map, ... the new districts enacted this year ... will entrench an overwhelming partisan advantage for Republicans.”

“While Legislative Defendants did not so openly admit to enacting an extreme partisan gerrymander this time, the results speak for themselves: The 2021 Plan flagrantly dilutes Democratic votes by trisecting each of the three most heavily Democratic counties in the state — Wake, Guilford, and Mecklenburg,” according to the complaint.

“It then packs many of the remaining Democratic strongholds into three congressional districts. The result is as intended: A map that produces 10 safe Republican seats, three safe Democratic seats, and one competitive district.”

The lawsuit follows another Holder-backed effort designed to influence North Carolina’s election mapmaking process.

Carolina Journal has reported on the work of All On The Line, a Holder-linked group that worked to influence testimony in public hearings tied to the election mapmaking process.

Holder’s group is driving an all-out push to influence congressional and state district maps ahead of the 2022 election. Their focus is on North Carolina, Wisconsin, Pennsylvania, Texas, Florida, Ohio, Arizona, and Colorado.

About two-thirds of the speakers who addressed lawmakers during the public redistricting hearings represented left-leaning, or progressive, political interest and advocacy groups, although most did not identify themselves at the podium that way, choosing instead to identify by name and county only.

An examination of the speaker lists shows most speakers represented nonpartisan and partisan political organizations, including the N.C. NAACP, the New North Carolina Project, the N.C. Association of Educators, and the Southern Coalition for Social Justice, which has already filed a lawsuit over the maps under consideration.

Other speakers included county Democrat party leaders, Democrat community activists, and former Democrat candidates for the state legislature.

Their messages were consistent not only with each other but with the public comments offered at similar redistricting hearings in other states.

That is not a coincidence. “All On The Line is being disingenuous, pretending to be a nonpartisan anti-gerrymandering organization when they are really a partisan tool of the Democratic Party,” said Jackson of the John Locke Foundation.

While their tactics include recruiting volunteers and expensive media campaigns, one of the most powerful tools they’re using to influence the redistricting process is training people who sign up to speak at hearings held across North Carolina.

That training is offered through Facebook, as well as in person, and focuses on specific points they encourage speakers to make, identifying themselves as a group that’s opposed to gerrymandering.

They are also training speakers in other states in the process of redistricting after the 2020 census.

“We are here today to help you to effectively participate in that process,” said Lekah Shupeck in kicking off a Sept. 20 Facebook training session, held before the public comment event that lawmakers scheduled at Western Carolina University. “I see some of our Planned Parenthood folks here, so that’s exciting for me,” she added.

“It’s unfortunate that litigation has already begun ... before the maps have even been finalized,” said Becki Gray, vice president of government affairs at the John Locke Foundation. “It seems the process to ensure integrity and trust in the system is undermined by a few dissatisfied-no-matter-what factions, making the process nothing more than a political football.”

Candidate filing based on the new election maps was scheduled to start Dec. 6.

January 2018

In early January, a federal court rules the 2016 congressional maps were an unconstitutional partisan gerrymander and ordered the maps to be redrawn immediately.

N.C. Republicans quickly filed an emergency appeal to the U.S. Supreme Court, asking them to decide the case and put the district redrawing on hold. It was granted Jan. 18.

A trial court rules that North Carolina should use the special master’s maps for 2018 for legislative districts.

February 2018

The U.S. Supreme Court partially blocks the ruling on the General Assembly districts. The lines from the 2017 redraw are to be used in Wake and Mecklenburg counties, while the special master’s maps will be used for the other six counties changed.

June 2018

The U.S. Supreme Court rules this scenario is to be used in the 2018 elections for the General Assembly.

August 2018

A U.S. District Court panel ruled the congressional lines were an unconstitutional partisan gerrymander. The court would later decide the 2018 elections could proceed using the current districts.

September 2019

Common Cause files a new lawsuit challenging the 2016 congressional maps, alleging they constitute an illegal partisan gerrymander. The courts block the use of these maps in the upcoming 2020 elections.

The courts declare the 2017 General Assembly districts an unconstitutional gerrymander. The General Assembly draws new state House and Senate districts for use in the 2020 elections.

November 2019

The General Assembly approves a new set of congressional districts, just a few weeks before candidate filing.

North Carolina Senate

The U.S. Census Bureau releases some results from the 2020 census. North Carolina officially gains a 14th congressional seat.

The General Assembly adopts rules for the upcoming redistricting process. This includes not taking partisan, electoral, or racial data into account.

More than a dozen public hearings are held across North Carolina where the public could address members of the state legislature's Joint Redistricting Committee with their views on the state's redistricting process. More than 85% of the speakers were from political interest groups.

The Southern Coalition for Social Justice files a lawsuit to block the proposed district maps on behalf of the state chapter of the NAACP and Common Cause. The motion was filed before lawmakers debated or voted on maps.

The General Assembly approves state legislative maps and the state's congressional district maps to include a new 14th district. North Carolina received an additional representative in Congress after the population increased, as indicated in the 2020 census.

The National Redistricting Foundation, a group linked to Obama-era U.S. Attorney General Eric Holder, filed a lawsuit opposing the new state district maps, claiming they violate the N.C. Constitution protections for free elections. National Democratic redistricting lawyer Marc Elias is listed among the lawyers in the case. Holder's group had been training people who signed up to speak at the public hearings throughout October.

Leandro judge sets off constitutional firestorm by ordering \$1.7 billion transfer

BY DAVID BASS

A retired Union County judge is trying to leapfrog the Republican-led N.C. General Assembly by ordering a \$1.7 billion transfer from the state's coffers to fund public education.

The transfer would bankroll two years of the remedial plan in the long-running Leandro school funding case dating to 1994. The price tag for the entire plan is \$5.6 billion.

"This court for 17 years has granted every reasonable deference to the legislative and the executive branches of government to put together a plan. That simply has not occurred, for whatever reason. The court's deference is at an end at this point," said Superior Court Judge David Lee at a hearing Nov. 10.

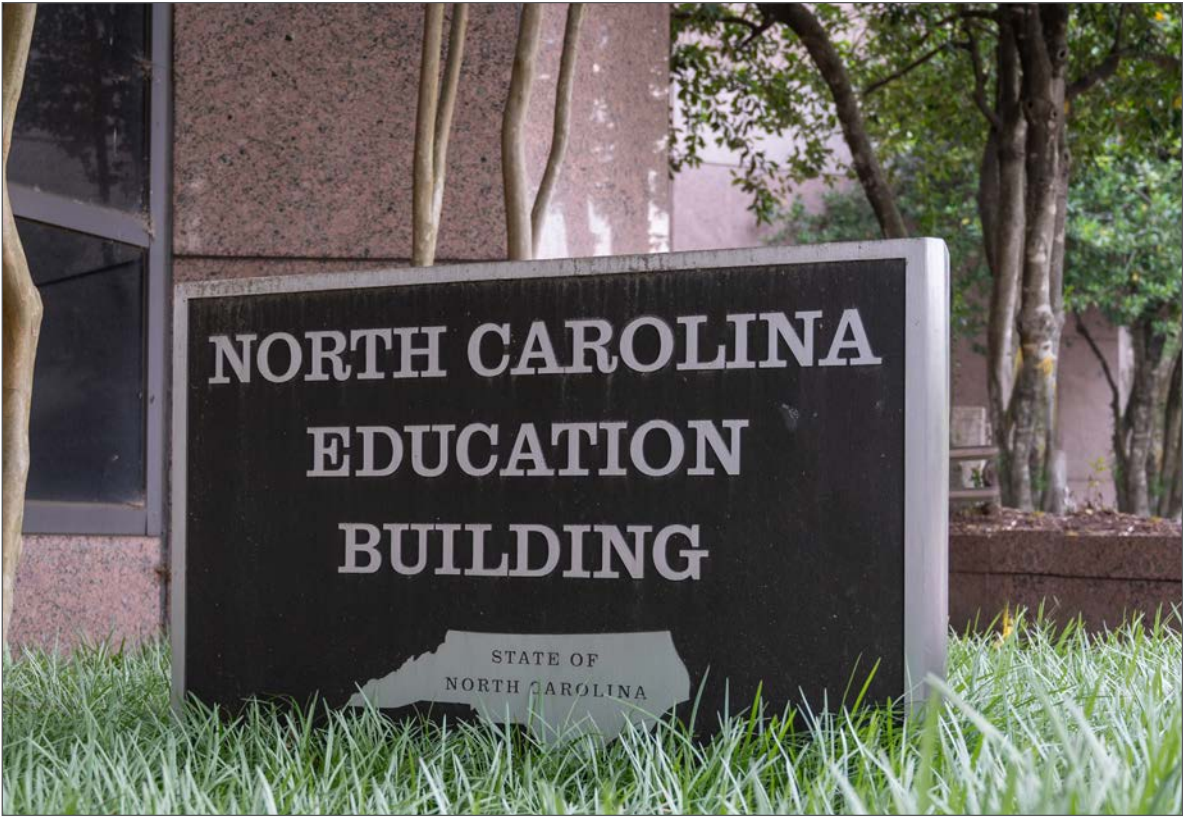
Lee said he hoped his \$1.7 billion order would "minimize encroachment on legislative authority" and was "the least intrusive remedy that I can come up with."

