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Follow The Money: Democrats go all in for N.C. judicial races

BY CJ STAFF

In key races for the N.C. Supreme Court, Democrats are out-raising Republicans by as much as five to one. Democrat Lucy Inman has \$1,280,717 cash on hand, compared to Republican Richard Dietz's \$318,089. Incumbent Justice Sam Ervin IV, a Democrat, has \$518,261. His Republican challenger, Trey Allen, pushed through the primary for his spot on the

ballot, but it cost him. Allen raised \$556,440, but only has \$153,957 cash on hand. While the gap in fund-raising is not unusual in the critical races for the state's top court, it does show that the stakes this fall are particularly high. In 2018, Justice Anita Earls was a key win for Democrats, and they ponied up for it. By the second quarter in that race against Republican in-

cumbent Barbara Jackson, Earls had \$487,248 to Jackson's \$226,582. However, by Election Day, Earls had built a \$1,575,933 war chest for her election. A former lawyer for left-wing groups fighting against the state's Republican-drawn electoral maps, Earls has shown that money to be a winning investment for Democrats. But Earls also has been roundly crit-

icized for judicial activism on the bench, a key campaign talking point for Republicans Allen and Dietz. Earls had more than \$1.3 million in independent expenditures supporting her candidacy, \$1.2 million of which came from a single political action committee, North Carolina Families First. This generated controversy and accusations of coor-

dination after the group took an ad called "Earls' Early Life" directly from her campaign YouTube channel and paid to air it statewide. At the time, that race hit a record for spending on a judicial race. An example of IE's murky money trans-

fer is in Republican Chris Anglin's 2018 campaign for N.C. Supreme Court against Jackson and Earls. Nearly 60% of Anglin's donations came from Democrat Dean Debnam, the founder and CEO of the left-leaning Public Policy

continued PAGE 8

N.C. Supreme Court issues 4-3 party-line split on hearing redistricting arguments in October

BY MITCH KOKAI

The state Supreme Court will hear oral arguments in October involving North Carolina's disputed election maps. With a split 4-3 party-line vote, the court's Democratic majority issued an order Thursday setting arguments as early as Oct. 3. The order produced a rare dissent from the court's three Republican justices.

"What is happening in this case cannot go unnoticed," wrote Justice Tamara Barringer. "An alliance of special interest groups, unable to convince a majority of the people's representatives to pass certain desired legislation, has now resorted to asking this Court to simply write that legislation into our State's sacred charter — the North Carolina Constitution. It is a feckless attempt to enable a thin majority of our State's highest

court to supersede the will of the millions of citizens who participate in our political and legislative processes." "The majority's decision ... lacks any jurisprudential support," Barringer added. "It reeks of judicial activism and should deeply trouble every citizen of this state." Arguments in the case titled Harper v. Hall will be held "on a date to be

continued PAGE 12

Critical judicial races on ballot in November

BY DONNA KING

While much of the state is looking to a high-profile U.S. Senate race, two races that will determine the partisan balance of the N.C. Supreme Court are also on the 2022 ballot — and are arguably every bit as critical. With a current 4-3 Democrat majority, the party power could shift if even one Republican were to win. If both

win, Republicans would have five seats on the court to Democrats' two. The stakes are high, as parties become more aware of how the judiciary has increasingly played the role of "final say" on partisan issues. Some recent examples include North Carolina's redistricting process, Opportunity Scholarships, and tangles over separation of powers in the Leandro school-funding law-

suits. Democrats are hoping to tap into opposition to recent decisions from the U.S. Supreme Court, including the Dobbs v. Jackson ruling that overturned a constitutional right to an abortion. Luke Stancil is a strategist for Republican Ads, a digital advertising platform targeting conservatives, and he is seeing a

continued PAGE 8

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Judge blocks law that bans lying in political ads

DONNA KING
EDITOR-IN-CHIEF

On July 25, U.S. District Judge Catherine Eagles blocked a state law that bans intentionally lying in political ads. Her action came at the request of North Carolina Attorney General Josh Stein, who is suing the state to abolish the nearly century-old law under which he is expected to be charged. A carefully timed lawsuit from Stein and what appears to be forum shopping, going for the Middle District of North Carolina, likely a friendlier hearing than he might find in the Eastern District, secured him a judge from an old N.C. Democrat family and a tempo-

rary reprieve from a criminal investigation. Eagles stopped all legal action against Stein with a temporary restraining order signed within 10 minutes of announcing it in court and just three hours after hearing arguments. While Eagles may have seen grounds to hear Stein's lawyers' arguments, the speed at which he got the hearing and injunction from a judge whose family is deeply entrenched in the state Democratic Party reveals the open cronyism that has plagued this state for generations. Stein filed his lawsuit on July 21 against the N.C. State Board of Elections and Wake County District Attorney Lorrin Freeman. Both played a role in in-

continued PAGE 18



PAGE 10: 'In the Pines'
The John Locke Foundation wraps on its first short film production.

OPINIONS 13

Can House Bill 951 keep winter from coming to North Carolina?



AMY O. COOKE
PUBLISHER

Winter is coming. I know it's hard to fathom amid a hot, humid N.C. summer, but it is. Across from our beautiful beaches, The Economist predicts "Europe's Winter of Discontent." Disastrous public policies that increase dependence on unreliable energy sources and hostile foreign regimes have put the free world, including all of us here in North Carolina, in a perilous position. The Wall Street Journal warns, "People even in affluent countries are learning they can no longer take reliable electric power for granted." If you live in Texas or California, you've seen it firsthand.

Not long ago, I worked in the energy policy space in Colorado, ground zero for some of the most absurd public policy surrounding energy. Climate alarmism has been a trendy accessory of the wealthy Aspen-Boulder-Telluride après ski circuit for decades. Their money and influence changed the pragmatic political climate from purple to progressive green. In North Carolina, it would be the equivalent of having Asheville and Chapel Hill run the state. The change in Colorado gave rise to Democrats like state Rep. Max Tyler, who successfully championed the doubling and tripling of the state's original 10% renewable energy mandate. Tyler's response to critics: "The sun will always shine for free, the winds will always blow for free, and our energy production will be

continued PAGE 19

This Issue

4
100 sheriffs on N.C.'s November ballot: Sheriffs serve four-year terms in NC

5
N.C. Green Party sues Democrat SBOE over exclusion from ballot

6
U.S. Supreme Court offers major rulings on abortion, guns, elections, and more

8
Civitas Poll: Republicans maintain edge headed into midterms

Inflation reaches highest point since 1981 as U.S. enters recession

Real GDP shrank 0.9%, a second quarter in a row of negative growth

BY ZACH ROUNCEVILLE

Continued rising inflation, a declining housing market, and general uncertainty about the health of the U.S. economy have all been cause for alarm that the country is headed for some turbulent times ahead. And now, Americans can add a recession to their worries, as the Bureau of Economic Analysis announced on July 28 that the U.S. economy has experienced its second straight quarter of negative Real GDP (-0.9% after -1.6% last quarter).

Two straight quarters of negative real GDP growth is the traditional marker of the beginning of a recession. The Biden administration is fighting this definition, though, saying it's more complicated than that.

Rising inflation also added pain in June, as the prices for goods and services reached a year-over-year rate of 9.1% — the highest since 1981, according to recent U.S. Labor Department data.

Economists surveyed by Dow Jones anticipated a year-over-year rate of 8.8%.

According to U.S. Department of Labor statistics, prices of certain household goods and services have increased by the following amounts over the past year: gas by 59.9%, electricity by 13.7%, food at home by 12.2%, new vehicles by 11.4%, food away from home by 7.7%, used cars and trucks by 7.1%, shelter by 5.6%, and apparel by 5.2%.

Further adding to the sense of gloom, most Americans believe the economy is in a worse position than what government-produced data say it is, according to a new Bucknell Institute for Public Policy national survey.

The Bucknell poll, conducted by YouGov America, surveyed 1,500 people from June 13 - 23. The poll found that 59% of respondents thought official statistics underestimate the inflation rate, including 77% of Republicans, 63% of independents, and 41% of Democrats;

The Fed is tightening monetary policy pretty aggressively. We are expecting them to raise the federal funds rate by three quarters of a percentage point, and rates are expected to be raised again in September.

- Mark Vitner
Wells Fargo

58% of respondents also thought the official statistics underestimate the rate of unemployment.

The U.S. housing market has not fared much better. Home prices hit a new all-time high in June, despite the fact that home sales declined for the fifth straight month as a lack of affordability has pushed buyers out of the market.

The median home price in the U.S. was \$416,000 in June, up 13.4% from one year ago, according to a report from the National Association of Realtors.

Sales of existing homes — which include single-family homes, townhomes, condominiums, and co-ops — were down 5.4% in June from May and 14.2% from a year ago.

Rising inflation costs hurt

middle- and lower-income families on a larger scale. CJ spoke with University of North Carolina at Charlotte Professor Craig Depken, an economist who specializes in microeconomics, regarding the impact high inflation is having on household incomes.

"Lower-income households are most negatively affected through the increased prices of necessary goods — food, energy/transport, and shelter," Depken said. "Because lower-income households have fewer resources, when the prices of necessary goods increase, they spend more on these goods and have fewer resources to dedicate to other purchases, e.g., clothing or a new clothes washer, or for saving/investing to earn returns that can help them more easily afford such purchases in the future."

The Federal Reserve is also looking for ways to combat the issue of ongoing inflation, which was a major cause of the new recession. According to the Fed's "Beige Book" survey recently released, "Economic activity expanded at a modest pace, on balance, since mid-May; however, several districts reported growing signs of a slowdown in demand, and contacts in five (banking) districts noted concerns over an increased risk of a recession."

Depken said the Fed has limited options as it tries to address both the slowdown and inflation.

"The Federal Reserve would normally raise the federal funds rate (i.e., interest rates) in an attempt to offset the inflation," he said. "However, doing so is likely to lead to a recession of some magnitude (could be deep but quick, like 1981, or short and quick, like 1991). In the current environment, I do not see the Fed raising rates quick enough or high enough to offset the inflation. This might stave off a recession until 2023 or 2024, but it won't solve the inflation problem."

Major financial institutions have also been keeping a close watch on the state of the economy and seeking solutions to the current downturn. CJ spoke with Mark Vitner, senior economist at Wells Fargo, who says inflation rates may be peaking at this time.

"In terms of where Wells Fargo sees inflation, it's quite possible that based on the year-to-year rate, inflation on an overall basis may have peaked," Vitner said. "It is possible that 9% will prove to be the absolute peak. Commodity prices and oil prices have come down in recent weeks, but inflation is likely to remain a problem for some time to come. Energy prices and food prices are getting

a lot of attention. The core rate of inflation is being driven higher by higher housing costs, particularly rents, which are rising about 13% from year to year."

Vitner expects the Federal Reserve to raise the federal funds rate in the coming months.

"The Fed is tightening monetary policy pretty aggressively," he said. "We are expecting them to raise the federal funds rate by three quarters of a percentage point, and rates are expected to be raised again in September."

He also believes that government action has been the primary cause of rising inflation.

"The primary driver behind the inflation was all the liquidity provided to the economy during the pandemic," Vitner said. "The federal government provided about \$5 trillion in assistance to households, businesses, and local governments. Oil prices were pulled up by all that excess liquidity. All the liquidity created in order to combat the pandemic was the primary factor, and in particular the \$1.9 trillion in liquidity provided in March of last year, well after the economy was already back on its feet. It's difficult to offset the impact of higher inflation. The real test of how to offset the impact will come in a year from now."



Cars line up outside Costco gas station in Raleigh, July 22

100 sheriffs on N.C.'s November ballot

SHERIFFS SERVE FOUR-YEAR TERMS IN NORTH CAROLINA

The sheriff is the only officer of local government required by the Constitution

BY DONNA KING

All of North Carolina's county sheriffs are on the ballot in 2022. Many candidates appear for the first time because so many local law enforcement leaders have decided not to run again.

Recent calls to defund the police and criticism of law enforcement agencies have added to the stress of the job and, according to the N.C. Sheriffs' Association, have contributed to a recruitment and retention problem for the state's law enforcement industry.

In western North Carolina, eight longtime sheriffs decided not to seek re-election this year. Voters in Avery, Cherokee, Clay, Haywood, Jackson, Macon, Transylvania, and Rutherford counties are casting ballots for new sheriff candidates.

In Macon, no Democrats ran in the primary, so Republican Brent Holbrooks is slated to succeed long-term Sheriff Robert Holland there.

In Jacksonville, Onslow County Sheriff Hans Miller announced he would not seek re-election either, throwing his support behind Chief Deputy Colonel Chris Thomas, who is also running unopposed in November.

In Gaston County, Sheriff Alan Cloninger not only announced he would not run again. He also said he was changing his political party affiliation.

"The present Democratic Party has left me," he said in a statement. "There is no home for a conservative Democrat in today's Democratic Party. Therefore, today I will be changing my party affiliation from Democrat to unaffiliated voter."

"Some of the new Democrats in Washington attack and degrade all law enforcement officers who risk their lives every day to protect the people," Cloninger added.

In the capital city, Wake County Sheriff Gerald Baker lost a primary runoff in his re-election bid. Primary challenger Willie Rowe moves on to the general election in November.

After Rowe outpolled Baker, 29% to 24%, in the initial primary, the challenger won 75% of the

vote in the runoff. As the challenger in the race, Rowe received the endorsement of Wake County's local paper, the News and Observer. Rowe now faces Republican candidate, and former Wake County sheriff, Donnie Harrison. Harrison won the GOP primary in May with 80% of the vote.

"Since he upset Harrison in 2018, he has fallen short of expectations that he would improve community relations and transparency," the N&O editorial board wrote of Baker in its endorsement of Rowe. "Instead, his office has experienced staff shortages, high turnover, and bitter infighting."

Baker was also one of the N.C. sheriffs who took criticism in 2019 for refusing to cooperate with Immigrations and Custom Enforcement on ICE's detainer requests for suspects in custody. Mecklenburg County sheriff Garry McFadden and Buncombe County's Quentin Miller, both Democrats, also refused to cooperate, but they won their re-election primaries. McFadden is running unopposed in November.