The transfer would break down into \$1.5 billion allotted to the state Department of Public Instruction, \$189.8 million to the Department of Health and Human Services, and \$41.3 million to the University of North Carolina System.

The move is the brashest yet by Lee and was met with an immediate backlash from Republican lawmakers who, by the letter of the state constitution, have the power of the purse.

"If Judge Lee's orders are followed, the legislature's core duty is usurped by an unelected county-level trial judge and an out-of-state consultancy funded by the governor and his political allies. ... It's a circus," said Senate leader Phil Berger, R-Rockingham, and House Speaker Tim Moore, R-Cleveland, in a joint statement.

"Leandro is not a moral crusade. It's a money grab," added Terry Stoops, director of the Center for Effective Education at the



The transfer would break down into \$1.5 billion allotted to the N.C. Department of Public Instruction, \$189.8 million to the Department of Health and Human Services, and \$41.3 million to the UNC System.

John Locke Foundation. "Judge Lee has trampled the North Carolina Constitution and embraced a brazen scheme to sidestep the elected members of the General Assembly and raid the public purse."

A compromise budget for the new biennium — passed by lawmakers and signed into law by Gov. Roy Cooper in mid-November — largely ignores the Leandro funding mandates, except for a \$100 million salary supplement fund to boost teacher salaries in low-wealth counties.

Meanwhile, the original jurist overseeing the Leandro case — retired Wake County Judge Howard Manning — released a memo Nov. 9 taking Lee to task for the order.

"Reduced to essentials, in my opinion the children are not being

provided the opportunity because after all the millions spent, 90% of school costs are for adult salaries and benefits, and the data shows as it did years ago and up to now the educational establishment has not produced results," Manning wrote.

Democrats voiced support for the transfer.

"The N.C. General Assembly has failed our children," Sen. Gladys Robinson, D-Guilford, said in a news conference. "This case and the actions that the court will take this week are about more than our constitutional obligations. It is a moral obligation."

Stein steps in

Attorney General Josh Stein, a Democrat, stepped into the fray by

issuing a memo to Lee suggesting the judge could legally bypass lawmakers and order the \$1.7 billion transfer from the treasury. Stein represents the defendants in the case, which includes the state government as a whole and the State Board of Education.

Moore issued a statement blasting Stein for viewing the state constitution as "a suggestion" and seeing "a mandate where none exists."

"The legislative branch is the closest to the people. And the people were loud and clear when they elected their representatives in the General Assembly to do their jobs as outlined in our constitution," Moore said. "How many times will the courts tell North Carolinians their vote doesn't matter?"

Sen. Deanna Ballard, R-Watau-

ga, also released a statement taking Stein to task. "Attorney General Stein's 'defense' is yet more evidence that this circus is all about enacting Governor Cooper's preferred spending plan over the objections of the legislature, the only branch legally authorized to make spending decisions," she said.

Berger, in a statement, cited several statutes and instances of case law to bolster the GOP's position that lawmakers have sole discretion in allocating state funding.

The state constitution says, "No money shall be drawn from the State treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of State funds shall be published annually."

A recent state Supreme Court case from December 2020 backed up this provision, ruling that "[t]he power of the purse is the exclusive prerogative of the General Assembly," with the origin of the appropriations clause dating back to the time that the original state constitution was ratified in 1776."

Funding sources revealed

The remedial plan was based in large part on a 300-page report created by the San Francisco-based consulting firm WestEd. WRAL unearthed documents showing the price tag of that report — \$2 million — and who funded it.

The tab was paid through a combination of public and private funds, including gifts from local foundations that frequently support progressive causes. For example, the Z. Smith Reynolds Foundation kicked in \$200,000, while the A.J. Fletcher Foundation contributed \$50,000.

As for taxpayer dollars, the state Department of Health and Human Services chipped in \$600,000 and the Department of Administration another \$200,000.

Long odds for sports betting legalization

BY JOHNNY KAMPIS

While a bill that would legalize sports betting across North Carolina passed a House committee, odds are heavily against it passing the full General Assembly before the session ends.

The House Commerce Committee passed Senate Bill 688 by a 12-4 vote, but the sports betting legislation would have to make it through three other House committees before reaching the House floor. The bill would authorize mobile sports betting in the state and allow the hosts of professional sports venues to set up on-site wagering. The bill sets the tax rate at 8%, one of the lowest such tax rates for sports betting in a country in which nearly half of the states now offer legal wagering.

Rep. Jason Saine, R-Lincoln, who helped push the legislation through the Commerce Committee, told The Associated Press that



They have a better market for sports because sports betting is another line of revenue.

- Ches McDowell, lobbyist

"it's got a long way to go."

Rep. Jon Hardister, R-Guilford, said that lawmakers can no longer ignore that sports betting is prevalent in the state. Those who can't make it to the legal sportsbooks at the two casinos operated by the Eastern Band of Cherokee Indians can place bets via the black market of offshore online operators.

"We need to establish the framework. We need to derive the revenue," Hardister said.

Ches McDowell, a lobbyist who represents several professional sports organizations in North

Carolina, said during the committee hearing that the state needs to keep up with the Joneses.

"They have a better market for sports because sports betting is another line of revenue," he said of states that have made sports betting legal.

Jordan Roberts, government affairs associate for the John Locke Foundation, told Carolina Journal the chances of S.B. 688 passing this year are minimal.

"The bill sponsors in the House have stated that they understand there may not be the appetite in the waning hours of this session, but they still want to bring it up for discussion in committee to gauge the temperature of the House members and see where the concerns are with the bill," he said.

But since the legislation has already gotten the OK in the Senate, Roberts said it's likely that the bill will be one of the first pieces of legislation considered during the short 2022 session.



Sport betting at Caesars Palace in Las Vegas.

KOBBY DAGAN



Inflation and harming the ‘least of these’

RAY NOTHSTINE
OPINIONS EDITOR

Most of us wish we had more money and capital, but sometimes we forget about those hanging on at the margins. If those struggling are invisible to us, that often says more about our deficiencies than their own. In a recent conversation, I am reminded that there are those, particularly in rural areas, who were missing doctor and physical therapy appointments because of high gas prices. The conversation recalls, and not in a good way, the tone-deaf belly laugh emanating from U.S. Secretary of Energy Jennifer Granholm when asked on Bloomberg Politics about her plan for rising gas prices.

A Rasmussen poll highlights our tendency to forget the poor, or more likely, our overall economic illiteracy. The poll, released Oct. 27, reveals that 57% of Americans believe that inflation is a tax on the poor.

Of course, inflation is a tax on everybody, but it is disproportionately

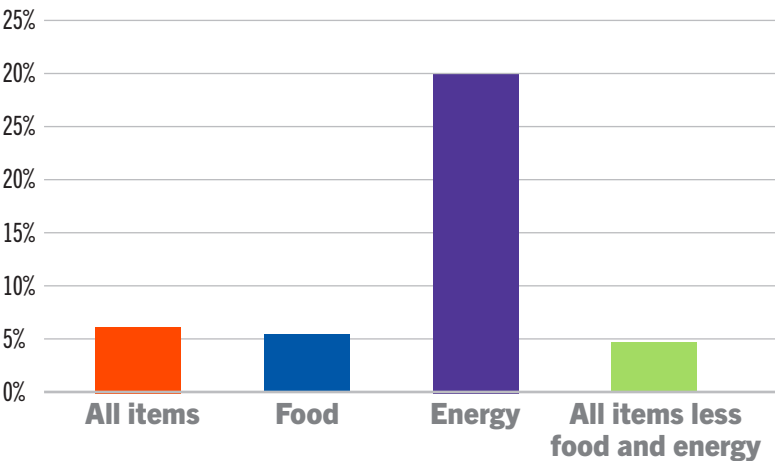
ately harms the poor. That 57% recognize that truth seems relatively low since it's clear that massive government spending increases the currency in circulation and devalues our dollar. Of those on the other side, 23% disagreed with the statement, and 20% had no idea.