In the short legislative session this year, the N.C. General Assembly passed a bill along party lines that would have required N.C. sheriffs to hold a suspect accused of serious felonies, assault on a female, assault with a deadly weapon, or domestic violence if the sheriff cannot confirm the suspect's citizenship status. The sheriff would be required to hold the suspect for 48 hours or until ICE takes custody.

Gov. Roy Cooper vetoed the bill, saying it was an effort by Republicans to score political points.

"As the state's former top law enforcement officer, I know that current law already allows the state to incarcerate and prosecute dangerous criminals regardless of immigration status," Cooper's veto statement read.

"This bill is unconstitutional and weakens law enforcement in North Carolina by mandating that sheriffs do the job of federal

agents, using local resources that could hurt their ability to protect their counties."

Bill sponsor Sen. Chuck Edwards, R-Henderson, who is running for Congress after defeating Rep. Madison Cawthorn in the May primary, disagreed.

"With the stroke of his pen, Gov. Cooper just gave Sanctuary Sheriffs permission to shield an illegal immigrant who rapes or murders a North Carolinian," Edwards said. "Keeping violent criminals off our streets should be a shared priority, but this veto proves that Gov. Cooper isn't interested in increasing public safety if it goes against his liberal donors' wishes."

Under a new law that took ef-



Union County sheriff's patrol cars.



Former Wake County Sheriff Donnie Harrison



Wake County Sheriff Gerald Baker, who lost his primary

Did you Know?

The sheriff is one of the oldest, most important, and most respected offices in our nation's system of law and justice. Its origins and responsibilities are rooted in English history. Only the office of king is older and has greater dignity. The Office of Sheriff was transplanted to America by early colonists. The founding fathers made it an elected office because they were determined that the sheriff would be responsible to the people.

Today throughout the nation the sheriff continues to exercise vitally important responsibilities in all three branches of our criminal justice system: law enforcement, jail/corrections, and court duties.

In the state of North Carolina, sheriffs are constitutional officers elected by the people of their counties. On call 24 hours a day, 365 days a year, their responsibilities include:

- Patrolling the counties and enforcing the law.
- Maintaining and operating jails.
- Properly serving civil process papers, essential to all legal actions.
- Providing security for North Carolina's courtrooms.

The North Carolina Sheriffs' Association never raises funds through telephone solicitation. If you are called by someone claiming to represent the North Carolina Sheriffs' Association seeking a donation, please inform the association at 919-743-7433.

SOURCE: N.C. Sheriff's Association

N.C. Green Party sues Democrat SBOE over exclusion from ballot

BY DAVID LARSON

The N.C. Green Party had its petition to be recognized as an official party in state elections denied, in a 3-2 party-line vote from the N.C. State Board of Elections on June 30. But now the NCGP is challenging the decision in a lawsuit filed July 14.

The NCSBE said in a June 30 statement that it rejected the Green Party's certification due to an "ongoing investigation into evidence of fraud and other irregularities in the petition process used to seek ballot access for the party."

The source of many of these allegations was a report submitted to the board by Elias Law Group, a powerful national Democratic law firm that was also instrumental in getting the state's election maps thrown out. The accusations include that the Green Party misrepresented itself to get some signatures and that the party turned in fraudulent sheets of signatures.

But Matthew Hoh, the Green Party's U.S. Senate candidate — who is seeking to join Republican Ted Budd, Democrat Cheri Beasley, and Libertarian Shannon Bray on the ballot — said the national Democratic Senatorial Campaign Committee, the Elias Law Group, and the N.C. Democratic Party were less concerned with exposing fraud than keeping Hoh off the ballot to protect Beasley's vote share. Hoh said they used dishonest tactics to get the job done.

"We needed 13,865 verified signatures; we turned in 22,500 signatures," Hoh told Carolina Journal. "Of that 22,500, about 16,000 were verified by the county boards of election. ... We were about 2,100 over what we needed to get on the ballot."

Democrat effort to remove signatures

Soon after these signatures were submitted, the Elias Law Group was able to get the names and addresses of those who signed through a public records request. These Green Party supporters were then repeatedly called, texted, and visited at home by Democrat operatives and asked to sign forms to renounce their earlier signature of the petition.

Many of the callers identified themselves as with the Democratic Senatorial Campaign Committee or the N.C. Democratic Party. But according to some of those called, the callers identified themselves as working with, not against, the Green Party.

Carolina Journal has received evidence of at least two of these cases when a Democratic operative presented themselves as with the Green Party.

"They're calling people five times a day," Hoh said. "Actually, one person just told us that his wife yesterday was called four times in three and a half hours by them. There's all kinds of levels on this. There's the harassment, there's the misrepresentation, and then there is the bullying or the shaming."

The texts and call scripts were more focused on the negative impact the Green Party might have on the Democrats than on iden-



The Green Party says dishonest tactics were used to keep it off the ballot after it collected thousands more signatures than required to qualify as a political party.

tifying any victims of potential fraud. For those texted, they were directed toward a DocuSign link where they could request to have their name officially removed.

Hoh said this strategy has been used successfully in other states — like in Montana, where Democrats successfully removed enough signatures from the Green Party's petition in 2020 to block them from the ballot.

Despite all these efforts to convince people to renounce their signature, they did not produce much fruit. NCSBE Executive Director Karen Brinson Bell said during the June 30 meeting that only 145 people contacted the board to have their names removed.

This was far lower than the 2,100 that Democrats needed to convince in order to block the Green Party.

Board votes not to certify

In the June 30 meeting, the Democrat-majority board voted, 3-2, not to certify the Green Party as a recognized party in the 2022 elections, citing a "cloud" over the signatures.

"In their individual situation, it might not raise a question, but when you look at these cumulatively, we feel like there is a cloud over how many signatures are valid," Brinson Bell said.

The board's lawyer suggested the Green Party might be able to get a court to approve its candidates past the July 1 deadline, but the NCSBE board could not budge on that date.

Tommy Tucker, one of two Republicans on the board, questioned why these signatures were being so carefully looked at when "nary a signature, meaning not one," was

checked on absentee ballots during the 2020 elections.

Green Party attorney Oliver Hall said that the board was rejecting the Green Party's certification because of a presumption against the signatures, but "if there is some presumption here that is operative, the presumption ought to be that validated signatures are valid unless there is some basis for considering them invalid or at least subject to investigation."

Democrat board chair Damon Circosta rebutted, and then muted, Hall, saying he was out of order.

Then Tucker made a motion to certify the Green Party, as he was not comfortable presuming the signatures validated by the county boards were invalid.

He and fellow Republican Stacy "Four" Eggers voted to certify, while Democrats Circosta, Stella Anderson, and Jeff Carmon voted against.

Circosta then ruled against revisiting the issue at a future meeting, saying it would have to be taken up by another body.

Greens file federal lawsuit

Two weeks later, on July 14, the N.C. Green Party took Circosta up on that and announced it was taking legal action against the NCSBE. The suit asks that the court declare the exclusion by the NCSBE unconstitutional and guarantee the party will be recognized and able to run candidates.

Included in the lawsuit are claims that Gov. Roy Cooper's office may have been involved in the effort to exclude the Green Party from the ballots.

NCGP pointed to identical language used in public records requests by an Elias Law Group at-

torney, Elizabeth Poston, and Amelia Brown, identified in the complaint as a legal intern for Cooper, as evidence that the governor's office collaborated with Democratic political efforts to exclude the Green Party from the 2022 midterm ballots.

In the public records request, Brown is not listed as working for Cooper. But her address is given, which is in Carrboro.

The Amelia Brown who lists herself on LinkedIn as being a legal intern for Cooper also lives in Carrboro.

"I should clarify that the complaint specifies that we don't know for sure that the Amelia Brown that made the request is the same Amelia Brown that is an intern in the governor's office; but that's what we believe, and that's what we alleged," Hall told Carolina Journal in a July 15 interview.

Brown's other recent roles were with Democratic and progressive political campaigns.

On July 15, Carolina Journal reached out to Brown, Elias Law Group, and Cooper's office, but did not receive a response from any party on the NCGP's allegations of collusion.

"You can draw your own conclusions about how these requests ended up being virtually identical in substantial respects, but it speaks for itself," Hall said. "That seems like more than a coincidence."

Asked if there could be any other explanation for the identical language beyond collaboration between Cooper's office and the Elias Law Group, Hall said, "Not that I know of."

"We don't know what happened," Hall said. "But if it's the case that the office of the Democratic governor of North Caroli-

na was involved in any way in an effort to remove the Green Party from the ballot, then that raises troubling questions about the role of elected public officials and state resources being dedicated to an effort to suppress voter choice in North Carolina. We are investigating it, and we don't know anything more at this point. But we're going to find out."

Another motion, filed by the Greens July 21, contends that the N.C. State Board of Elections has failed to provide a legal reason for excluding them from the ballot. The group seeks a preliminary injunction that would force the elections board to recognize the Green Party and place its candidates on the Nov. 8 ballot.

A hearing on the Green Party complaint is scheduled Aug. 8 in Raleigh before U.S. District Judge James Dever.

Libertarians also concerned about NCSBE

Another perennial third party, the N.C. Libertarian Party, is also concerned about how the Green Party has been treated.

Brian Irving, executive director of the NCLP, told Carolina Journal on July 8 that the eight times his party turned in petitions for certification, they never saw this level of scrutiny from the NCSBE.

Irving, who has helped lead NCLP for three decades, said that typically, the state board would accept signatures verified by county elections boards as valid and wouldn't refuse to certify based on unproven questions about those signatures.

"We did not have that scrutiny," Irving said. "We had very good cooperation at the state level, in fact. We generally had pretty good rapport with the state board, and especially with the county boards. We never really had problems."

Irving said they would have signatures that weren't validated, like the Green Party did, but that those didn't throw the validated signatures into question.

"When we turned them into the state board, we'd haul in the boxes and drop them on the desk," he said. "And in a couple weeks we'd find out we'd made the quota. And this was back in the day when we needed many more signatures, in excess of 100,000 signatures."

The Libertarians did not have to petition to get on the ballot in North Carolina this year.

They qualified under a law that says if their gubernatorial or presidential candidate gets 2% of the vote in the state or if their party is on the ballot in 35 other states, they automatically qualify.

The NCLP has remained on North Carolina's ballot the last few cycles because of this law, while the Green Party has had to fight to remain a recognized party.

"We feel like we're going to stay on the ballot," Irving said. "But the way the Board of Elections is operating now, we're somewhat concerned. What's going on bothers us. It concerns us; let's put it that way."

"The establishments have decided that a third party is a threat to them, and that's very disturbing."

CJ FILE PHOTO



ADOBESTOCK

U.S. Supreme Court offers major rulings on abortion, guns, elections, and more

BY MITCH KOKAI

The U.S. Supreme Court concluded its most recent term this summer with decisions that could have wide-ranging implications for years or even decades to come. Those decisions touched on hot-button issues such as abortion, gun rights, and global warming. The high court also opened the door to cases that could have tangible impacts on N.C. politics and policy.

Political observers often focus on the U.S. Supreme Court in late June, as the nine justices roll out opinions in their highest-profile cases. This year the spotlight arrived early. Politico reported on May 2 about a leaked draft opinion in *Dobbs v. Jackson Women's Health Organization*. The report suggested a court majority had agreed to overturn the nearly 50-year-old abortion ruling in *Roe v. Wade*.

When the *Dobbs* decision actually arrived June 24, the leak proved largely accurate. Justice Samuel Alito led a five-vote bloc willing to scrap *Roe*. Chief Justice John Roberts provided a sixth vote affirming Mississippi's challenged abortion law.

The *Dobbs* decision returns abortion policy debates to state governments. Shortly after the ruling, Republican state legislative leaders called on Democratic N.C. Attorney General Josh Stein to take steps that would restore North Carolina's ban on most abortions after 20 weeks. Law-makers also promised to take

up new abortion legislation next year, especially if Republicans regain veto-proof supermajorities in the state House and Senate.

This issue of *Carolina Journal* offers more in-depth coverage of the *Dobbs* decision's potential impact in North Carolina.

Defending gun rights

Along with a sweeping change in abortion law, the Supreme Court issued its first major Second Amendment decision in more than a decade. In *New York Rifle and Pistol Association v. Bruen*, the court ruled, 6-3, that New York could not force people to show a special need before they could carry a handgun legally in public.

After decisions in 2008 and 2010 determined that the Second Amendment protects a person's right to have a firearm in his home, *Bruen* extended protection of gun rights beyond the home. Justice Clarence Thomas' decision also set forward a stricter standard for states attempting to place new regulations on gun ownership.

The decision is unlikely to have a direct impact on existing N.C. law. *Bruen* could help guide policymakers who hope to expand Second Amendment protection in the future.

Limiting regulatory overreach

Another 6-3 decision blocked the U.S. Environmental Protec-

tion Agency's ability to take unprecedented steps to combat climate change. In *West Virginia v. EPA*, Roberts wrote for the court's majority that Congress never granted federal regulators the powers they had assumed to enact new climate-related restrictions.

EPA had relied on the federal Clean Air Act to justify its actions. Roberts and the court's majority determined that regulators had interpreted the legislation incorrectly and overstepped their authority.

In addition to these major decisions, two others touched on religious freedom and education. *Carson v. Makin* struck down a Maine program that blocked parents from using a subsidy to send their children to religious schools. *Kennedy v. Bremerton School District* upheld a high school football coach's right to engage in silent prayer at the 50-yard line after games.

Voter ID battle

One of the Supreme Court's final decisions of the summer has implications for the future of N.C. election policy. The 8-1 decision from Justice Neil Gorsuch in *Berger v. N.C. State Conference of the NAACP* recognized state legislative leaders' right to intervene in a federal lawsuit against photo voter identification in this state.

Lawsuits in both state and federal court have blocked voter ID. The N.C. Supreme Court will decide in the months ahead whether to uphold a state trial court's

split ruling against North Carolina's 2018 ID law.

Meanwhile, a separate trial in federal District Court, originally scheduled for January, will now incorporate arguments from leading legislators defending the ID law.

North Carolina voters will not be required to present photo ID for the November elections. The outcomes of the state and federal court cases will help determine whether ID can move forward in 2023 and beyond.

Another redistricting battle

As it handed down its latest opinions, the U.S. Supreme Court also announced cases it will consider in the new term that starts in October. One, *Moore v. Harper*, will have a direct impact on the future of legal battles surrounding election redistricting in North Carolina.

State legislative leaders argue that state courts overstepped their authority in striking down maps drawn for North Carolina's 14 seats in the U.S. House of Representatives. Lawmakers point to constitutional language specifying legislatures' roles in the federal election process.

Three Supreme Court justices — Alito, Gorsuch, and Thomas — had voted to support North Carolina's emergency appeal on the same topic. That appeal could have blocked court-drawn election maps from being used in this year's elections.

A fourth justice, Brett Kavanaugh, refused to join that trio on the emergency appeal. But Kavanaugh wrote a separate opinion at the time agreeing that the Supreme Court should address the topic, which is sometimes labeled the Independent State Legislature Doctrine.

Now the court will hear the case in time to render a decision that could affect election maps in North Carolina and across the country in 2024.

UNC admissions challenged

One other case on the high court's fall agenda could have a direct impact on a public institution in North Carolina. The court took the rare step of bypassing a federal Appeals Court to consider a legal challenge against the use of race in admissions to the University of North Carolina at Chapel Hill.

Combined with a similar case targeting Harvard, the *Students for Fair Admissions v. UNC* case is designed to overturn the Supreme Court's nearly 20-year-old precedent. Plaintiffs argue the U.S. Constitution forbids any use of race when deciding whether to accept or reject a university applicant.

With these and other high-profile cases on the docket, heated debate is likely to return to the steps of the U.S. Supreme Court in June 2023.

Abortion law in N.C. after Dobbs

BY DAVID LARSON

On June 24, the U.S. Supreme Court decision in *Dobbs v. Jackson Women's Health Organization* was officially released, overturning the precedents set in *Roe v. Wade* and *Planned Parenthood v. Casey*, which had created a constitutional right to an abortion. But despite this major development, North Carolina's abortion laws remain tied up in pre-Dobbs precedent.

The original 1973 *Roe* decision prevented states from regulating abortions at all in the first trimester of pregnancy.

The 1992 *Casey* decision moved that trimester distinction instead to a viability distinction. Since then, states could not place an "undue burden" on women's access to abortion until viability.

Working under this limited framework, North Carolina passed a long list of laws regulating abortion.

These include informed consent, which requires a 72-hour waiting period; parental consent for minors to receive an abortion; a ban on sex-selective abortions; a prohibition on selling fetal remains after an abortion; a ban on using state health plan funds for abortion, unless rape, incest, or a risk to the mother's life are involved; and a ban on coverage of abortions through the health care exchanges created by the Obama administration's Affordable Care Act.

The current overarching law on abortion in North Carolina allows for abortions in the first 20 weeks of pregnancy in any hospital or clinic certified by the state for that procedure.

After 20 weeks, abortions can be performed only in a hospital and only for emergency reasons.

But in 2015, this 20-week limit was strengthened to define medical emergencies more narrowly. Soon after *Planned Parenthood* sued to block the law in the *Bryant v. Woodall* case.

In March 2019, U.S. District Judge William Osteen ruled in *Bryant* that this stricter 20-week limit violated the federal *Casey* precedent that no undue burden be placed on women's access to abortion before viability.

Since the ruling, this has meant that after 20 weeks, doctors have wide latitude to determine when abortions on viable fetuses are appropriate in the state.

Bryant v. Woodall still in effect

After the Supreme Court ruling in *Dobbs* that Mississippi's ban on abortions after 15 weeks was constitutional, many assumed Osteen's ruling would be reversed and abortion law in North Carolina would return to the 20-week limit.

With this in mind, on the same day as the *Dobbs* decision,

N.C. House Speaker Tim Moore, R-Cleveland, and N.C. Senate leader Phil Berger, R-Rockingham, wrote a joint letter to Attorney General Josh Stein. "Now is the time," the letter said, for Stein to "take all necessary legal action to lift the injunction currently barring the enforcement of our State's abortion restrictions."

The joint letter did make clear that legislators considered legal action to force Stein to resolve the now-moot legal battles around the state's abortion laws if he dragged his feet, saying, "If we do not receive a response, we stand ready to take the necessary steps to restore North Carolina's abortion laws to where they were before Bryant struck them down."

Stein released a statement July 21 saying that he would not seek to have the injunction lifted.

"The Department of Justice will not take action that would restrict women's ability to make their own reproductive health care decisions," Stein said. "Protecting that ability is more important than ever, as states across the nation are banning abortions in all instances, including rape and incest."

Both Berger and Moore said in separate statements that they did not plan on pursuing legislation during the 2022 short session.

But Moore added in his June 24 statement that "North Carolinians can also expect pro-life protections to be a top priority of the legislature when we return to our normal legislative session in January."

Stein's public statements since the ruling do not suggest that he is considering taking actions to return the state to stricter abortion laws.

"I have a message for the women of North Carolina: you still have a legal right to an abortion in our state," Stein said

on June 24.

"North Carolina state law protects women's reproductive freedoms. This is true even after the Supreme Court today stripped women of their right to an abortion under the Constitution by overturning *Roe v. Wade*. If we want to keep our freedoms under state law, then we have to elect state officials who commit to protecting them."

Governor takes executive action

Fellow Democrat Gov. Roy Cooper has also shown he wants to protect what he sees as a right to abortion for the state's women.

Cooper signed Executive Order 263 on July 6 to ensure his administration was not participating in denying women access to abortion and was doing all it could to support access.

E.O. 263 directs Cabinet agencies under Cooper's control to protect abortion providers and

ensure access to and from clinics.

It also prohibits those agencies from extraditing any women to other states on abortion-related charges or assisting in any investigations about abortions if the procedures would be legal in North Carolina.

The order also allows for pregnant Cabinet employees to avoid travel to states that don't have abortion exceptions for the health of the mother.

Cooper was joined by Democrat Party elected officials and Planned Parenthood employees as he made the announcement and signed the order at the Executive Mansion in Raleigh.

Pro-Roe vandalism

Others on the left took the law into their own hands, vandalizing churches and pregnancy support centers across the country. The vandalism began after a leak of the *Dobbs* decision became public.

On June 14, pro-abortion terrorist group "Jane's Revenge" claimed credit for numerous attacks on pro-life centers across the country, including the June 7 attack on Mountain Area Pregnancy Services in Asheville. Jane's Revenge said it is "not one group but many," and sources familiar with the group say it is connected to Antifa and operates as a similarly loose confederation of like-minded cells.

Republican members of North



Mountain Area Pregnancy Services was vandalized with threats on June 14.



Rep. Alma Adams, D-11th District, was arrested after blocking streets with demonstrators opposing the U.S. Supreme Court's decision in the *Dobbs* abortion case.

Carolina's congressional delegation responded by signing a letter to U.S. Attorney General Merrick Garland to investigate the attacks as domestic terrorism. U.S. Reps. Ted Budd, Patrick McHenry, Greg Murphy, Madison Cawthorn, Richard Hudson, Virginia Foxx, and David Rouzer all signed the letter.

"We write to express serious concerns over recent attacks targeting religious organizations and crisis pregnancy centers and request the Department of Justice respond with how its National Security Division plans to investigate these acts of domestic terrorism," the letter starts.

The lawmakers state that the attacks on pro-life organizations and churches would qualify as domestic terrorism under current federal law.

The letter concludes by giving Garland 30 days to answer whether the acts are being considered terrorism and what the U.S. DOJ intends to do about it.

But that was not the end of pro-abortion vandalism in the state.

Those arriving for the morning services at Holy Family Catholic Church in Hillsborough on July 3 were greeted by large messages in bright yellow spray paint on the building and in the parking lot saying, "F*CK THE CHURCH,"

and "I love abortion." There was also an anarchy symbol on a concrete wall.

Demonstrations against the *Dobbs* decision have continued with protestors blocking streets in downtown Washington, D.C., and calling on Congress to codify abortion access in federal law.

In July, police arrested 35 protestors, including 17 members of Congress.

Among those arrested was Rep. Alma Adams, D-12th District, who represents the area around Charlotte.

She was fined \$50 for "crowding, obstructing, or incommoding," according to the U.S. Capitol Police.

8 ELECTIONS 2022

Follow the Money

continued from PAGE 1

Polling. In 2016, Debnam also contributed to the effort to stop Republican Supreme Court candidate Bob Edmunds through a nonprofit called “Make NC First.”

“Independent Expenditure are notoriously difficult, especially when it comes to state elections,” said Jim Stirling, research associate for the Civitas Center for Public Integrity at the John Locke Foundation. “IE committees are required to report their spend-

ing to the State Board of Elections and declare if an expenditure is for or against a particular candidate. However, they are not always required to report their financial donors in the same way a candidate would be. This makes it usually difficult to track where the money is coming from for these organizations and groups.”

Big spending doesn't always bring a win

In 2020, Republican Justice Paul Newby ran against appointed incumbent Cheri Beasley for chief justice, and that race beat the record for spending on a N.C. Supreme Court seat. Beasley built a campaign fund nearly double the size of Newby's. She had

\$1,093,210 to Newby's \$598,375. That race came down to a statewide hand recount, and Newby won by just 401 votes.

Independent expenditures on behalf of a candidate can turn the tide in races like these, and likely will this year.

In the 2020 races, the state saw a shift in how independent expenditures are used. That year, negative independent expenditures outspent positive ones that supported a candidate. Some \$3,141,189 in IE money was spent against Newby in that race, while just \$569,071 was spent in favor of Beasley.

For the N.C. Supreme Court races this year, out-of-state money is likely to drive another record spending effort. Out-of-state donors are boosting the cof-

fers of Democrat candidates as Inman's campaign reports more than \$100,000 from out-of-state donors, while Ervin has almost half of his \$303,000 from out of state. Republicans Allen and Dietz have gotten nearly no out-of-state individual donations.

“Based on the finances up to the second quarter reports, we see that Democrats are putting a much greater focus on this year's Supreme Court election than Republicans are,” said Stirling.

“Democratic Supreme Court candidates have raised \$2,234,785, well over double what Republicans have at just \$960,060. While this is not abnormal for Democrats to outspend Republicans by about 2-1, a large majority of Trey Allen's funds have been spent on the pri-

mary election.”

Democrats' online fundraising platform, ActBlue, says that the U.S. Supreme Court's Dobbs abortion decision is playing a big role in drawing donations for judicial races.

“Small-dollar donors gave \$20.6 million on the day of the Dobbs v. Jackson Women's Health Organization ruling that overturned Roe v. Wade, making it ActBlue's largest day of the 2022 cycle by contributions and dollars raised,” the group tweeted.

The platform raised almost \$513 million during the second quarter of 2022, with 2.8 million unique donors giving to more than 16,000 campaigns and organizations, according to an ActBlue media release.

Civitas Poll: Republicans maintain edge headed into midterms

BY DAVID BASS

North Carolina Republicans continue to enjoy a decided advantage headed into the summer months of a midterm election year, according to the results of a June 2022 Civitas poll. In races for U.S. Senate, U.S. House, the General Assembly, and the state judiciary, the survey gave the GOP an edge.

In this year's headliner race for the open Senate seat, Republican Ted Budd took a 45% to 40% lead over Democratic challenger Cheri Beasley. Green Party candidate Matthew Hoh secured 1% and Libertarian candidate Shannon Bray 3%. Eleven percent remained undecided.

Budd represents the state's 13th Congressional District, while Beasley is former chief justice of the N.C. Supreme Court.

The GOP also has the advantage on the generic congressional and legislative ballot question. Fifty-one percent would pick a Republi-



can on a generic ballot for the General Assembly, while 39% say they would pick a Democrat. For Congress, 51% would pick the GOP and 41% a Democrat.

On the two races for seats on the N.C. Supreme Court, Republicans appear to be shoring up their advantage. Republican candidates Richard Dietz and Trey Allen secured 49% support apiece compared to 38% support for Democrat Lucy Inman and 39% support for Democrat Sam Ervin.

Dr. Michael Bitzer, professor of politics and history at Catawba College in Salisbury, noted that electoral fundamentals and dynamics are trending favorably toward Republicans.

“Historically, the president's party usually suffers in midterms,” Bitzer said. “Presidential approval usually indicates whether the president can buffer that historical trend. Economic issues, such as real personal income or, in this year's case, inflation [are another factor], and certainly

party enthusiasm and interest heading into November.”

“When looking at these most recent polls, Democrats should be extremely worried,” added Jim Stirling, research fellow at the John Locke Foundation's Civitas Center for Public Integrity. “There have only been a handful of times in the last decade where Democrats or Republicans have exceeded 45% on the generic legislative or congressional ballot, and then only by one or two percentage points. The polls

have never had Republicans with a 9% advantage, giving credence to the claims of this being a wave year for Republicans.”

Stirling cautioned that it is still too early to tell if the Republican momentum will translate into supermajorities in the General Assembly next year.

“The real question is going to be are there enough of these voters in the key swing districts that will turn these likely Democrat seats to the Republican party,” he said.

The latest Civitas poll yielded other noteworthy results beyond the midterm campaigns. President Joe Biden's approval rating continued to remain low at 33%, compared to 60% who disapprove. Seventy-eight percent of respondents said Biden has “all” or “some” responsibility for inflation. Eighty-nine percent said inflation in the U.S. was “a huge problem.”

The trendline continues downward on sentiment about whether the U.S. is headed in the right or wrong direction, with 22% saying

right track and 72% saying wrong track.

Seventy-seven percent believe the U.S. is currently in a recession, with 13% disagreeing. Asked which metric they believe most indicates whether the country is in a recession, the runaway favorite was “prices of goods and services,” at 63%.

Asked “how difficult or easy do you find it to afford food right now?” 59% said “difficult” and 18% said “easy.” The same question on gas yielded 76% saying “difficult” and 11% “easy.”

On the question of what is to blame for high gas prices, 32% said the war in Ukraine compared to 61% who said the policies of the federal government.