Those that aren't sure about the question are at least honest with themselves.

Inflation is now surging at the fastest rate in 30 years. It hurts the poor the most because they spend the most significant share on necessities like food, fuel, energy, and clothing by the percentage of their income. Of course, poorer Americans have less access to markets and investment opportunities to fight back against the devaluing of the dollar. Because of a fixed income, they are primarily cut out from buying land, real estate, equities, and other potential hedges to protect against our government's inflationary policies.

The middle class is hit hard, too. Savings, IRA, 401k investments can all be devalued by inflationary policies. That lessens one's ability to retire and, in the end, creates greater government

12-month percentage change, Consumer Price Index, selected categories



SOURCE: U.S. BUREAU OF LABOR STATISTICS

dependency. Simply put, inflationary policies through reckless spending and debt are theft. It steals the savings of Americans.

Amazingly, President Biden has claimed that pumping trillions more into the economy “will ease inflationary pressures.” Sane economists know that the opposite is true. A tighter monetary policy is what is needed. One way to tame inflation is raising interest rates, but the best prescription is to stop the insane spending.

The federal government is approaching \$30 trillion in debt with no end in sight to the spending. One reason the Fed is reluctant to raise interest rates is that it is now severely limited in servicing the interest payments on \$30 trillion. Printing money or devaluing currency makes it easier for the government to buy back

bonds they've issued. Inflationary policies are good for governments and bad for the citizenry.

In a newly released poll by the John Locke Foundation, North Carolinians understand the pitfalls of inflation. A little over 76% of respondents across the state say inflation is a bigger problem than unemployment. That's illuminating. There isn't a lot viewed more negatively in an economy than troubling finding work.

Promoting the common good is an essential core function of government. Furthermore, as the Gospels instruct, an even more ancient truth is caring for the “least of these.” Social justice warriors are quick to scream and demand that the government do more to alleviate the suffering of the poor, yet they pay little to no attention to the consequences of runaway spending and debt. Not only are inflationary policies the most harmful to the poor, but there is too little attention given to their adverse effects. This offers us another valuable lesson: Inflation not only makes us poorer, but it's revealing the political partisanship of many so-called advocates for the poor.

9 Takeaways from the 2021 legislative session

BECKI GRAY
CONTRIBUTOR



The 2021 legislative session has been the longest since the 2001 session, which ended in December and was my first year working in politics. I've learned a lot over the last 20 years. Here are nine things I learned during this session.

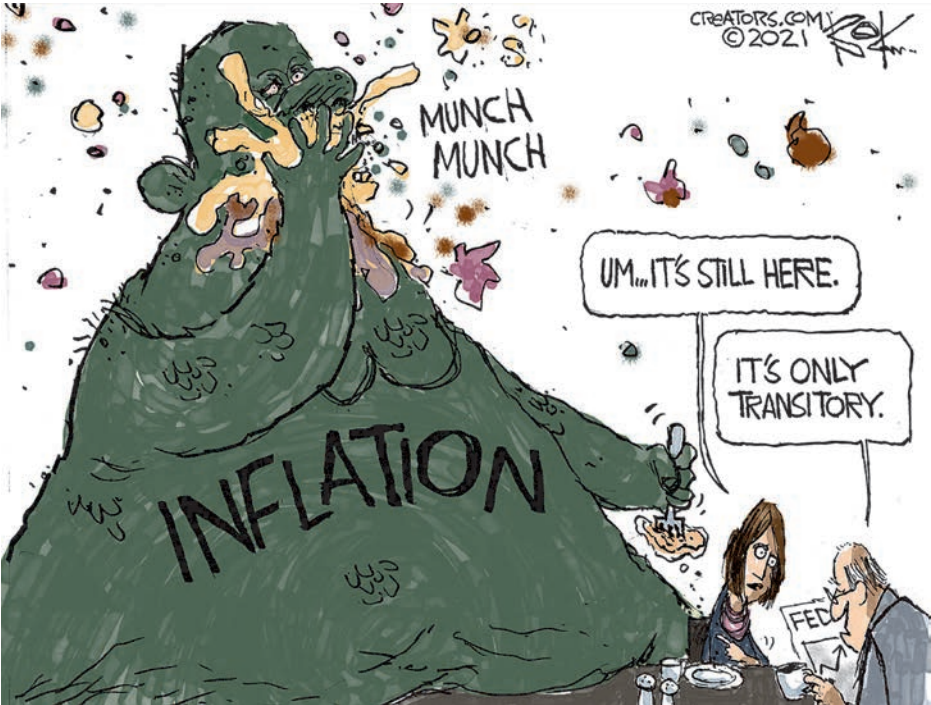
1. Admit when you're wrong. Leadership means being bold enough to try new things and humble enough to make changes when needed. In efforts to streamline state government, a newly Republican-led General Assembly created a Department of Public Safety, combining the Departments of Crime Control and Public Safety, Correction, Emergency Management, and Juvenile Justice and Delinquency Prevention. After a decade and with rising concerns about prison safety, members of the General Assembly have included a provision in the budget to restore the Department of Correction as a standalone entity.
2. Back the blue. Whether it's prisons or patrolling the streets, North Carolinians expect public safety. All 100 N.C. sheriff's races will be on the ballot in 2022 midterm elections. Start paying attention now. Look for strong, bold candidates that reflect the safety priorities in your community. What's on their mind? Funding. They need cops on the streets, patrol cars on the roads, and technology at their disposal. That costs money, and we need to be prepared to provide that funding for strong and able sheriffs in every county.
3. When you find what works, do more of it. Easing the tax burden (the largest rate cuts since 2013), reining in the growth of government (keeping growth at the rate of inflation plus population), investing in education (57% of total General Fund spending), broadband, building up



The legislative building in downtown Raleigh

- a healthy savings reserve, and removing burdensome regulations have made the state economy one of the strongest and most sustainable in the country. This year's budget maintains and continues the momentum of a robust economy. A strong economy creates jobs and opportunity. Everyone wins.
4. Keep to the basics. Thanks to the passage of House bill 951, where our energy comes from is now driven by the lowest-cost, most-reliable criteria. There's a lot of noise around wind and solar, grid modernization, pipelines, offshore, and much more. But at the end of the day, for everyone from commercial to industrial to residential customers — low-cost reliable energy is what they want. Now, that's what they'll get.
5. Never underestimate parents. Learning loss is one of the greatest challenges we face post-pandemic. Let's get back to teaching academics in the classroom to prepare the next generation for the work force. If the public school system does not address this, expect more parents to choose options where they have control over getting the education their children need — home schooling, private schools, and charters. Parents are a force that will not be quiet, and they will not go away.
6. Exercise your First Amendment rights. Involvement in elections is a good thing and should be encouraged. Honesty, transparency, and integrity should be demanded. Work to get your voters out. Think your district is gerrymandered? Work harder to get good candidates with a message voters want to hear and will support. Unhappy with the process? Numerous court cases have laid out rules to adhere to for elections. Agree up front what the rules and parameters are. Stick to the letter of the law.
7. Courts are important. Judges matter. Our state constitution divides government into three branches, each with its own role and authority. The judicial branch interprets the constitution and determines what laws mean and what happens to those who break the law. Then things get complicated. Recent issues before the court include voter ID requirements for voters, COVID restrictions, allowing felons to vote, and collusive lawsuit settlements. We expect another decade of redistricting litigation. Lawsuits regarding the 2021 redistricting plans already have been filed, one even before the maps had been introduced. Numerous lawsuits have challenged the separation of powers between the three branches of government, all involving whether the legislature has sole authority to appropriate money. Spoiler: It does. There are numerous court cases that have affirmed that constitutional truth.
8. North Carolina has too many crimes on the books. Thanks to a newly created recodification working group, experts will begin to evaluate and organize the massive criminal code. Crimes are scattered through General Statutes, state agency rules, local ordinances, and even occupational licensing regulations. They will ask what behavior do we want to publicly condemn and potentially imprison for? What warrants taking someone's freedom away? This is a deterrent for many to pursue their dreams and a burden for those unequipped to maneuver through the system.
9. Plan for tomorrow. A short session always follows a long session, and the legislative work is never done. Five things expected in the 2022 short session:
 - Sports wagering
 - Medical marijuana
 - Affordable housing
 - Medicaid expansion
 - Constitutional amendments to restrain the growth of state government to the growth of inflation plus population, ensure eminent domain protections, enshrine the right to work, repealing the unenforceable literacy test, and prohibit discrimination or preferential treatment based on race, sex, color, ethnicity, or national origin in public employment, education, or contracting.

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



Will there be a permanent labor shortage?

MICHAEL WALDEN
CONTRIBUTOR



One of the surprises of the current economy is the labor shortage. Even though the unemployment rate is higher than it was before the pandemic, fewer people are looking for work. As a result, many businesses — from restaurants to trucking to construction and technology — have openings that are going unfilled. In North Carolina, there are about 90,000 fewer individuals in the labor market than before the pandemic.

There's a huge debate swirling over the causes of this situation, with fingers pointed at many possible reasons. Generous federal financial help, continued fear about COVID, uncertainty over schools for households with children, lack of affordable child care, and a surge in retirements are some of the causes offered.

While there's hope the lack of workers will be resolved as the pandemic ultimately disappears, some experts are not so optimistic. In fact, for years many demographers have been warning of a permanent worker shortage in coming decades. It may just be that the pandemic brought the shortage earlier.

An important concept in demographics is the "replacement birth rate." This is the birth rate needed to replace deaths and keep the population unchanged. If the actual birth rate is higher than the replacement rate, then the population increases. Demographers estimate the replacement birth



DANIEL RODRIGUEZ

Statistics show the U.S. birth rate has been steadily declining and is below the replacement rate. The latest birth rate for 2020 is 1.6, well below the replacement rate of 2.1.

rate is 2.1 children per woman. If the birth rate is lower than this replacement rate, then the population decreases. In the case of the latter, a declining population will eventually result in a declining labor force.

The statistics show the U.S. birth rate has been steadily declining and is below the replacement rate. The latest birth rate for 2020 is 1.6, well below the replacement rate of 2.1. This means that, based on domestic births alone, the nation's population would be declining. So far, immigration has pre-

vented this, but there's no assurance this will continue in the future.

There's a second issue at work causing concern about the future labor force. Participation by adults in looking for and taking jobs has still not recovered from the pandemic. But even before the pandemic, labor force participation of both women and men had been falling. There have been numerous ideas as to why, including the high cost of child care, the increase in incarcerations, the disinterest of many young men in

working due to drug abuse and video-gaming, and the long period of time many young people are in college.

Hence, with the future of immigration uncertain, there is a real chance our national population could shrink. Even with immigration, it's a fairly sure prediction that population growth will continue to slow. The big question is: How will this impact the economy?

One possibility is that technology will fill the gap left by fewer workers. The capability of tech-

nology to perform human tasks has rapidly been increasing. Kiosks and tablets for ordering in restaurants, robots for storing and retrieving products in warehouses, and even machines for laying bricks and computers for building homes are just a few examples.

There are also policies that can be used to increase the labor force participation of existing adults. Reducing the taxation of Social Security benefits for those still working but younger than the full retirement age could encourage more work from older adults. Encouraging the expansion of additional child care facilities could make it easier for parents who want to increase their work hours. A renewed focus on training incarcerated individuals in needed skills is a "win-win" for them and society.

For individuals — especially younger individuals — who find formal education uninteresting and are distracted by video games and drugs, wider educational opportunities might be explored. Exposure to occupations in the trades — tasks that are more physically oriented rather than cognitively focused — as well as to skills that can be acquired with short-term training, might give many youths a productive and compelling future.

Fortunately, in-migration of people from other states to North Carolina will help grow our future labor force. Still, we should be ready for challenges.

Walden is a William Neal Reynolds Distinguished Professor Emeritus at North Carolina State University.

Virginia proves America's school choice moment is now

DONALD BRYSON
CONTRIBUTOR



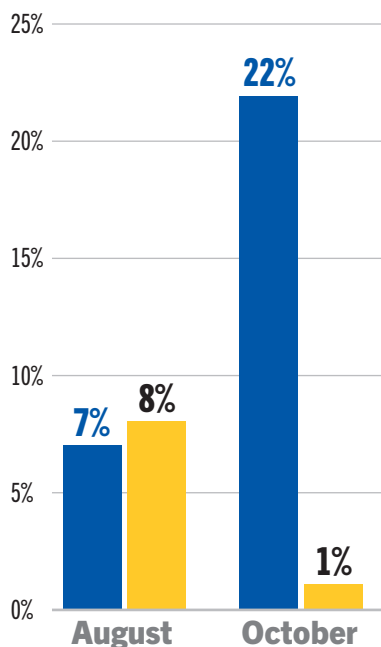
AMERICA HAS REACHED its school choice moment. The decades-long fight to create and expand school choice programs accelerated during the COVID-19 pandemic and finally played out politically as the eyes of the nation watched the gubernatorial race in Virginia on Nov. 2.

The idea that parents are once again allowed to have agency in their child's education is the centerpiece of the concept of school choice. That idea has come to the forefront of American politics. Strangely, the political Left and public education pressure groups have been too slow to react, and they are likely to face severe political consequences in the foreseeable future.

With the 2020 school shut-downs, due to the onset of COVID-19, American families were unceremoniously thrust into a precarious situation of economic uncertainty and the sudden facilitators of their children's education. However, for the first time in a long time, parents suddenly had agency in the public education system. It is not an overstatement to say that homeschooling saved American public education in 2020.

Virginia and N.C. schools spent most of the 2020-21 school

Education as an issue in the 2021 Virginia governor's race



■ Virginia voters ranking education as the most important issue
■ McAuliffe's lead over Youngkin

SOURCES: ROANOKE COLLEGE POLL, REAL CLEAR POLITICS

year in virtual classes after finishing the previous year virtually due to the coronavirus. Virginia Gov. Ralph Northam, a Democrat, did not announce a school reopen-

ing plan until Feb. 5, and Gov. Roy Cooper did not sign The Re-open Our Schools Act of 2021 until March 11.

Yet, even in the spring and summer, education was not a driving factor in the Virginia race. An August poll from Roanoke College found that only 7% of Virginia likely voters viewed education as the most important issue in the election.

Then on Sept. 28, in a debate with Republican (and now winner) Glenn Youngkin, Democratic candidate Terry McAuliffe said, "I'm not going to let parents come into schools and actually take books out and make their own decision." McAuliffe also said, "I don't think parents should be telling schools what they should teach."

And just like that, the nature and tone of the campaign changed. McAuliffe signaled that parents would have diminished power and rights in their children's education in that debate. And after nearly a year of facilitating their children's education, that was a slap in the face to parents who were increasingly concerned with the quality of education and learning loss.

Indeed, another Roanoke College poll from Oct. 30 found that the number of Virginia voters who ranked education as the election's most important issue had tripled from 7% in August to 22% in October. And between those two polls, McAuliffe's lead shrunk



Since Nov. 2, the Left has argued that the election was about a resurgence of Donald Trump and 'white ignorance' about Critical Race Theory. In reality, elections are decided on various issues, but this one swung on the idea that parents have rights in education.

from eight points over Youngkin to just one. Glenn Youngkin won the election by 2.2%.

Since Nov. 2, the left has argued that the election was about a resurgence of Donald Trump and "white ignorance" about Critical Race Theory. In reality, elections are decided on various issues, but this one swung on the idea that parents have rights in education.

CNN's Pamela Brown interviewed some white suburban moms from Virginia about what made them vote for a Republican this time around. As one mom said of McAuliffe's campaign, "They weren't looking at the concerns on the ground. The concerns

on the ground were we were really concerned about our kids' education, and the Democrats were not listening to that."

The lesson here is that championing parental rights in education — a la school choice — is a political winner. Not just in Virginia, but everywhere and especially in North Carolina.

A January 2021 Civitas poll, commissioned by the John Locke Foundation, found that 82% of N.C. voters agree that parents should have the ability to choose where their child attends school. And skepticism of classroom instruction is on the rise, with an October Civitas poll finding that 75% of likely N.C. voters believe that education in the classroom has become more political in the past five years.

Parents are having their moment in the politics of education, and history is on the side of school choice.

Over the past decade, North Carolina lawmakers have gradually introduced more educational options through the number of charter schools, Opportunity Scholarships, and education savings accounts.

If anything, Virginia's election should show us these programs are political winners by recognizing parents as the true guardians of children.

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

Leandro Judge David Lee: The quiet tyrant

DR. TERRY STOOPS
CONTRIBUTOR

Five years ago, then-N.C. Supreme Court Chief Justice Mark Martin had a critical decision to make.