A majority of respondents believe that former President Donald Trump legitimately won the election in 2016 (68%) and President Biden legitimately won in 2020 (58%).

The survey was conducted June 17 to 19, 2022, with 600 likely general election voters.

Judicial Races

continued from PAGE 1

dramatic increase in donor attention to judicial races.

He says Democrat donors appear to be more motivated and have the fundraising advantage at the moment.

“Between all changes to election laws that happen through the courts, from Wisconsin to Pennsylvania, to obviously North Carolina, all that has really energized the Republican base,” Stancil said.

“On the Left, Roe v. Wade, and the decisions on the Second Amendment, both sides are really starting to understand the importance of these statewide judicial races.”

In early 2020, Democrats had a 6-1 majority on the court, but Republicans won all three races for the high court, including flipping two to Republican.

For the chief justice race, it came down to a 100-county hand recount between Republican Paul Newby and Democrat Cheri Beasley.

Newby emerged the winner by just 401 votes out of 5.4 million votes cast.

That victory came despite the \$2.1 million Democrat Beasley spent in her campaign compared to the \$973,000 that Newby spent.

Beasley is now running for U.S. Senate and outracing her competitor, Republican Congressman Ted Budd. The winner will take the place of retiring Republican U.S. Sen. Richard Burr.

Two seats can tip the balance

In one of the seats on the November ballot, Republican Trey Allen is challenging Associate Justice Sam Ervin IV, a Democrat.

Ervin has a powerful family name in N.C. politics; his father was former U.S. Court of Appeals Judge Sam Ervin III, and his grandfather was U.S. Sen. Sam Ervin Jr., the head of the Senate Watergate Committee.

The current Justice Ervin is looking to win a second eight-year term in November. This year Ervin has voted with the majority in 98% of cases and is the only justice to have not written a dissent.

Allen is backed by Newby, Associate Justice Phil Berger Jr., and the Republican leadership of the N.C. General Assembly.

Allen is currently the general counsel for the state's Administrative Office of the Courts.

The other N.C. Supreme Court seat on the ballot is being vacated by the retiring Associate Justice Robin Hudson, a Democrat.

Hudson would have reached the state's mandatory retirement age in 2024.

Democrat Lucy Inman and Republican Richard Dietz are vying for Hudson's seat on the court. A win by Dietz would be a pickup for Republicans.

Key cases coming

The court has several cases coming up this year, including an October hearing on lawsuits filed by left-leaning groups over the state's congressional and legislative district maps.

Last year the justices rejected the congressional maps drawn by the Republican-led legislature and imposed a one-year-only map drawn by the court's three appointed “special masters.”

The legislature will be drawing another map, and, if history is any indication, left-leaning groups are likely to challenge it.

The court will also hear arguments in a case challenging the state's voter ID law that voters approved in 2018.

Justices also are expected to decide whether nearly 56,000 felons, who are newly able to vote will

continue to be able to do so, even if they have not completed their parole. This comes after the expiration of the court stay on the appellate court's decision on felon voting rights.

In addition, the high court is expected to take up the long-running Leandro lawsuit. Gov. Roy Cooper, lawyers for Attorney General Josh Stein, and other Democrats have supported a judge's order that state officials transfer \$785 million out of the state treasury for education-related expenses.

Republicans have pointed to the state Constitution that says only the legislature can appropriate state money, saying the judge's order violates separation of powers.

“We're trying to find good constitutional justices to not only run but win in North Carolina, because we really need these justices to uphold the Constitution, not just rule in favor of one party or another,” said Stancil.

Voters in 31 other states also have state supreme court races on their ballots this year.

North Carolina's is one of the most closely watched, as political action committees turn their attention and their money to these state judicial races.

In the last reporting period, Democrats had about 2,700 individual donors for the Supreme

Court races, while Republicans had 100 donors.

North Carolina also has races for the state Court of Appeals in November. There are 15 judges on the Court of Appeals serving eight-year terms, and they hear cases in panels of three.

Four of the 15 on the court have terms expiring at the end of the year.

Carolyn Thompson, a Democrat, and Julee Flood, a Republican, are running to replace Inman, who is in a race to move up to the N.C. Supreme Court. Chief judge and Republican incumbent Donna Stroud is being challenged by Democrat Brad Salmon.

Republican incumbent John Tyson is challenged by Democrat Gale Adams. Democrat Darren Jackson, appointed by Gov. Roy Cooper, is challenged for re-election by Republican Michael Stading.

Court of Appeals panels rule on cases based on interpretation of the law or legal procedure, not the facts of a case.

“My call is to Republicans and constitutionalists who want a fair judiciary,” said Stancil. “It's time to step up.”

“The Democrats and the left have stepped up — the right has not — in supporting these candidates. Money is not everything, but money sure is a lot in politics.”

Short session winds down

BY THERESA OPEKA

The N.C. General Assembly’s short session for 2022 is largely in the books. It kicked off on May 18, a day after the primary election, and shut down on July 1. But the adjournment was not complete, with a return July 26 and other brief sessions scheduled through Dec. 13. It came after the longest long session in the history of the state concluded in March.

The passage of the budget was perhaps the biggest highlight of the session.

In May, House Speaker Tim Moore, R-Cleveland, said they were going to do things a little bit differently when it came to the new budget, basically “fast-tracking” it.

Moore said House leaders were going to pre-negotiate the budget with the Senate as much as they could to speed the process — calling it “reverse engineering” — starting with a conference report and getting it resolved.

Usually, the legislature begins with competing House and Senate budget plans. Then, they end with a conference report, which represents a joint House-Senate compromise.

The \$27.9 billion budget was unveiled on June 28. It represents a 7.2% increase from the 2021-22 budget that included raises for teachers and state employees, a school safety fund, and money for capital and infrastructure projects.

“The good news: North Carolina is well-prepared to weather a recession,” said Senate leader Phil Berger, R-Rockingham.

Berger added that the state has a current surplus of \$6 billion, of which \$2 billion is expected to be recurring.

The rainy-day fund balance is projected to be \$4.75 billion at the end of the biennium, an increase from the \$4.25 billion that was projected in the last budget.

A \$1 billion State Inflationary Reserve was also created in anticipation of a recession.

Legislative leaders said they were not going to make the same mistakes state Democrats did in the run-up to the last recession with a \$3.5 billion shortfall.

“This is a reminder of where we were in 2010,” Moore told reporters in a press conference on June 28.

“Some of our predecessors really did not prepare for economic downturns. It seems clear to anyone who has filled up their car recently that a lot of policy that is happening out of D.C. is absolutely in shambles.”

Among the budget’s other highlights are salary increases for teachers and state employees.

The new starting salary for teachers is increased to \$37,000 with additional supplements. Teachers will see an average raise of 4.2%, bringing the average teacher pay raise to 6.7% over the biennium.

Over the biennium, including bonuses, teachers will receive an average of 14.2% in additional compensation.

Noncertified public school employees, like bus drivers, will receive either a 4% pay raise or an increase to \$15 an hour, whichever is greater.



Most state employees will see a 3.5% pay raise, for a 6% raise over the biennium.

State retirees will also receive an additional 1% cost-of-living-adjustment bonus, bringing it up to 4% over the biennium.

Education funding grows to an additional \$1 billion over the 2021-22 budget year, for a total of \$16.5 billion.

School safety will receive an additional recurring \$15 million for the School Resource Officer Grant program, specifically for elementary and middle schools, and an additional \$32 million for School Safety Grants to support students in crisis, school safety training, and safety equipment in schools.

The budget also calls for transferring 2% of sales tax revenue — approximately \$193.1 million — to the Highway Fund due to declining revenue to support a variety of transportation purposes, increasing to 6% in 2024-25 and thereafter.

Nearly \$15 million has also been allocated for mental health resources across the state.

Additional items include \$883 million for water and wastewater infrastructure projects, bringing the total amount available for water and wastewater infrastructure for the biennium to \$2.5 billion.

There was also \$1.8 million appropriated from the federal Help America Vote Act grant to update and maintain voter lists

and to continue enhancing election technology and security improvements.

The Senate voted 36-8 and the House 82-25 on July 1 in final votes on the appropriations bill.

Some House Democrats voiced their displeasure with the budget on the House floor.

“There are 51 Democrats that were completely cut out of the process,” said Rep. Deb Butler, D-New Hanover. “They were denied the right to influence this budget in any way, and it is a disservice to North Carolina.”

Despite the outcry from some, Democratic Gov. Roy Cooper signed the budget into law on July 11.

He had until the end of the day to either sign it, let it become law on its own, or veto it.

Given the bipartisan support the budget received from both chambers, it would have most likely survived a veto.

Cooper also announced that the state of emergency declared on March 10, 2020, due to the COVID-19 pandemic would end on August 15, which would mark 888 days of being in place.

He said it is ending because the budget included changes in the law requested by the N.C. Department of Health and Human Services.

Other highlights from the session include a last-minute victory for hemp growers and retailers.

On June 29, the Senate voted 41-2 in favor of Senate Bill 455, Conform Hemp with Federal Law, keeping hemp legal in the state and removing it from the State Controlled Substances Act.

There were some tense moments for growers and retailers once the language legalizing hemp was removed from Senate Bill 762, the North Carolina Farm Act of 2022. That bill also passed in the Senate on June 29, 43-0, and passed in the House on June 28, 99 to 13.

The vote came as a law that temporarily legalized hemp in 2015 was set to expire on June 30, which would have made it illegal to sell hemp in the state, possibly causing hemp growers and sellers to be subject to charges for possession and trafficking of marijuana online.

On June 1, the House voted 85-26 in favor of S.B. 455. It was reported that several House Republicans would have voted against the Farm Act if the hemp provision was kept in it.

A revised version of S.B. 762 was passed and Cooper signed it (July 8) and S.B. 455 (June 30) into law.

He also signed S.B.448 into law on June 14, which legalizes FDA-approved THC medications.

A separate bill, Senate Bill 711, passed by the Senate June 6, legalizing medical marijuana, could be dead on arrival in the House.

The Senate gave the approval to legalize the use of medical marijuana in the state under The Compassionate Care Act (S.B. 711), regardless of FDA approval.

It currently sits in the House Rules Committee.

H.B. 768, the 2022 ABC Omnibus, also became law with Cooper’s signature on July 7.

It is designed to decrease regulations on bar owners and expand the freedom of alcohol transportation and sales.

The House gave final passage

to the bill on June 29 by a vote of 100-9.

Not all bills discussed made it through to passage, though, including a Parents Bill of Rights.

The bill would have established a parent’s right to request information about what their child is learning in school, be informed of any health care services their child is receiving, and directed that issues like gender identity and sexual orientation may not be a part of the official curriculum until after third grade.

The Senate passed the bill along party lines on June 1, with a vote of 28-18.

But the bill never made it to the House floor.

Moore said there weren’t enough votes to make H.B. 755 into law, with at least three votes needed from House Democrats to override a likely veto from Cooper.

Moore said Republicans are feeling “very bullish” about obtaining a supermajority in the general election and this issue can be taken up in next year’s session.

The legalization of sports betting also fell one vote short in the House; and the Medical Debt De-Weaponization Act, championed by State Treasurer Dale Folwell, went no further than the House Banking Committee.

Perhaps the biggest “hold your breath” moment went to the expansion of Medicaid.

The proposal passed a hurdle on June 1 as the N.C. Senate voted 44 to 2 to pass House Bill 149, Expanding Access to Healthcare.

Berger said the three reasons he was initially against expanding Medicaid no longer hold.

He said he used to be concerned about the fiscal risk to the state budget, but the bill has two “off-ramps” for the state.

If the federal government ever changes the 90/10 funding split, he said North Carolina would be out.

As part of the initial push for the Affordable Care Act, the federal government promised to cover 90% of the costs of Medicaid expansion. That 90/10 split has remained in place under Democratic and Republican presidential administrations.

Berger failed to convince Moore and other members in the House to take up the bill for a vote.

They instead countered with Senate Bill 408, which would direct the state health agency to come up with a Medicaid Modernization Plan to expand Medicaid with work requirements for the expansion enrollees.

The bill would also require that the plan include earmarks for behavioral health and substance abuse, and expansion of health care to rural areas.

Rep. Donny Lambeth, R-Forsyth, stressed that it isn’t a Medicaid expansion bill, but rather allows for discussion and planning. The bill sits in the Senate Rules Committee for further discussion later this year.

Both chambers adjourned on July 1 to reconvene on July 26. Lawmakers have scheduled several brief sessions through Dec. 13. Some might not lead to any votes. The new regular session will begin in January.

Locke wraps ‘In the Pines’ short film

The John Locke Foundation, a Raleigh-based think tank, has recently wrapped production of its first film production: a short titled "In the Pines." We sat down with Locke's creative director, Greg de Deugd, who also produced the film.

CJ: You are the producer of “In the Pines.” What does that mean? What does the producer do?

GD: Quite a lot! But on this project, well, I first pitched the idea at Atlas Network's "Lights Camera Liberty" film festival. The pitch won the competition, and Locke received a grant and production support to help us make the film. Then, I wrote the initial screenplay and brought on some other writers to make sure it was solid. Just Add Firewater, our production partner, helped immensely to make sure it was a shootable script. After that initial creative work, the producer's job is to assemble the core creative team, casting, hiring all the crew, and making sure the director has everything he needs to make it a great film.

CJ: So why is John Locke Foundation making films?

GD: Well, we decided to expand our video offerings recently because, more and more, video is how audiences are getting their information. It was a natural build up to making films. I think films are the most effective because they're a shared experience. They can help bring people together, spur conversations, and are incredibly effective at introducing people to new ideas which they can then go and investigate, freely, on their own.

CJ: What is the story of this film, “In the Pines”?

GD: It is a short historical drama: a tragedy about three kids, young adults, who get caught up in racial and political violence in turn-of-the-century North Carolina. It's really about the possibility of love and friendship in violent times, the damage of political factions, political violence. In the face of evil and hate, can love win in the end?

CJ: Can it?

GD: It has to. But there is a lot of brutality in the world, and we have to acknowledge that violence and hate are real and cause lasting damage. There are evil forces out there, and we must fight back against them. Constantly.

CJ: You said turn-of-the-century North Carolina racial violence. Is this related to the 1898 Wilmington massacre?

GD: Yes. That violent era is the backdrop to this film. In 1898, in North Carolina, the Democratic Party and the News and Observer orchestrated what they called their “Campaign of White Supremacy.”

CJ: And can you explain the history there?



Cinematographer Bryan Redding on set with actresses Corrinne Mica, left, and Pandora Broadwater.



Actress Amara Ayler watches cast members perform a scene.



Dugan Bridges directs actress Corrinne Mica.

GD: So the Democrats controlled North Carolina for a generation after the Civil War. They briefly lost power in 1896 to an alliance of Republicans, black North Carolinians, and populists. But they were determined to regain power in the election of 1898. They didn't waste time. They made a plan they called their “Campaign of White Supremacy.” It was a massive statewide propaganda effort meant to divide the white and black coalition in North Carolina in order to win that election. They printed disgusting racist cartoons. They wrote fake news stories framing black people for crimes they didn't commit. There was violence,

voter intimidation, voter suppression.

CJ: And it worked?

GD: Yes, the lies and the violence worked. It was terrible. Hundreds were killed in the violence. Democrats won the 1898 election, went right back to institutionalizing Jim Crow laws, and then stayed in power for 100 years. I think until 2010.

CJ: There was even an actual coup in there, correct?

GD: That's right. The only coup d'etat to ever occur on American soil. An armed force

marched on Wilmington, forcibly removed the black and Republican aldermen, and installed a Democrat board.

CJ: So political violence and racism are themes of the film?

GD: Yes. Also the relationship of the past to the present. We deal with politics, but it is mainly a simple story of good and evil, these young people having their world ripped out from under them. What would it have been like for kids who grew up in Wilmington in that time? A racially diverse, relatively harmonious, and prosperous community. They suddenly have their friends become their enemies,

have their lives torn apart, and their world literally burned to the ground? All just for someone's political gain?

CJ: That sounds like a lot to pack into a short film.

GD: It's ambitious. But the short is just a vignette. And it's one out of hundreds of stories we could tell from this era. We originally wrote this as a feature-length film, so we picked just this one little piece to use as a proof of concept, so we could do it well. The real story is way bigger, and we hope to expand upon it later.

CJ: But tell us about the

ARTS & ENTERTAINMENT 11



Filmmakers working behind the scenes of "In the Pines," a short film produced by the John Locke Foundation.

DUSTIN VON RADEMACHER (DVXT IMAGES)



Kamary Craig Phillips as Williford Manning.

DUSTIN VON RADEMACHER (DVXT IMAGES)



Actors (from left to right) Raphael Siary, John Potvin, Rob Priester, and Robbie Allen.

DUSTIN VON RADEMACHER (DVXT IMAGES)

production. Did you have any problems getting people to work on the film, given its content?

GD: No, not at all. We wrote a good story. It has relevance to our lives today. I think most people would agree that the events that serve as the backdrop to the story are horrible, but they are a historical reality, and we need to reckon with it if we want to try to create a better world. We don't make progress by ignoring the past. And lying about the past is very dangerous. Maybe even more dangerous is telling half-truths about the past. We need to get it all out.

CJ: How did you cast the film?

GD: Raphael Siary did our casting. He's a trained actor himself and had amazing success lining up talent. We had over 1,200 actors apply, and we auditioned maybe 60-80 people. And we really got the cream of the crop, an extraordinary ensemble.

CJ: It's a period piece, so was that difficult to do on a small budget?

GD: Yes, definitely. But we were able to secure some tremendous historic locations, partly because they believed in the project. We shot the film in Wilmington because of the

availability of period-appropriate locations, plus there are many talented crew and vendors already there. The film commission, the city, and the county were all very helpful. It is an A+ filmmaking town. We were fortunate enough to be able to hire amazing wardrobe people, makeup artists, and hair stylists. The only way to pull off a period piece is to have those professionals in place. So we cut costs in other places so that all that value is on the screen.

CJ: And who directed this?

GD: Our director is Dugan Bridges, an immensely talented

filmmaker based in Georgia. He has done work for Dreamworks, Lionsgate, and Robert Zemeckis. He is just really good with actors as well as the technical aspects of filmmaking... a true film artist and craftsman.

CJ: What is next for the film and for the John Locke Foundation?

GD: Next we are doing post-production, the editing and music, and we'll be raising some money to finish the film. So if any of your readers want to become executive producers or get their names in the credits, we are offering that to donors. They can just call the John Locke

Foundation and say they want to be involved.

CJ: Well, the film looks great.

GD: Thanks. What we got in the can is amazing work. We will use the film to help bring attention to Locke's North Carolina History Project. But good work just builds value and leads to more opportunities. We may use this to raise money for a feature-length film, a series, or even produce more historical fiction related to North Carolina history.

CJ: Thanks for the chat!

GD: Thank you!

Democrats sweep mayoral and at-large city council races in Charlotte

BY THERESA OPEKA

Democrats dominated Charlotte's July 26 election, as they won the mayoral race and all at-large city council seats despite the coordinated efforts of a slate of young urban Republicans. Most city council seats went to Democrats as well.

Democrat incumbent Mayor Vi Lyles easily defeated her Republican challenger, Stephanie de Sarachaga Bilbao, with 49,324 votes, 68% of the total, compared to de Sarachaga Bilbao's 22,580 or 31%. The last time a Republican won the race for mayor was in 2007, when then-incumbent Mayor Pat McCrory won the race for his seventh term, making him the longest-serving mayor in city history.

Dimple Ajmera was the top vote-getter among Democrats for the city council at-large seats with 46,470 or 17% of the votes, followed by Braxton Winston with 45,771 or 16%; LaWana Mayfield, 42,323 or 15%; and James Mitchell, 42,263 or 15% of the votes. Ajmera is in contention for the mayor pro tem job with the most votes.

Republican Kyle Luebke was the top vote-getter of the slate of young Republicans pursuing a seat on the city council at-large, coming in fifth place with 28,502



Republican candidates for the Charlotte City Council Kyle Luebke, left, David Merrill, Carrie Olinski, and Charlie Mulligan.

or 10% of the vote; followed by David Merrill with 25,299 or 9%; Carrie Olinski with 24,921 or 9%. Charlie Mulligan rounded out the slate with 24,619 or 9% of the votes.

The last time a Republican won an at-large seat was 2009.

In the District 1 race, Democrat Dante Anderson was unopposed.

In District 2, Democrat Malcolm Graham had the majority of the votes with 6,937 or 82%, compared to Republican challenger Mary Lineberger Barnett's 1,512 or 18% of the votes.

In District 3, Democrat Victoria Watlington won with 4,982 or 77% of the votes over her Republican challenger James Bowers for the District 3 seat. Bowers had

1,465 or 23% of the votes.

In District 4, Democrat Renee Johnson was unopposed, as was Democrat Marjorie Molina in District 5.

In District 6, Republican incumbent Tariq Bokhari won with 9,851 or 51% of the votes compared to his Democrat challenger, Stephanie Hand, who had 9,474 or 49% of the votes. In 2019, Bokhari had a much more comfortable victory — 59% to 41%.

In District 7, Republican Ed Driggs won re-election unopposed.

Turnout was light for the election, which was supposed to take place last November but was pushed back due to U.S. Census delays. Only 12% of registered voters, or 72,497 out of 604,267, voted in the election.

Bokhari told Carolina Journal in April that he put the Republican slate together over the previous nine months because Lyles and Democrat city council members had not been meeting the needs of city residents.

"They voted themselves pay raises, voted to extend the at-large and mayor race beyond when they needed to, even though the General Assembly gave them the authority to have it in November, voted to abolish single-family zoning, and threw the police under the bus by championing 'defund the police,'" Bokhari stated.

"The real reason they refused [to hold the at-large and mayor race in November] is they knew they had just done some very unpopular things [abolish single-family zoning, giving themselves raises] expecting to have more time to have people forget. There is this litany of examples, not just of not meeting needs but also proactively doing things that logical, regular voters are kind of scratching their heads over."

Under the current city council, a lot has changed in the Queen City. Crime has increased. Total homicides in 2009 were 56, compared to 118 in 2020 and 98 in 2021.

Affordable housing is hard to come by. About 1% of area rental apartments are priced under \$1,000 per month in Mecklenburg County, which includes Charlotte.

Home purchase prices have increased by almost 20%, and public transportation, the CATS bus system and LYNX light rail, are widely criticized for inefficiency. Some can face riding the bus for 1.5 hours to get across town.

Political experts say cities like Charlotte are staying blue in their voting patterns due to the influx of people migrating from areas like New York and New Jersey in the northeast and California in the west, bringing their way of voting when they move.

Redistricting arguments

continued from PAGE 1

determined during arguments scheduled the week of 3 October 2022, or by special setting no later than 18 October 2022," according to the order signed by Justice Robin Hudson.

"In light of the great public interest in the subject matter of this case, the importance of the issues to the constitutional jurisprudence of this State, and the need to reach a final resolution on the merits at the earliest possible opportunity," Hudson and colleagues allowed a motion from Plaintiff Common Cause to speed up the case's timeline.

Barringer wrote for the dissenting Republican justices.

"Plaintiff Common Cause first requests that this Court expedite the hearing and consideration of this matter because it involves a 'significant public issue implicating substantial rights,'" Barringer wrote. "However, resolution of

this appeal will have no impact on the 2022 elections, and Common Cause fails to identify a single real-world, negative consequence that will occur if this case proceeds in customary fashion."

"In fact, it is very likely that our consideration of this case in October 2022 — the expedited scenario imposed by the majority — will instead result in considerable voter confusion since early voting for the November 2022 general elections starts on 20 October 2022," Barringer added. "Nonetheless, for no discernible jurisprudential reason, four Justices on this Court have chosen, without explanation, to allow Common Cause's motion."

Justices also split, 4-3, on whether to grant a request from state legislative leaders. Lawmakers want to dismiss their own appeal of a court-drawn congressional map.

The U.S. Supreme Court is scheduled to address the congressional map dispute in a separate case called *Moore v. Harper*. Arguments in that case have not been scheduled. They would take place after Oct. 19, when the final legal briefs are due.

Left-of-center critics of the Republican General Assembly, including Common Cause, are challenging maps drawn for state House and Senate races.

"Legislative Defendants' pursuit of their appeal will have no effect on the upcoming election but will cost significant taxpayer resources while squandering limited court resources to no purpose," Barringer wrote. "The predecessor case to Legislative Defendants' appeal is also currently under review by the Supreme Court of the United States. It is unprecedented for this Court to not allow a withdrawal under these circumstances."

"Simply put, the majority's decision to allow Common Cause's motion to expedite while not allowing Legislative Defendants' motion to with-

draw their appeal cannot be explained by reason, practice, or precedent," Barringer added. "Common Cause's motion to expedite is meritless. Legislative Defendants' request to withdraw is more than warranted. Given the absence of any identifiable jurisprudential reason, the majority's decision today appears to reflect deeper partisan biases that have no place in a judiciary dedicated to the impartial administration of justice and the rule of law."

Left-of-center critics of the Republican General Assembly, including Common Cause, are challenging maps drawn for state House and Senate races.

Both maps replaced earlier versions tossed out by the state Supreme Court. The high court had ruled that both original legislative maps, along with a congressional map, employed partisan gerrymandering that violated the N.C. Constitution.

A three-judge panel later accepted revised state House and Senate maps, labeled remedial plans, and the state Supreme Court refused to block those remedial maps for this year's elections. Now the state Supreme Court will determine whether the

state will continue to use the current maps after 2022.

The high court's latest order arrives one day after legislative leaders filed a brief defending the legislature's role in the redistricting process.

"The central question in this appeal is whether the General Assembly retains even a scintilla of discretion in redistricting or whether the judiciary has become North Carolina's redistricting authority. To ask the question is to answer it," wrote attorney Philip Strach, who represents top Republican lawmakers.

"The North Carolina Constitution vests the General Assembly with redistricting authority; that body enacted new redistricting statutes ... in response to this Court's fashioning a new 'partisan gerrymandering' limit on its authority," Strach wrote. "[T]he General Assembly is not alleged to have purposefully discriminated against the Democratic party in the State Remedial Plans. The State Remedial Plans satisfy the letter and spirit of this Court's ruling, as the partisan-fairness measurements endorsed by that ruling and adopted by the General Assembly prove."

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OPINION



CJ PHOTO BY MAYA REAGAN

Roy Cooper for president?

RAY NOTHSTINE
OPINION EDITOR



A few years into his first term, Democrats are already searching for President Biden's replacement. It's not only because of his failed presidency, but age is a factor, too. Other presidents have turned around their tanking polls, such as Bill Clinton in the mid-1990s. Yet, Biden's low energy, bumbling speech, and commitment to ineffective policies are an even harder sell for Democrats in 2024. Gov. Roy Cooper is a name that continues to attract attention, but he has several obstacles to overcome if he's seriously interested in the presidency.

Cooper checks almost all the right boxes for Democrats. In fact, unlike some Southern Democrats, one would be hard-pressed to find

a single issue that Cooper differentiates himself from Biden or national Democrats. The Washington Post's quarterly Democratic presidential candidate ranking for 2024 puts Cooper in sixth place, calling him "the leading contender you hear the least about." In a July column, Ned Barnett at the Raleigh News & Observer heaped praise on the idea of a Cooper candidacy.

Clinton's victory in 1992 and reelection in 1996 reminds Democrats of the success at winning with a Southern governor. Before Clinton, Democrats lost three straight presidential elections. Besides John Bel Edwards of Louisiana, who is pro-life and a nonstarter for the presidential nomination of the party, Cooper is the only Democrat governor in the South.

Cooper has left behind any moderate positions he once held long ago. Still, perhaps his Southern accent and folksy mannerisms can contribute to a more moderate image at the national level. It seems to have worked, at least



Cooper checks almost all the right boxes for Democrats. In fact, unlike some Southern Democrats, one would be hard-pressed to find a single issue that Cooper differentiates himself from Biden or national Democrats.

overall, in North Carolina. He's won twice now when being on the same ballot as Donald Trump.