For nearly 20 years, Superior Court Judge Howard “Howdy” Manning had monitored the state’s progress in the Leandro v. State of North Carolina case. The courts had asked Manning to ensure that all children have an opportunity to receive — in the words of the 1997 state Supreme Court ruling — a “sound basic education.”

Behind Manning’s fire-and-brimstone court hearings and memoranda was a man deeply committed to ensuring that the state uses its existing resources to raise student achievement. His passion for accountability invited critics. Objecting loudest were the education establishment, public school advocacy organizations, and the legacy media. All three insisted that public schools lack sufficient resources to teach reading, writing, and arithmetic. Manning remained unconvinced.

Manning announced his retirement in 2016. Martin made an unusual choice to replace Manning with retired Superior Court Judge David Lee of Union County.



Judge David Lee is solely responsible for creating a full-blown constitutional crisis just to squeeze more money from taxpayers.

We would later discover that Martin had replaced a lion with a lemming.

At the time of his assignment to the Leandro case, little was known publicly about Lee’s opinions of the case or whether he would chart a different course than Manning. Lee presided over relatively few education-related cases in Union County. His claim to fame had been the greenlighting of Mecklenburg County commissioners’ decision to build a stadium in uptown Charlotte for the Charlotte Knights minor league baseball team.

Now Lee’s claim to fame is greenlighting a major league subversion of the N.C. Constitution. In November, Lee ordered the state to begin funding a multibillion-dollar Leandro remedial plan without the approval of the General Assembly, the only branch of government constitutionally authorized to collect and appropriate tax dollars.

We expect the judiciary to employ prudence and reason when interpreting the law. Lee abandoned both “for the children.”

Lee had the opportunity to honor Manning’s legacy and be the adult in a courtroom of opportunistic lawyers and legal advocates.

The trouble began with Lee’s decision to permit a collusive agreement between the plaintiffs and defendants that would allow an independent consultant to advise the court on how to proceed.

Attorneys for the plaintiffs and the state had long fantasized about using the courts to raid the public purse and dump taxpayer money into public schools. In David Lee, they found a judge willing to play fast and loose with the constitution to achieve those ends.

The trouble began with Lee’s decision to permit a collusive agreement between the plaintiffs and defendants that would allow an independent consultant to advise the court on how to proceed.

The parties then used a combination of public and private dollars to hire California-based consultant WestEd to outline a plan that purportedly satisfies the “sound basic education” requirement.

WestEd is known as a firm par-

ticularly attuned to the desire of politicians, technocrats, and other elites to spend billions more on public schools. They delivered a report that exceeded their expectations.

We expect judges to assess the arguments and claims of “experts” critically. However, since the publication of the WestEd report, Lee has failed to ask the most basic questions about the report and the plan developed from it.

As a judge, Lee likely lacks requisite knowledge of education policy and finance. But so did Manning. The difference is that Manning was willing to employ critical reading and reasoning skills to the issue.

Lee has not. As a result, Lee failed to question the many omissions, inconsistencies, and unsubstantiated claims in the mediocre remedial plan that bears his signature.

If the dozens of questionable provisions in the remedial plan did not provoke questions from Lee, then one must conclude that he is nothing more than a rubber stamp for the parties in the case. The blame falls squarely on the judge. His name is on the court order, making him solely responsible for creating a full-blown constitutional crisis just to squeeze more money from taxpayers through subversive means.

Review: CRT leans heavily on false history and Marxist worldview



**BLACK EYE FOR AMERICA:
HOW CRITICAL RACE
THEORY IS BURNING DOWN
THE HOUSE**

Carol M. Swain and
Christopher J. Schorr

RAY NOTHSTINE
OPINIONS EDITOR

FUNDAMENTALLY anti-American in its worldview, Critical Race Theory makes racism fashionable again. That’s the conclusion of Carol M. Swain and Christopher J. Schorr in “Black Eye for America: How Critical Race Theory is Burning Down the House.”

Fortunately, the authors offer ways to fight back against a doctrine that is now mainstream because of powerful corporate, media, and political allies.

How did we get here?

Most people now know Critical Race Theory is an academic exercise that has found widespread popularity in dominant culture and American institutions. Its Marxist roots and ideas emerged from the Frankfurt School of critical theory and Antonio Gramsci, an Italian communist.

The ideas pushed forward correctly surmised that economic arguments alone were failing to adequately transform free societies toward a Marxist takeover. A culture must be plundered and institutions overtaken to meet the goals of communism. One of the main ways to upend culture is to change the language. Critical Race Theory thrives off enforcing restrictions on speech and replacing normative terms with a more politicized language. Furthermore, educational truths such as mathematics, reason, and science are often deemed “white ways of knowing.”

The authors shine at expos-



Co-author Carol Swain documents problems with Critical Race Theory.

ing the absurdity of CRT, which upends the entire American civil rights movement ideals of equality. Critical Race Theory posits that the entire American experience and American experiment are rooted in and center around a white supremacist worldview. This is evident in attempts to flip the American narrative from 1776 to 1619, the date when the first African slaves arrived in the English colony. Yet, deconstructing America’s founding ideals only positions the nation away from the enduring principles that have helped secure a better climate for racial equality.

Critical Race Theory is likewise an assault on the Christian worldview. This was evident early on when the Black Lives Matter movement stated that the abolition of the nuclear family was listed on its website. Negative attention surrounding the statement caused the organization to remove that line after several years of public presence. Since good government and good citizens begin in the family, Marxist movements see the traditional family as a barrier to coalescing control. “Limited government means that control must also exist apart from the state: in strong communities, in families, and within citizens themselves,” write Swain and Schorr.

Marxism is often coupled with atheism, and one of the concerning issues with CRT is how it has managed to receive hearings in some Christian denominations and churches. The overarching understanding for Christians needs to be that being born in the image of God equates to equality and should not pit races against each other and make others feel inferior based on race, something Critical Race Theory rejects.

Extremely relevant to today’s news cycle, the authors then delve into the legal challenges to CRT. Quoting notable CRT advocate Ibram X. Kendi reveals the problem the theory poses to constitutional law. “The only remedy to racist discrimination is present discrimination. The only remedy to past discrimination is future discrimination.” A few examples provided are white middle school students who were told to lower their eyes and remain silent while being addressed by a CRT instructor. In New York City, white employees were absurdly told their race meant there is “toxicity in the air.”

The book concludes with a primer of suggestions on fighting back against CRT. Certainly, the election in Virginia revealed evidence that parents are fed up with the racist thinking permeating some schools.

A few highlights include education on the topic since shedding light on the actual aims and goals of CRT is proving to be damaging. Therefore, the left focuses on changing language and meanings of terms, such as pretending to insinuate that support for CRT is “anti-racist.” The authors are wise to bring up the importance of school boards and local elections to prevent the descent into madness that has overtaken some schools. Standing up against the mob mentality takes courage today, but America’s future depends on it. The nation desperately needs a healthy common ethos because the alternatives are becoming more and more unimaginable by the day.

Yes, government can be shrunk

JOHN HOOD
CONTRIBUTOR



I've been spending a lot of time recently in conversation with right-leaning leaders, policy experts, donors, and activists. My purpose is to assess the health and trajectory of American conservatism at this critical moment.

A common refrain from disgruntled conservatives is that for all the talk of reducing the size and scope of government, their movement has made little progress. Federal deficits are massive.

There's been no substantial reforms of the entitlements that now account for most of the federal budget — of Social Security, Medicare, and Medicaid — and past administrations of both parties have mostly added rather than subtracted to the government's powers and expenses.

I share their disdain for the utter lack of fiscal responsibility in Washington. It's a bipartisan problem. But the federal government isn't the whole story. Here in North Carolina, conservative governance has actually reduced the size of state government and significantly improved its fiscal condition.

Left-leaning politicians and organizations agree with my observation here — although they don't, of course, consider it to be good news. According to the latest calculation by the North Carolina Justice Center, the bud-



General Fund spending for the 2021-22 fiscal year will be just over 4.5% of North Carolina's gross domestic product. State spending has averaged about 5.8% over the past 45 years. It was over 6% as recently as 2009.

get deal that leaders of the state House and Senate have struck will set General Fund spending for the 2021-22 fiscal year at just over 4.5% of North Carolina's gross domestic product.

As a share of the economy, state spending has aver-

aged about 5.8% over the past 45 years. It was well over 6% as recently as 2009. Since fiscally conservative Republicans won control of the General Assembly in 2010, however, budgets have gone up every year in dollar terms but have gone down almost every

year when expressed as a share of GDP.