Cooper deftly picks his battles with the Republican-led General Assembly and sidesteps some of the more supercharged cultural controversies. However, that's an almost impossible task in a presi-

dential campaign.

Whether he deserves much credit, North Carolina's ascendancy as the top state for business elevates attention toward Cooper and his résumé.

To the chagrin of free-market organizations, Cooper lavishly doles out tax incentives to more prominent corporations looking to relocate to the state. Business acumen, or at least the perception of it, may be highly valuable after Biden's disastrous economic policies. That's a clear advantage for the governor.

Cooper may be construed as a too-safe pick, though. Biden was considered safe — a mainstay of the Democrat Party — and a former vice president, but he's now below Donald Trump's popularity basement, and fatigue over him seems settled. Furthermore, while North Carolina media is one of Cooper's biggest cheerleaders, it's unlikely the national media will have the same level of adoration for Cooper. He's

not a minority — an increasingly prized trait in Democrat circles — or as openly aggressive as some of his Democrat counterparts.

Cooper's far from a prolific public speaker and doesn't seem like he'd be particularly skilled in retail politics like a Clinton or Barack Obama.

A lot of Cooper's appeal makes little sense for Democrats outside of North Carolina. For all his political skills and his leadership of the Democratic Governors Association, Cooper's kind of a boring guy who doesn't emanate much excitement. Still, since Biden's collapse appears almost inevitable, Democrats may reach for a less known or predictable option. That makes a Cooper candidacy a little more possible, yet still unlikely.

Ray Nothstine is Carolina Journal opinion editor and Second Amendment research fellow at the John Locke Foundation.

North Carolina's decade of tax reform

DONALD BRYSON
CONTRIBUTOR



“Powered by an economy that has hit its stride, and turbocharged by a long track record of innovation, North Carolina is America's Top State for Business in 2022.”

That is how CNBC described the Old North State in its announcement on July 13, and citizens, lawmakers, and the business community should be proud.

But it has not been a quick or easy journey for North Carolina. It is important to remember how we got to this moment.

Ten years ago, in July 2012, our economy was floundering, and unemployment hovered around 9.5%. Since then, we've added more than 645,000 jobs, and the unemployment rate is below pre-COVID lockdown rates at 3.4%, according to the Bureau of Labor Statistics. That's a lot of folks who are better off now than they were then. And there's no doubt that their improved fortunes are at least somewhat attributable to our state tax cuts.

Since 2013, our corporate income-tax rate has dropped from 6.9% to just 2.5% — the lowest rate nationwide in states with a corporate tax. Even better news is that it will phase out entirely by 2029.

In 2013, the General Assembly passed the Tax Simplification and Reduction Act, and then it was signed by former Gov. Pat McCrory. The bill's purpose was



Entrepreneurs, business leaders, and investors are the engine of the state's economy. They create the jobs.

to reform and flatten North Carolina's tax rates for all income taxpayers to a rate of 5.8% beginning in 2014. At that time, our individual income tax had a top marginal rate close to 8%, while the lowest tier was 6%.

With subsequent tax reform legislation, North Carolina's individual income tax rate has decreased to 4.99% while the standard deductions has increased for all taxpayers.

Because of these reforms, our state made the “most dramatic improvement” in the history of the nonpartisan Tax Foundation's State Business Tax Climate Index,



Powered by an economy that has hit its stride, and turbocharged by a long track record of innovation, North Carolina is America's Top State for Business in 2022.

jumping from 44th to 12th in just one year. Now, North Carolina ranks 11th in this index. The Tax Foundation's analysis found that

if the tax policies from the 2021 state budget were implemented immediately, North Carolina's ranking would jump to the fifth-best state business tax climate.

The path to North Carolina's economic success has not just been about tax cuts. The remarkable thing about the economic impact of the tax reforms is that the state government freed up capital to allow for job creation and wage growth; the state government did not create the jobs itself. Entrepreneurs, business leaders, and investors are the engine of the state's economy, and they created the jobs.

And the Old North State's economic philosophy of the past 10 years has not been without detractors.

Naysayers from the political left warned that revenues would plummet and our state would face a budget crisis. Among them was Alexandra Sirota, director of the left-leaning North Carolina Budget and Tax Center, who predicted in 2013 that the cuts would “weaken North Carolina's tax system and broader economy.” She also said they would “[jeopardize] our future by undermining the long-term ability of our state to maintain the building blocks of a strong economy.”

Happily, Ms. Sirota and others have been proven wrong.

Politicians have also been critical. As a candidate, then in his first years as governor, Roy Cooper often criticized the Republican-led General Assembly's tax reforms, describing them as “corporate tax giveaways.” But results tend to be compelling things, and on Nov. 18, 2021, Cooper signed his first budget after five years in office and put income tax reductions and a corporate tax phase-out into law.

It is an exciting time to be involved in North Carolina's economy. Corporations are relocating here, and recent data indicate that venture capital investments are rising. If state lawmakers can continue to apply the principles of small government, free enterprise, and fiscal discipline to economic policies, then the brightest days for our state economy are still ahead of us.

BOOK REVIEW

Conservatives have a lot to learn from the past

RAY NOTHSTINE
OPINION EDITOR



A master at synthesizing information is one way to describe Matthew Continetti's 100-year history of conservatism. In the weeds and details of the conservative movement is where his account shines. Overall, despite his joyous recollections of the glory days of mid-2000s neoconservatism, the account is mostly fair. He's much less sympathetic to figures like Pat Buchanan and Donald Trump. After all, the author is married to the daughter of Bill Kristol and got his start at The Weekly Standard, the once influential but now defunct flagship publication of neoconservatism.

Continetti covers a hundred years, starting with Warren Harding and Calvin Coolidge — the return to normalcy — something Americans desperately wanted after foreign interventions and the progressive era. He transitions through monumental figures on the right like Willmore Kendall, Russell Kirk, Richard Weaver, and Whittaker Chambers — to name just a few — with relative ease.

I appreciate his attention to Michael Novak and Richard John Neuhaus. Both



played a substantial role in my spiritual and economic formation after seminary. They both deserve praise for being authentic, generous individuals who cared deeply about people. Novak particularly rooted the vision of free markets and liberty in a Christian understanding of the person. Markets, when oriented toward good, have a unique ability to elevate not just material capital but human capital as well.

National Review founder William F. Buckley receives the considerable credit he deserves. There was much less unified coherence or political energy to conservatism before the rise of Buckley. After World War II, conservatism struggled for relevancy in the initial wake of the New Deal. “The ability to see where the joints of the American Right lined up was one rea-

son Buckley's leadership of movement conservatism was such a success,” writes Continetti. Fusionism took off under Buckley and during the Cold War when anti-communists, economic libertarians, and social conservatives joined forces because of external threats to liberty and the leftward drift of Democrats with the rise of the New Left. Buckley worked on writing out many of the more extremist elements in politics like John Birchers or other right-wing conspiracy theorists.

That broad fusionism is now frayed, to put it mildly. Fusionism culminated in the rise of Ronald Reagan and George W. Bush to a lesser extent. The conservative crack-up accelerated under Bush with his neoconservative regime-change foreign policy and big-govern-

ment-light “compassionate conservatism.” Attachment to big government is problematic even when wrapped in a religious cloak.

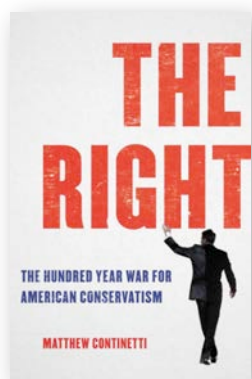
Bush's presidency helped fuel an erosion of trust in institutions, particularly given government-backed bailouts for corporations. The result of his tenure is a more aimless conservatism that tried to define itself rather erratically in a post-Cold War world. While undoubtedly a decent human being, it's hard to imagine that Bush's legacy will look any better in time, given the war and his relatively half-hearted defense of conservatism.

Continetti views Trump as the cause for a “Republican Party out of power” and “conservatism in disarray.” However, it's much more nuanced than those simplicities. The brokenness of Washington plays a pivotal role. He also links Trump to Charles Lindbergh's fascist sympathies, Birchers, and former Democrat governor and presidential candidate George Wallace. That seems to be the overarching reason he included those figures in his account, ensuring they're tied to Trump's legacy.

Continetti doesn't seem to have many solutions for the direction of conservatism today. Likewise, there is still far too little explanation of why institutions are failing. Many of those consequences pre-

date Trump and loss of confidence in the Republican Party because of lousy leadership by figures like former House Speaker Paul Ryan, who once touted himself as a “young gun” but did little to nothing to control overspending in Washington and ultimately became another creature of Beltway status quo.

The author again reinforces that conservatism must be rooted in the American Founding. He's dead-on in saying, “there would be no American conservatism without the American founding.” Near the end of the book, he quotes notable Harvard professor Harvey Mansfield, who believes the “principal task of conservatism is to save liberalism from the liberals.” That seems like a political definition for winning elections rather than rediscovering the beauty and truth so vibrant in conservative thought. Ultimately, Continetti does an excellent job synthesizing history. Still, there's not much new in this account if one already studied the topic. Among other books on the history of conservatism, Alfred Regnery's “Upstream: The Ascendence of American Conservatism” stands out. This account is impressive, but some readers will find themselves desperate for an even richer explanation of why conservatism is so appealing in a world going mad.



THE RIGHT: THE HUNDRED-YEAR WAR FOR AMERICAN CONSERVATISM
Matthew Continetti

How can we slow the increase in house prices?

MICHAEL WALDEN
CONTRIBUTOR

In 2020, the average house price rose 11%. In 2021 home prices jumped another 19%. And, if the price gains in early 2022 continued for the entire year, the price of the average home would increase 28%. Including compounding, this would mean an astounding 69% rise in home prices over three years.

Importantly, the methodology for generating the numbers only compares repeat sales for the same homes. Hence, none of the price gains are due to comparing bigger or better homes to smaller homes or those of lesser quality.

Like many things, the pandemic has had an impact on home prices. Historically low interest rates plus stimulus checks and other federal financial assistance motivated more home-buying. At the same time, economic shut-downs and slowdowns increased the cost of construction materials.

So will house prices ever come back to earth?

Not necessarily. Even before the pandemic, home prices were increasing faster than household income, especially in metropolitan areas. The reason is simple. Metro regions have experienced substantial economic expansion during the 21st century. They are home to growing industries like technology, finance, health care, and professional services. Metro areas also have colleges and universities that train highly educated graduates to work in these sectors.

As a result, more households have moved to metro areas for work. Over 80% of the nation's population now lives in metropolitan regions, even though those regions account for only 3% of the



Downtown Raleigh: Tactics that encourage more construction include changing zoning to allow more density per land area, meaning more housing units can be built in the existing space of the community.

nation's land mass. We have also seen this shift in North Carolina.

Housing requires land, and as more people have moved to metro areas, that land becomes more expensive. The higher land costs are then passed on to higher prices for homes and more expansive rents for apartments. Certainly, households can move to the outer edges of metro regions where land is less expensive, but then they often must endure long and congested commutes to access jobs, shopping, schools, and entertainment.

What can be done? Some communities have imposed controls on housing prices, particularly for apartment rents. While such controls can provide immediate relief, research also shows the controls can result in less maintenance and repairs for units, and can also discourage construction of new units.

Another possibility is public subsidies for housing. For example, rents or mortgage payments paid might be set at some percentage of the household's income. Costs above that would be paid by a governmental body. Some communities have these or similar programs, but they are very limited in the number of households assisted.

The reason is these programs can become very expensive, very fast. Each year households spend near \$1 trillion on their house

payments and rents. Subsidizing even a small part of this amount can quickly create a major expense for government.

An alternative is to approach the issue from the supply side by encouraging more construction. Tactics include changing zoning to allow more density per land area, meaning more housing units can be built in the existing space of the community.

However, zoning changes are not without controversy. Residents who bought homes in a neighborhood because of its low density might feel cheated from a zoning change allowing higher density. There are also concerns about higher densities reducing open space.

Another supply approach is to alter local regulations to allow lower cost construction methods, such as modular construction. Here, the components of a dwelling are made in a factory and assembled at the dwelling's site, potentially reducing costs 10 to 20% compared to "stick-built" construction where the entire structure is built on site.

Lastly, some futurists think the high cost of urban housing could be defeated by remote work. For remote workers, daily access to a work site in the city will not be a necessity.

Plus, as drone delivery of products and online delivery of services such as education and medical care become more widespread, living in rural and small-town areas where housing costs are cheaper will become more plausible and likely.

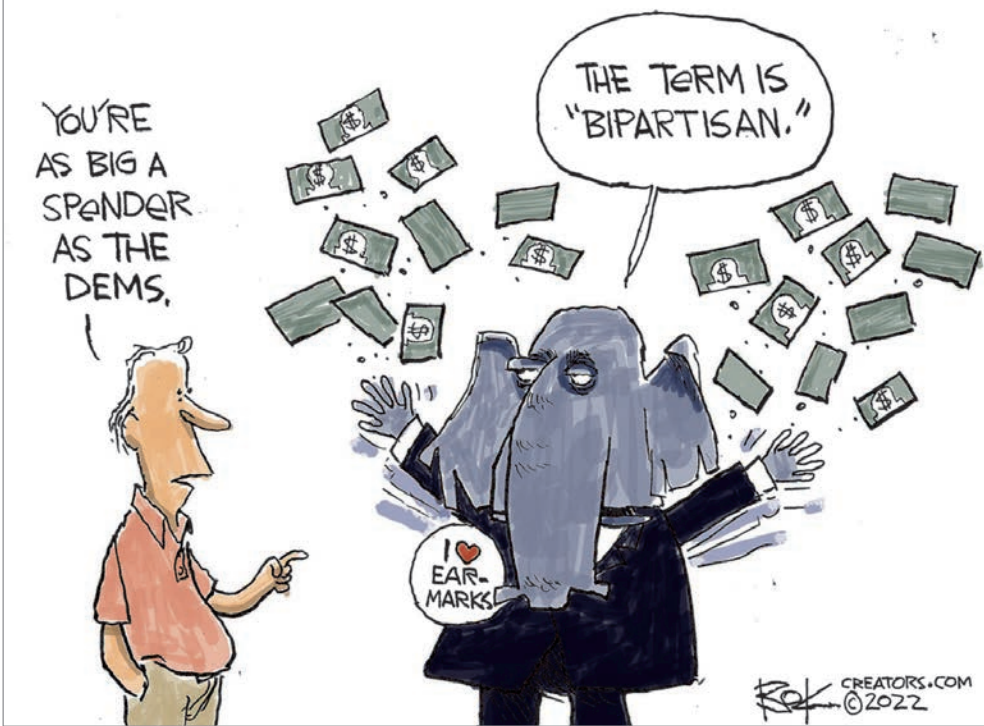
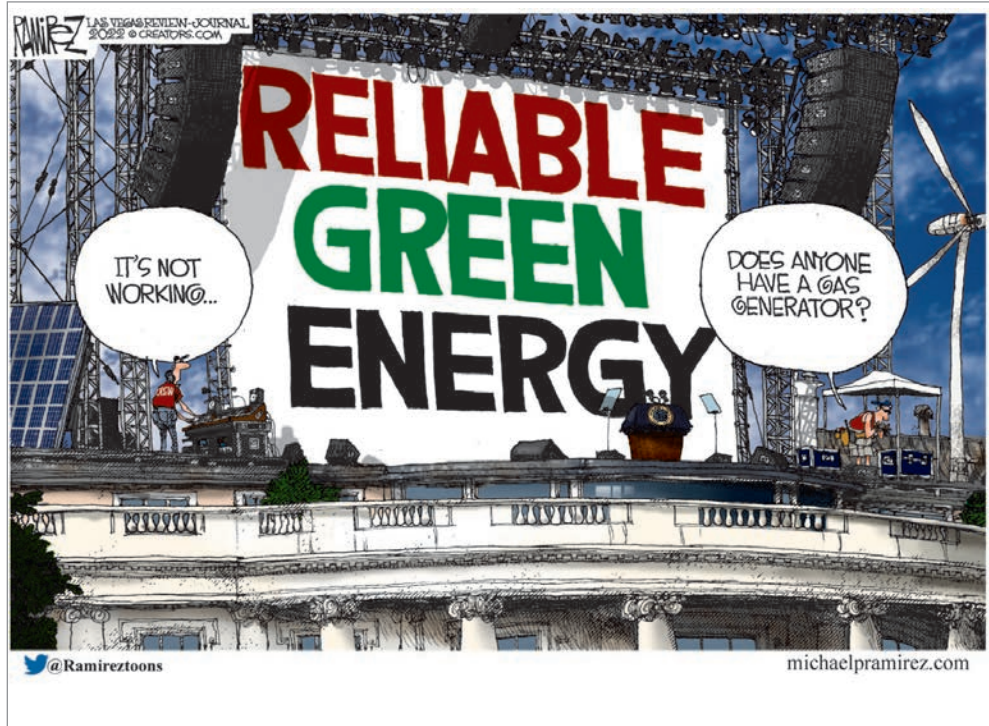
For housing, the future may be different, and hopefully less costly!

Michael Walden is a Reynolds Distinguished Professor emeritus at North Carolina State University.

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CARTOONS



Today's inflation woes should surprise no one, Forbes argues

MITCH KOKAI
CONTRIBUTOR

Count Steve Forbes among those who are unsurprised about today's high inflation rate.

"The surprise was how long it took to come," said Forbes, chairman and editor-in-chief of Forbes Media and a two-time Republican presidential candidate. "The Federal Reserve was debasing the dollar or undermining its value before the COVID crisis. It went on a money-printing spree last year."

"They've managed to neutralize that through a gimmick, which eventually will fail," Forbes added in a recent one-on-one conversation with Carolina Journal. "The big surprise, though, is how this administration, [which] just for political reasons you'd think would want a booming economy, but is instead throwing up barriers to commerce."

Example No. 1, in Forbes' view, is the Biden administration's "war against fossil fuels." Policies that limit the supply of energy based on fossil fuels raise costs and prices. "Guess what? You see it at the gas pump," Forbes said. "Not good for the November elections. Not good for the economy."

Many of us think of rising prices when we hear the word "inflation." Forbes corrects the record, both in the conversation and in the new book, "Inflation: What It Is, Why It's Bad, and How to Fix It."

"Governments for hundreds of years mistake symptoms for the cause," he explains. "Rising prices are the result of inflation, not the cause of inflation. That's why you see governments like the Biden administration blaming oil producers, meat producers, Vladimir Putin. ... In Roman times, they blamed Christians. In medieval times, they blamed witches for rising prices."

Inflation springs from two possible sources, Forbes says. "One is reducing the value of money, which usually comes from creating too much of it. The other is nonmonetary, like say you get a drought, which will raise prices of crops."

Government lockdowns linked to COVID-19 helped contribute to the second form of inflation. "We disrupt supply chains everywhere and create shortages," Forbes said. "Those will send up prices."

This nonmonetary inflation poses little long-term risk if government stays out of the way,



Steve Forbes: "If we deal with it now by getting the government out of the way, which I hope will start when we get a new Congress in November, and by the Federal Reserve focusing on the integrity of the dollar rather than trying to depress the economy, we'll get through this in pretty good shape."

mir Putin. ... In Roman times, they blamed Christians. In medieval times, they blamed witches for rising prices."

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Government lockdowns linked to COVID-19 helped contribute to the second form of inflation. "We disrupt supply chains everywhere and create shortages," Forbes said. "Those will send up prices."

This nonmonetary inflation poses little long-term risk if gov-

ernment stays out of the way, Forbes says. He points to the massive economic changes Americans faced in a transition away from a wartime economy in the mid-1940s. "If you leave the economy alone, it eventually will work those things out."

That's not Biden's approach. "This administration, instead of letting things work out, is making things worse," Forbes said. "New regulations, new barriers to doing business. Then they blame not themselves but everyone else."

Beyond the Biden administration's failures, Forbes sees problems with the overall approach toward inflation since the 1990s. "After periods of high inflation

like we had in the '70s, it's followed by low inflation," he said. "But over time, that is disruptive economically. The dollar's lost 90% of its value in the last half century."

"It also undermines what you might call social trust," Forbes added. "People cease to trust each other. They don't understand why prices are going up. They start pointing fingers. It's like acid on the economy."

A shift away from sound money has led to a decline in economic growth, from 4.2% in the immediate post-World War II decades to 2.7% in more recent times, Forbes said. "That doesn't sound like very much, but you compound that

over 50 years, [and] the result has been devastating," he said. That's the difference between a median household income of \$67,000 under current conditions versus \$100,000-\$110,000 with a more solid dollar.

Forbes urges a return to the government monetary policies pursued from "the late 1980s to the late 1990s." At the Federal Reserve, Chairman Alan Greenspan "loosely" tied the dollar's value to gold, leading to a period described as the "Great Moderation."

"That's one way to do it, and probably — under current circumstances — about as best as we can hope, a sort of half-baked gold standard," Forbes said. "The real answer is to do what we did for 180 years: Have the dollar fixed to gold."

That leads to a stable dollar. "If money's not stable in value, you get less productive long-term investment," Forbes said. "We know fixed weights and measures are essential for good, functioning markets."

Forbes sees some signs for hope. "If we deal with it now by getting the government out of the way, which I hope will start when we get a new Congress in November, and by the Federal Reserve focusing on the integrity of the dollar rather than trying to depress the economy, we'll get through this in pretty good shape."

"But the longer you wait, the more you do these crazy things they're doing, the higher the price we're going to pay."

If voters focus this fall on inflation and its impact on their lives, they could steer the federal government toward the path that features Forbes' fix.

Mitch Kokai is senior political analyst for the John Locke Founda-

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.

A vintage-style typewriter with a lightbulb balanced on top of it. The typewriter is light blue and has a sheet of paper coming out of it. The lightbulb is glowing.

THE CAROLINA JOURNAL

Voter ID should have been settled

JOHN HOOD
CONTRIBUTOR



Movie sequels are almost always worse than the original films. Notable exceptions, such as this summer’s “Top Gun: Maverick,” merely prove the rule. For every “Empire Strikes Back,” there’s a “Highlander 2: The Quickening,” “Halloween Kills,” and “Police Academy 4: Citizens on Patrol.”

If efforts to enact a voter identification requirement in North Carolina were a motion picture franchise, the current box office bomb would be titled something like “Carolina ID 5: Voters Against Democracy.” Its baldly implausible plot is that self-styled defenders of democracy have gone to court to overturn a voter ID requirement added to the state constitution by a voter referendum. “Let the will of the majority prevail,” warns one of the supposed protagonists, “and that will destroy democracy!”

As I have argued many times, an overwhelming preponderance of evidence shows little to no effect of ID requirements on voter turnout. As long as requirements are clearly stated and citizens without an ID receive state assistance to get one, the policy is reasonable.

Such arguments should have settled the matter years ago. In 2013, the General Assembly enacted an election law bill that included voter ID among its provisions. Republican Pat McCrory, then governor, signed it into law.

Progressive plaintiffs sued in federal court. They lost. U.S. District Judge Thomas Schroeder concluded that however debatable the bill’s merits might be, there was no evidence of discriminatory intent or other violations of federal laws or constitutional provisions.



The plaintiffs appealed. In 2016, a three-judge panel of the Fourth Circuit Court of Appeals tossed aside Schroeder’s findings of fact — itself a rare and questionable act — and proclaimed that the bill’s provisions “target African Americans with almost surgical precision.”

I bet you’ve heard that phrase many times since. But it never had any basis in fact. And it should never have been the last word.

McCrory, House Speaker Tim

Moore, and Senate leader Phil Berger assumed that the state would appeal the decision. They had every reason to expect — and subsequent decisions in other cases have buttressed their expectation — that the U.S. Supreme Court would have overturned the Fourth Circuit and allowed North Carolina’s voter ID rule to take effect.

Roy Cooper defeated McCrory to become governor. He and his Democratic replacement as attorney general, Josh Stein,

surely agreed with the Republicans that the state would likely prevail. So they sabotaged the case. They refused to appeal. Moore and Berger tried to do it themselves, using their own counsel, but the justices were apparently unsure who was representing whom and declined to accept it.

Cooper and Stein have never received the scorn they deserve for this. Nevertheless, I also hold the Supreme Court responsible for failing to sort the matter out

properly back in 2017.

Fortunately, they’ve now done so in yet another installment in the franchise — perhaps “Carolina ID 6: Disorder in the Court” — by issuing an 8-1 decision affirming Moore and Berger’s right to hire legal representation on the state’s behalf in yet another voter ID case.

The justices should have accepted that argument back in 2017. It would have saved us from some dreadful sequels.

THE CAROLINA JOURNAL



NOTICIAS CAROLINA

REGÍSTRATE PARA RECIBIR NUESTRO BOLETÍN INFORMATIVO SEMANAL PARA ACTUALIZARTE SOBRE LOS ÚLTIMOS ACONTECIMIENTOS EN CAROLINA DEL NORTE.

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N.C. Democrats have big money advantage. Will it matter?

DALLAS WOODHOUSE
CONTRIBUTOR

Democrats in North Carolina and nationally face serious headwinds. Team Biden is cratering. His approval ratings are low. Inflation is high. History works against the Democrats.

The Democrats have serious problems. Mostly the Democrats have serious problems because the country has serious problems and they are in charge.

However, there is one area where Democrats do not have problems. Campaign money. Democrats have lots of it.

In two of the most critical areas of the 2022 election, North Carolina Democrats are likely to outspend Republicans, perhaps massively.

As Republicans thirst to capture one of two state Supreme Court seats on the ballot to win a partisan majority, they face a severe campaign cash problem that could be decisive.

Thankfully, campaign money is not the sole factor in election outcomes. If it was, Republicans would be up the creek without a well-financed paddle.

U.S. Senate

Congressman Ted Budd enters the fall campaign at a funding disadvantage. The most important numbers are that Democrat Cheri Beasley has \$4.8 million on hand compared to Republican Ted Budd's \$1.7 million. Roughly speaking, Ted Budd could buy two to three weeks of statewide television ads. Beasley could buy six. That is a problem. However, Budd had a competitive primary, and Beasley did not. He will catch up some but will still be outspent in candidate dollars and in over-



Democratic U.S. Senate candidate Cheri Beasley poses with a protester concerned about the U.S. Supreme Court's Dobbs decision.

all spending, which includes outside groups.

Woodshed insights

Beasley should have more money at this point, and she does. More money for or by Beasley is essentially assured in this race. Republicans won the U.S. Senate race in 2020 and the last four. Since 2002, Republicans have won six of the last seven U.S. Senate races in North Carolina. The three most recent times Democrats have won U.S. Senate elections: 1986 (Terry Sanford), 1998 (John Edwards), and 2008 (Kay Hagan). Those were all strong

Democrat years. This year is not. If Ted Budd continues to run an error-free campaign, outside spending will help Budd have enough money to win. However, it won't be easy. Any notion that Budd can put Beasley away early is pure fantasy. It will be a dog fight to the end. Look for this to be the closest major race in North Carolina.

Beasley will have to outspend Budd by several million to be competitive with Budd, due to the GOP advantage in 2022, and the Woodshed is sure she will.

Budd will need former president Donald Trump and national Republicans to help raise money

for him. The fact that he should win in 2022 does not mean he will.

Legislature

The Woodshed has maintained for several months that if the election were held today Republicans would capture supermajorities in both chambers of the General Assembly. We stand by that belief. When it comes to campaign cash in 2022, Republicans control the levers of power in the General Assembly and will be able to raise enough money to capitalize on the favorable political environment. It's hard to make apples-to-apples comparisons here. Republicans' state House and Senate political operations will raise more than their Democrat counterparts. However, Gov. Roy Cooper is a prolific fundraiser and will help fund the Democratic efforts to try and stop the GOP from picking up a handful of seats to capture supermajorities that would make Cooper and his vetoes irrelevant. Outside spending will be a factor — how much, we just don't know.