That's because legislative leaders have stuck to their commitment to keep annual spending growth at or below the combined rates of inflation and population growth. Since GDP usually grows

faster than that, the result has been to shrink the size and scope of state government. That has, in turn, allowed legislators to rebuild the state's savings reserves, pay off state debt, and finance several rounds of growth-enhancing tax cuts.

There's no "voodoo economics" here. The reason the state budget remains in surplus is that lawmakers have maintained spending discipline. There is every reason to believe they'll continue to do so.

Are conservatives in state government more principled than their counterparts in Congress and the executive branch? Quite possibly, but I don't think that's the main reason Raleigh (and some other state capitals) have gotten it right and Washington has gotten it so very wrong.

The divergence reflects the critical importance of institutions. In North Carolina and nearly all other states, legislators and governors are required by their constitutions to enact balanced budgets. While borrowing for capital needs is permissible and sometimes prudent, states generally aren't allowed to finance operating expenses with debt. The federal government has no such rule.

It ought to. In all future elections for Congress or the White House, I plan to vote only for candidates who pledge to support a balanced-budget amendment to the United States Constitution. Will you join me?

We need more school boards

JOHN HOOD
CONTRIBUTOR



A YEAR AGO, would you have correctly guessed that meetings of local school boards would be among the most politically charged events of 2021, and that school board races would be among the most contested of the next election cycle? If so, more power to you. I would have gotten those questions wrong.

That's not to say I mind it. The issues involved matter a lot: school curriculum, fiscal responsibility, COVID-era shutdowns and regulations. School boards have long deserved more public attention. In fact, I've become such a fan of local school board meetings that I think we should increase their frequency — by creating more local school boards.

North Carolina's school systems are abnormally large. We have just 115 districts. That's far lower than in such similarly populated states as Georgia (180), Pennsylvania (500), Michigan (537), New Jersey (564), and Ohio (610).

Over time, most states have been reducing their school district counts. The arguments for consolidation included lower administrative costs, savings from bulk purchases of goods and services, greater socioeconomic diversity, and less confusion among parents



Wake County's district enrolls nearly 160,000 students. Charlotte-Mecklenburg has 140,000. Guilford (69,000), Forsyth (51,000), and Cumberland (49,000) are also quite big.

and taxpayers.

Some of these benefits were, in fact, realized — but primarily by merging tiny districts with a few hundred students into modestly sized districts with a few thousand students. While there is some debate about the precise inflection point, I think a fair reading of the available evidence is that beyond that point, consolidating districts is counterproductive. It results in a diseconomy of

scale, raising rather than lowering the cost of school operations. It also appears to harm student performance, everything else being equal.

When I say there is some debate about the inflection point, I mean that some researchers think it's around 2,000 to 4,000 students. Others think it's in the low tens of thousands. Alas, North Carolina's largest systems exceed these thresholds. Wake Coun-

ty's district enrolls nearly 160,000 students. Charlotte-Mecklenburg has 140,000. Guilford (69,000), Forsyth (51,000), and Cumberland (49,000) are also quite big.

While I have long advocated dividing the gargantuan Wake and Mecklenburg systems into three or four districts, I'm open to the idea that the other urban systems should be subdivided, as well. My main argument has long been that giving parents more choices

Giving parents more choices among district-run public schools would improve academic quality and the return on taxpayer investment.

among district-run public schools would improve academic quality and the return on taxpayer investment.

Over the past few months, friction between parents and school boards has illustrated yet another argument for creating more districts: It may ensure better alignment of values. Don't like how your local district schools handled COVID, or what they may be teaching your children? Complain if you like, but that may not yield timely or satisfactory results.

Another reasonable response to the problem would be to put your children in another nearby district where the school board's policies better fit your own. That would be a lot easier to accomplish if there were more such districts to choose from, at least within North Carolina's largest metropolitan areas. More districts would mean, of course, more school boards and more elections to fill those school boards. I can live with that. What about you?

Hold the line here at all costs

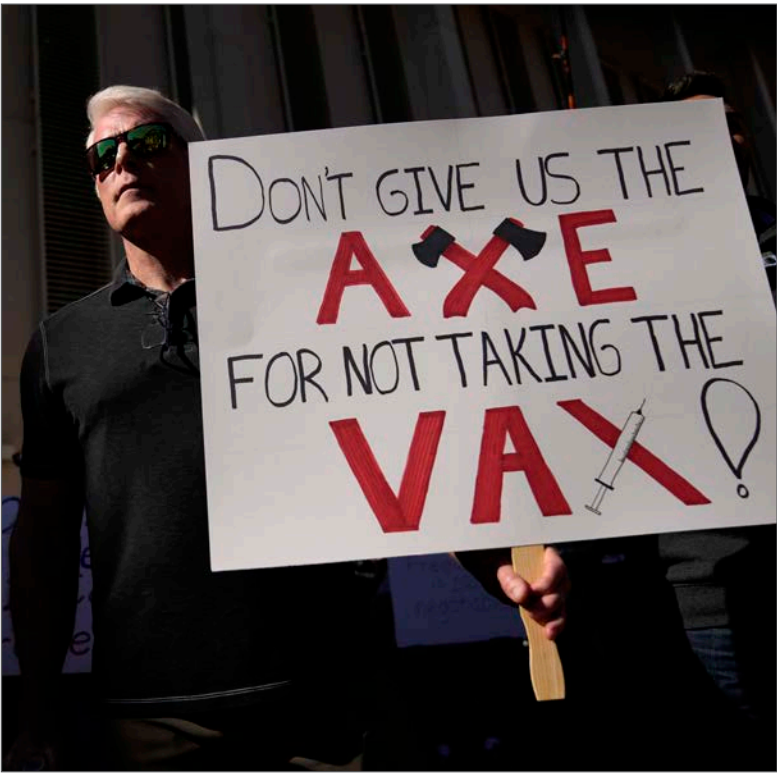
P. JASON PHIBBS
CONTRIBUTOR



While the 5th U.S. Circuit Court of Appeals quickly issued a stay on the OSHA vaccine Emergency Temporary Standard, the Biden administration insisted that companies ignore the stay and proceed with the mandate. No matter what the courts or the Biden administration do, we the people of North Carolina must prevent the implementation of this mandate at all costs.

Seeds of tyranny

In 1970, Congress enacted the Occupational Safety and Health Act, which authorized the secretary of labor to issue workplace health and safety standards. However, looking at the list of legislative powers in Article I, Section 8 of the U.S. Constitution, Congress had no power to do so. Supposedly, the act falls under the “Commerce Clause,” which states Congress has the power “to regulate commerce with foreign nations, and among the several states, and with the Indian Tribes.” Yet, Georgetown law professor Randy Barnett wrote in the University of Chicago Law Review, “I have found not a single example from the reports of these proceedings (constitutional conventions) that unambiguously used the broad meaning of ‘commerce’ (e.g., any gainful activity) and many instances where the context makes clear that the speaker intended a narrow meaning (e.g., trade or exchange of goods).” In other words, the Founders never intended the Commerce Clause to be a catch-all that allows the federal government to govern any activity that crosses state lines. It was simply to ensure fair and open trade among the states.



No matter what the courts or the Biden administration do, we the people of NC must prevent the implementation of the vaccine mandate.

Second, even if you believe OSHA was a legal act of Congress, the lack of specificity in the act violates the “nondelegation doctrine” inferred by the U.S. Supreme Court. Under the act, OSHA is authorized to create standards that are “reasonably necessary or appropriate to provide safe or healthful employment and places of employment.” But due to the distinct separation of powers outlined in the Constitution, one branch cannot delegate its powers to another branch.

Therefore, as Damien Schiff of the Pacific Legal Foundation writes, Congress must “include in its legislation an ‘intelligible principle’ to guide the law’s execution. A law that lacks such an intelligible principle is an impermissible delegation of legislative power and

therefore void.”

Finally, the 10th Amendment makes it clear that “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.” Congress was not granted the authority to regulate workplace safety. This power falls under the sole discretion of each state.

While these seeds of tyranny were planted long ago, we now see the rotten fruit they are capable of bearing. If we allow this mandate to stand, we are saying the president can order an executive branch agency, at his or her discretion, to violate our bodily autonomy under threat of banishment from gainful employment. And if the president is free to violate our person with such a dire

consequence for noncompliance, how many more lines are there left to cross?

Who will stand for N.C.?

Though the stay by the 5th Circuit currently puts the mandate on hold, we must ask who among our state and local officials will take a stand should the courts ultimately rule in OSHA’s favor?

Since our governor and attorney general are puppets of the Biden regime, all eyes are on state Labor Commissioner Josh Dobson. As one of 26 states with a state OSHA program, Dobson will have to decide whether to accept, reject, or modify the ETS.

If rejected, the federal government will likely take action to pull our state plan and take over all OSHA enforcement. However, if he modifies the ETS, he could play a game of red tape that would delay implementation long enough for pandemic lunacy to pass.

While opposed to the mandate, Dobson will say only that he is “considering all possible avenues and will pursue the option that best serves the collective interests of North Carolina employers and workers.”

In the state legislature, House Speaker Tim Moore also expressed his opposition to the mandate, saying, “The Biden vaccine mandate is a shocking invasion of medical privacy and individual liberty, and we will not stand for it.” He continued, “I am exploring every legal option to defend the rights of North Carolinians against this unconstitutional mandate.”

One option the General Assembly could take is to pass a series of local bills similar to House Bill 572, “No Vaccine Mandate by EO, Rule, or Agency.” Since local bills do not require the governor’s signature to become law, there is no concern of a veto.

Then there are county boards and sheriffs. If state officials acqui-

esce, local officials should partner together to pass ordinances that ban anything from OSHA vaccination inspections to vaccine mandates as described above. Unlike other law enforcement leaders, sheriffs are elected and therefore answer only to the people. In fact, the Constitutional Sheriffs and Peace Officers Association claims, “The law enforcement powers held by the sheriff supersede those of any agent, officer, elected official, or employee from any level of government when in the jurisdiction of the county.”

Before you dismiss these suggestions as beyond the scope of delegated authority or even radical, keep in mind all officials in our state take an oath to uphold both the federal and state constitutions. And by taking an oath to do something, it is implied the one taking it has the authority to uphold it. Therefore, we must hold our state and local officials accountable. And if they refuse, we must be prepared to stand in the gap.

We the people are the last line of defense. For it is only by our consent this government exists. And the most powerful response we can make to any tyrannical edict is “no.” Through noncompliance, like the civil disobedience of the American civil rights movement, we must do everything possible to render this threat to our liberty unenforceable.

As delegates left Independence Hall and the Constitutional Convention in September 1787, someone asked Benjamin Franklin: What kind of government do we have? To which he replied, “A republic, if you can keep it.” To have any hope of keeping what is left of this republic, we must hold the line right here, right now, at all costs.

P. Jason Phibbs is an analytics professional for an investment firm and actively working to protect freedom in North Carolina.

GOT AN OPINION?

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

Please email any submissions to opinion editor Ray Nothstine | rnothstine@lockehq.org

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

THE CAROLINA JOURNAL

Arcane N.C. ABC caters to college kids, problem drinkers, and the poor

JOHN TRUMP
MANAGING EDITOR



The roots of the N.C. ABC extend to Prohibition, the unintended consequences of which shattered the country. The Alcoholic Beverage Control system, as designed, was meant to control the sale and consumption of liquor.

It has done anything but.

Rather, this antique system has enabled problem drinkers, even catering to alcoholics needing a large quantity of low-quality liquor. It has forced suppliers and distillers to devise novel ways of getting around the system, through direct shipments and clandestine backroom deals, for example.

It's now more painfully apparent than ever. North Carolina has never been a bastion for hard-to-find spirits, but shelves that once held high-end Scotch, tequila, and bourbon now carry signs that, to paraphrase, say, "Sorry, our system for procuring and stocking this brand is broken and irreparable. Try South Carolina."

Many state lawmakers know this thing is a horrible mess. Others

refuse to admit it, and others would relegate all alcohol to the bottom of the sea.

Rep. Tim Moffitt, R-Henderson, and other members of the N.C. House Alcoholic Beverage Control Committee spent more than two hours Sept. 29 trying to determine what's going on with the N.C. ABC Commission and warehouse operator LB&B Associates.

Lots of questions, but few answers.

Moffitt, the House ABC committee chair, says lawmakers will continue to dig deeper, taking the figurative deep dive. The investigation — make no mistake, that's what it now is — was referred to the Joint Legislative Commission on Governmental Operations, then, for legislative reasons, referred back to the House. That detailed report is forthcoming, and, at least for the ABC and LB&B, it won't be pretty.

Remember, LB&B was the target of an audit in 2018 that has, over previous years, cost the state about \$13.5 million. The ABC concurred with the audit and promised to fix the myriad issues, including a focus on accountability and efficient delivery.

So much for that, apparent-



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ly. In March, the ABC Commission voted unanimously to recommend the state award a new 10-year contract to LB&B. In September, Zander Guy abruptly resigned as chairman of the ABC Commission. Spokesman Jeff Strickland is good at his job, yet he offered no additional information, though other media outlets said Guy attributed his departure to stress.

Lawmakers in November asked leadership or staff from LB&B to meet with lawmakers to explain why ABC stores around the state have so many empty shelves.

LB&B, said Moffitt, told him the company can't spare anyone to speak with lawmakers. During the meeting, probably the last for the ABC committee this session, Moffitt referred to it as "a scheduling conflict."

Lawmakers, to be clear, want to meet with a member of the company, not with outside counsel.

"I'm disappointed," Moffitt told Carolina Journal, "that the warehouse operator for all distilled spirits in the state did not work harder to have someone here to answer our questions."

"This is the legislature."

Exactly. And it's that same legislature that needs to fix this mess. It's easy to see why some lawmakers rail against and vote down any measure that would help that state's burgeoning liquor industry, so long shackled by these ancient and cumbersome rules.

The state's so-called control system was never meant to control anything. Rather, it was meant to appease prohibitionists and stuff town coffers. But those who continue to see distilled spirits as anathema have become, unwittingly or not, ardent proponents for liquor privatization.

Let this forthcoming report be

the last swig from the rotgut batch of state liquor control. During the height of COVID shutdowns last year, bars and restaurants closed while state ABC stores remained open, a prime example of the pesky hands of government reaching for our wallets and purses. Think Soviet Union, circa 1975.

For its part, the ABC Commission has created an ABC Board Advisory Committee, which will meet quarterly to provide recommendations to the commission related to allocated products and other distribution-related issues. OK, we'll see.

The state has more than 400 ABC stores and counting, all pockmarked by empty shelves, as well as tons of cheap, factory-produced liquor. The bottles of choice for college kids, problem drinkers, and the poor. It's well past time to take a hard, meaningful look at the morass. I'm talking to you, lawmakers and bureaucrats who continue to fight deregulation and prop up this failed system.

Take a shot, and feel the burn. This is what you've wrought.

John Trump is managing editor of Carolina Journal and author of "Still & Barrel: Craft Spirits in the Old North State."

THE CAROLINA JOURNAL ONLINE
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N.C. Supreme Court

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out the participation of Barringer and Berger in the case, Democrats would hold a 4-1 majority in making a final decision on voter ID in North Carolina. If successful, the move would potentially nullify the will of 2 million voters who said yes to voter ID in 2018 and render powerless the millions of voters who put Barringer and Berger on the state's highest court in 2020.

Tally up all votes cast for the two amendments in 2018 and the two Supreme Court justices in 2020, and the total approaches 10 million.

That four Democrat justices would forcibly remove two duly elected Republican justices against their will was speculation until Sept. 28. The court issued an order that day with questions reflecting just such a scenario. The Wall Street Journal editorial board appropriately blasted the political power gambit as "unprecedented" and "a stunning and destabilizing prospect."

A bipartisan group of former state Supreme Court chief justices also weighed in, penning a group editorial. They pointed to the state's long history of allowing individual justices to decide for themselves whether to participate in a case. "Without exception, refusal was not considered a matter

for the whole court to resolve."

While the NAACP seeks to remove the two Republican justices, the group remains silent about a Democratic colleague. Justice Anita Earls represented plaintiffs tied to the group in a federal redistricting lawsuit. That suit served as a precursor for the current case. Earls herself relied on the legislative "usurper" argument.

Earls set a precedent of her own in 2019, her first year on the N.C. Supreme Court. She refused to recuse herself from a state redistricting case. That was despite her extensive work on redistricting, including direct work for clients linked with the plaintiffs in the case she was hearing.

If this scheme to remove the two Republican justices is successful, look for the NAACP to use the same trick to disqualify Berger in any redistricting cases. His father is likely to be named as a defendant in his official capacity. And the legitimacy of the court and the rule of law will be collateral damage. North Carolinians will likely be subjected to decades of political darkness as we are governed by those who unconstitutionally seized power because they couldn't win at the ballot box. Sound familiar?

Editor's note: The John Locke Foundation, parent organization of Carolina Journal, joined the N.C. Institute for Constitutional Law's amicus brief in the constitutional amendments case. The brief urges the N.C. Supreme Court to protect voter rights and deny the NAACP's motion.

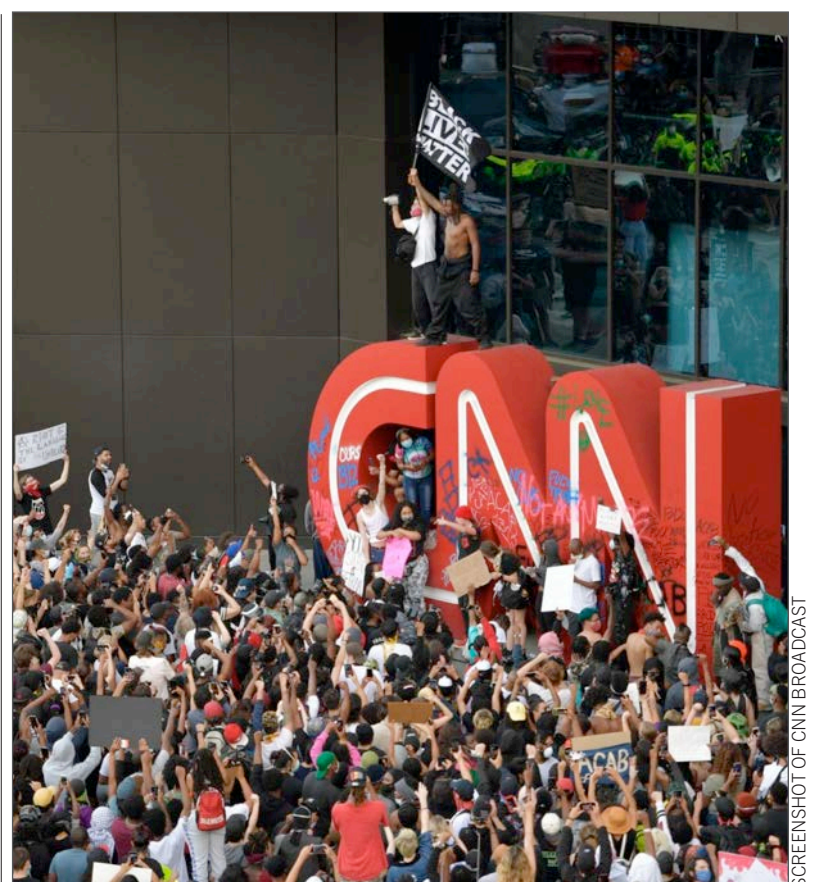
Trust in our institutions is collapsing

continued from PAGE 2

a wave of realization and mistrust in the lockdown and masking orders as rioters and protesters proceeded to violate the emergency orders without intervention from authorities. Today, that mistrust continues and has reverberated through school board demonstrations, courtrooms, and ballot boxes.

The uncertainty of news and information, particularly in COVID, has undoubtedly contributed to the rise in anxiety, depression, and drug abuse over the last two years. Among teens, 56% report symptoms of anxiety or depression, up 30% over 2019. Trips to emergency rooms for depression have increased by 69%. According to the National Center for Health Statistics, more than 100,000 Americans have died from drug overdoses in the last year, doubling since 2015.

I do see light at the end of this tunnel. More people are engaged in demanding quality education for their children. We appreciate the time spent with family, and we appreciate those business owners who are hustling to keep their shops and restaurants open, against all odds. More stu-



CNN building is attacked during the summer riots of 2020. Pundits on cable news media intentionally stoked anger during the riots.

dents are interested in studying mental health, and the ratings for some cable news channels have taken a nosedive as consumers switch them off. This year, Thanksgiving travel is expected to rival pre-pandemic levels, despite a 6.2% increase in the consumer price index.

Liberty, autonomy, and trust in our institutions are more important than ever, and people are starting to get that. Thank you for reading Carolina Journal and thank you for trusting us to provide you with coverage you need to build your toolbox of information.

SCREENSHOT OF CNN BROADCAST

State Supreme Court accepts arguments over forced removal of its own justices

BY DALLAS WOODHOUSE

Lawyers representing top legislative leaders have presented a detailed argument to the N.C. Supreme Court saying the high court lacks the constitutional and statutory authority to forcibly remove sitting justices.

“A Justice’s individual determination whether to recuse is necessarily final, simply by virtue of this Court’s position at the top of North Carolina’s judicial system,” wrote attorney Martin Warf. “That hardly makes the State an outlier; North Carolina’s approach is in accord with the practice of the federal judiciary, where the recusal determinations of the Justices of the U.S. Supreme Court are also individual, final, and nonreviewable. And it is also in accord with the approach adopted by nearly two-thirds of the States.

“There is neither need nor authority for this Court to adopt new or additional procedures that would bring about the involuntary recusal of a Justice who has decided the issue of recusal for herself.”

Legislative attorneys say the N.C. Constitution empowers the General Assembly to remove justices through impeachment and the judicial branch to consider removal or suspension only through the Judicial Standards Commission.

“The General Assembly has thus enacted a precise, detailed statutory scheme for reviewing the decision of a Justice who declines to recuse in violation of the Code of Judicial Conduct: investigation by the JSC and a recommendation of discipline, followed by a



Lawyers for the NAACP are seeking to formally remove two Supreme Court justices (Tamara Barringer and Phil Burger Jr.) from a critical constitutional amendments case.

decision by this Court after briefing and argument,” Warf wrote. “Because the General Assembly has crafted this detailed and complex statutory scheme, under basic principles of law this Court has no authority to supplement it by providing for review of recusal decisions of a Justice through some different process.”

The NAACP seeks formally to remove two GOP Supreme Court justices from a critical constitutional amendments case. Its attorneys wrote on why the court as a whole should disqualify the two justices, an action never before

taken in North Carolina, because of alleged conflicts of interest.

“The absence of a clear, transparent, and consistent process to govern recusal in the North Carolina Supreme Court undermines constitutional order. Litigants have a constitutional right to a fair tribunal, yet our highest appellate court currently has no system to ensure that right is guaranteed,” wrote NAACP attorneys.

The NAACP seeks to force Justice Phil Berger Jr. from this and other cases because his father leads one chamber of the General Assembly, and Justice Tamara

Barringer because she previously served in the legislature.

Ironically, NAACP attorneys blame the increasing partisan nature and expense of judicial campaigns for the urgent need for the court to take the most partisan action in its history. If the Supreme Court grants the NAACP’s wish, Democrat justices on the court would be allowed to forcibly remove the Republican justices while allowing liberal Democrat Anita Earls to stay.

This would come despite Earls’ well-documented conflicts, including previously serving as an

attorney for the NAACP and helping the organization raise money after the amendments case already had produced a ruling in a lower court.

“The recent legislature-initiated changes politicizing judicial elections alongside the surge in the amount of money pouring into North Carolina’s judicial races has increased the possibilities for conflicts of interest and potential questions of bias — as well as increasing the danger of erosion of public confidence in the independence of the judiciary,” the NAACP brief argues. “These changes, independently and in concert with the necessity for clarity and protections of due process, augur in favor of the adoption of rules setting a clear procedure for judicial recusal.”

When it comes to forced removal of Supreme Court justices, the NAACP also takes an extreme stance that “the justice whose bias is at issue in the matter should not participate in the process.”

That means, under the NAACP argument — despite being duly elected by the people of North Carolina — Berger and Barringer would not only be removed from the amendments case itself. They also would be barred from participating in the involuntary recusal motion.

The court will accept another round of written briefs before deciding on the recusals, likely in early 2022 before moving to the merits of the amendments case in NAACP v. Moore.

For more, listen to Carolina Journal’s new podcast, “Extreme Injustice,” at [ExtremeInjustice.com](https://www.extremeinjustice.com)

EXTREME EXTREME IN INJUSTICE

A NEW PODCAST FROM

THE CAROLINA JOURNAL

HOSTED BY
DALLAS WOODHOUSE

Two constitutional amendments, 9.6 million votes, and the fate of two duly elected Supreme Court justices hang in the balance.

Extreme Injustice goes behind the scenes of North Carolina’s Highest court, to investigate and expose how raw partisan politics could destroy the judiciary in America’s most purple swing state.

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