State Supreme Court

Two Democratic-held seats are up for election this year on the N.C. Supreme Court. Democrat Lucy Inman and Republican Richard Dietz, both judges on the state Court of Appeals, are attempting to replace retiring Democrat Robin Hudson. Incumbent Justice Sam "Jimmy" Ervin will face Republican Trey Allen for the other seat. Democrats now hold a 4-3 majority on the high court. Republicans only need to win one of two to capture a state Supreme Court majority.

Trey Allen is already at a massive disadvantage. He has \$150,000 cash on hand whereas Justice Ervin has slightly over \$500,000.

Likewise, Dietz only has \$318,000, while Inman has \$1.1 million.

Still, this matters little. Independent expenditures or outside spending on behalf of but not coordinated with candidates plays a much more important role in North Carolina's statewide judicial races than candidate spending. Outside groups spend millions more than the candidates themselves. More important is the partisan performance of each political party in the election.

Millions were spent in the elections, and no candidate performed more than a point or two above or below what their party's candidate did for the presidency.

However, across Raleigh Democrats are telling potential donors and allies that they are building a massive war chest to try and save the state Supreme Court majority. Democrat consultants are making presentations and pitches that indicate they are prepared to spend a massive \$10-15 million to try and save the court. Republicans I have spoken with expect this to be true.

Republicans are not positioned to match that kind of spending, and in the current environment don't have to. Democrats have to spend a ton more to win.

Democrats have massively expanded government under the Biden administration. People who want or are already getting something from the government become highly motivated political actors and donors. We are seeing it in every race. Democrats are flush with cash.

North Carolina is getting ready to witness a fascinating political experiment. Just how much can a massive fundraising advantage help overcome a horrible political environment fueled by massive systematic failures by those who control 1600 Pennsylvania Ave and Congress?

Fudge blocks law

continued from PAGE 2

-vestigating a 2020 campaign ad from Stein that generated a complaint from his then-opponent for attorney general, sitting Forsyth County District Attorney Jim O'Neill. Stein's ad accused O'Neill of leaving hundreds of rape kits untested and "sitting on the shelf" during his tenure as a DA. O'Neill had no personal control of the rape kits. Responsibility for testing them had as much or more to do with the state crime lab under Stein's control as the state's attorney general.

Under the 1931 law in question, the NCSBOE and Wake County DA's office investigated whether Stein's campaign knowingly used false information in the ad. Eagles' injunction blocks the Wake County district attorney from taking action against

Stein and other plaintiffs in connection with the disputed law.

"The balance of the equities favors an injunction protecting the First Amendment right of the plaintiffs and other political candidates to free speech," Eagles wrote in the order.

In the 1980s, Eagles married into a prominent family of N.C. Democrats that include retired N.C. Court of Appeals Chief Judge Sid Eagles. Catherine Eagles was appointed to the Superior Court in Guilford County by then-Gov. Jim Hunt and to the federal District Court by President Barack Obama.

Over the years, Sid Eagles and his family have been fixtures in N.C. Democrat judicial politics and regular donors to the N.C. Democratic Party, Gov. Roy Cooper, and Stein. Just a day after Stein filed the suit in federal court, it was announced that Catherine Eagles would hear arguments the following Monday in Greensboro.

Stein's campaign hired a law firm outside of the state's Department of Justice. For now, his campaign would presumably pay

for his lawyers, but private attorneys representing the State Board of Elections and Wake DA Lorrin Freeman would be paid by taxpayers.

While Stein is suing the NCSBDE and Wake County DA over the "archaic" law, as he puts it, he has not sued the state legislature, which was the body that passed it in the first place. But then again, the General Assembly was not about to indict him, nor could it.

This isn't the first high-profile case for Democrats that had Eagles on the bench.

In 2016, she served on the three-judge panel that ruled that 28 of North Carolina's 170 state legislative districts were illegal racial gerrymanders and unconstitutional. Seated with Judges James Wynn and Thomas Schroeder, Eagles was the deciding vote in favor of plaintiffs Common Cause and the NAACP, who opposed the Republican legislature's maps.

In 2012, Eagles presided over the trial of former presidential candidate John Edwards, when he was accused of misusing cam-

paign funds to support his mistress. He was found not guilty on one count of campaign finance violations, and the jury deadlocked on five other charges. Eagles eventually declared a mistrial.

The Stein case is not her first political rodeo.

This case also comes on the heels of Stein's announcement that he would not seek to have the injunction lifted in the Bryant v. Woodall case challenging the state's ban on most abortions after the 20th week of pregnancy, despite the U.S. Supreme Court's Dobbs v. Jackson Women's Health decision that returned abortion law decisions to state legislatures. N.C. Senate leader Phil Berger and House Speaker Tim Moore had sent a letter to Stein asking him to work to have that injunction lifted. Berger and Moore have signaled their interest in having the abortion law reinstated, with or without Stein's help.

For those close to Raleigh's center of political power in North Carolina, Stein appears to be the Democrats' heir apparent to run for governor when Cooper

departs. Cooper, by the way, was North Carolina's attorney general for 16 years. Rape kit testing problems first cropped up on his watch.

Since taking office in 2017, Stein has mostly kept his head down and his messaging in the middle of the road. He has been measured in his response to demonstrations over bathroom access, critical race theory, and other hot-button cultural issues that have at times sucked Cooper into wokeism. However, as political fundraising gears up and Democrats look for ways to divide frustrated unaffiliated voters, this case shows that Stein is willing to tap into the "all's fair in politics" gamesmanship that comes from the same partisan playbook as his predecessor.

At a time when North Carolinians are struggling to educate their children and put fuel in their tanks, it's time to stop playing the political games of cronyism and stop trying to blur the separation of powers in state government. Voters are watching, and they know when leaders cross that line.

Government got COVID mostly wrong

JOHN HOOD
CONTRIBUTOR

I'm a liberty-minded conservative, not an anarchist. I think government is inevitable and necessary, but its legitimate scope and practical competencies are rather limited. The many public-policy failures during the COVID-19 pandemic illustrate the point well.

For the most part, these failures were about competency, not legitimacy. As I argued when the COVID crisis began, combating communicable disease has always been a proper exercise of the police power enjoyed by states and localities. And reacting to truly national emergencies is one of the few powers properly enjoyed by the federal government.

Alas, when the time came to deploy these powers in a prudent manner, public officials mostly blew it. In Washington, the Centers for Disease Control and Prevention excluded private firms from offering rapid testing and



Dr. Mandy Cohen, appointed secretary of the North Carolina Department of Health and Human Services by Gov. Roy Cooper

then bungled the release of its own test kits. Congress and the executive branch (under both Donald Trump and Joe Biden) ran massive fiscal deficits to fund massive expansions of cash relief, unemployment insurance, business sub-

sidies, Medicaid, and aid to state and local governments.

While some fraction of this largesse might have been justified if judiciously spent, that's not how things worked out. Billions of dollars flowed to households, busi-

nesses, and local jurisdictions that were never at significant financial risk.

Speaking of school closures, public officials in North Carolina and most other places got that policy wrong, too.

At least by the start of the 2020-21 school year, it was obvious that the costs of closure, in both educational and economic terms, far outweighed any health and safety benefits.

As a longtime advocate of devolving power away from Washington, I will freely admit that the greatest public policy success during the pandemic was a federal one: Operation Warp Speed, which used a combination of financial rewards and regulatory relief to encourage the rapid development of effective vaccines by private companies.

If you look at COVID death rates adjusted for age, obesity, and other risk factors — and you should only be looking at the data that way — the statistical relationship between vaccination rates and mortality is unambiguously negative.

That is, the vaccines clearly re-

duced the severity of the illness and somewhat reduced the chance of getting it.

On the other hand, when researchers study state and local policies such as school closures, shutdowns, and limits on public gatherings, they typically find little-to-no relationship between the stringency of state and local restrictions and health outcomes.

What they do tend to find is that places with more stringent regulations had larger job losses during the height of the COVID recession.

While North Carolina and other states have largely recovered from the economic costs of the shutdowns of 2020 and 2021, the same can't be said for the economic costs of the federal government's policy errors during the pandemic.

By adding trillions of dollars to the federal debt while vastly expanding the money supply, Washington set the stage for our current inflation crisis as well as the recession that may well follow it.

Government coercion is a blunt instrument, best used sparingly. We've just relearned this timeless lesson.

THE CAROLINA JOURNAL

ONLINE
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Winter is coming

continued from PAGE 2

cleaner. Renewable energy, green jobs, and a cleaner future — what's not to like?"

Colorado ditched its 30% mandate a while ago in favor of 100% renewables by 2040. As a result, electric rates have skyrocketed.

It's an effective way to keep out the peasants.

What Tyler and other renewable zealots don't tell you is that converting those sources to electricity is wildly expensive. In terms of reliability, the cost is even higher.

It also puts us in a subservient position to China, which controls roughly 90% of the global market of rare earth elements needed to manufacture solar panels and wind turbines.

To answer Max Tyler's question — "what's not to like?" A lot.

Gov. Roy Cooper and the environmental left want a similar path for North Carolina.

They want zero carbon dioxide emissions from electricity generation, and they want to use industrial wind and utility-scale solar and batteries to meet that goal.

Meanwhile, most ratepayers want affordable, re-



North Carolinians would assume all risk from Duke Energy's plans for zero carbon emissions.

liable, abundant electricity to power their homes, businesses, hospitals, schools — their entire way of life.

Those objectives aren't compatible. Anyone who tells you they are is lying.

In the words of energy analyst Mitch Rolling, "You can't have a clean grid without hydro and nuclear. It's never been done. You can have a clean grid without

wind and solar."

In its recently released scenarios to achieve zero carbon dioxide emissions, Duke Energy is attempting the impossible.

The four different scenarios are heavy on wind, including offshore, along with solar, batteries, and eventually hydrogen.

Our latest report from the Center for Food, Pow-

er, and Life analyzed each scenario and found the cost will be \$140 billion to \$160 billion, more than \$1,000 per year for residential customers. That's the decision the Cooper-appointed North Carolina Utilities Commission will make soon on behalf of millions of Tar Heel ratepayers.

Because Duke is a regulated monopoly utility,

North Carolinians will assume all the risk by paying hundreds of billions of dollars to build out unproven and unreliable technology.

The NCUC sets a rate of return, usually around 9-10%, and Duke is allowed to privatize all the profit. Cooper will be out of office in 2024, long before the pain is fully felt.

Consider yourselves

warned; Winter is coming. We won't be able to keep ourselves warm in January unless we insist to the NCUC and Duke to rely upon nuclear to achieve the General Assembly's policy goal of zero carbon dioxide emissions by 2050.

Standing between North Carolinians and reliable power from nuclear are organizations like the Sierra Club and the Natural Resources Defense Council, the mega-churches of leftist environmentalism.

They intentionally conflate clean, reliable nuclear power with nuclear weapons. They've filed their own plan heavy on unreliable wind and solar.

There is good news. Ratepayers have state law on their side. Last year's House Bill 951 directed Duke to comply with a least-cost principle and maintain or improve upon the existing grid reliability when building out the utility's zero-carbon generation plans.

Our analysis shows that none of the regulated monopoly's four plans maintains the spirit of the law.

It's likely the same legislators who passed H.B. 951 will have to get involved again to ensure the NCUC and Duke comply with their wishes so ratepayers can expect reliable power at an affordable price.

No one can afford a nasty winter.

20 NOTEWORTHY

School choice growth continues in 2022

BY DAVID BASS

Momentum in favor of school choice continues to sweep across North Carolina and the nation, as parents saw the dire need for options in the wake of the COVID-19 pandemic.

In another landmark decision in favor of school choice, the U.S. Supreme Court ruled June 21 that the state of Maine couldn't bar faith-based schools from participating in its voucher program. The 6-3 decision, written by Chief Justice John Roberts, said that Maine's prohibition was a violation of the Free Exercise Clause of the First Amendment.

The case builds on another victory for school choice advocates in 2021, when the nation's highest court struck down a law in Montana that prevented vouchers from being used for religious schools.

Meanwhile, Arizona became the first state in the nation to create a universal school-choice voucher program. A bill signed into law by Gov. Doug Ducey on July 7 opened the state's Empowerment Scholarship Accounts to all K-12 students, regardless of their family's income.

N.C. expansion

Here in North Carolina, budget adjustments approved by a bipartisan majority of lawmakers on July 1 increased funding for the state's two school-choice programs. The spending plan bumps up support for the spe-



Schoolchildren wear yellow sashes linked to National School Choice Week.

cial-needs Educational Savings Accounts by \$16 million for the 2022-23 school year. The budget also increases funding for the Opportunity Scholarship Program and raises income thresholds needed to qualify.

An additional \$56 million will go to the reserve fund for Opportunity Scholarships, which are designed to give low- and moderate-income families the opportunity to leave their locally zoned public school and attend a private school that is a better fit for their students.

The spending plan also raises the income limit to qualify from 175% of the amount required to qualify for the federal and free and reduced-price lunch program to 200%. The change means that a family of four could qualify for the scholarship earning up to \$102,676 per year, while the previous upper limit was \$89,842.

"School choice has never been in higher demand in our state, and programs like the Opportunity Scholarship Program and the Special Needs ESA are

helping thousands of families gain access to the school of their choice," said Mike Long, president of Parents for Educational Freedom in North Carolina, in a statement.

According to data from PE-FNC, 20,372 students received Opportunity Scholarships in the 2021-22 school year and nearly 15,000 new applications for the program were filed for the upcoming school year by July 1. New data released by the N.C. Division of Non-Public Education show that private school en-

rollments rose by 7,970 students for the 2021-22 school year, the largest amount since 1971.

The budget revisions build on recent growth in the Opportunity Scholarship Program. Under the budget passed by lawmakers last year, the maximum scholarship award jumped from \$4,200 a year to \$5,900 per student. Because of the way the value of each scholarship is now calculated, that dollar amount is now \$6,168 for the 2022-23 school year.

School choice helping families

School choice is bringing new opportunities to families like John and Lyndsay Bui and their two young boys. At the beginning of the COVID-19 pandemic, they enrolled their oldest son, Eli, at the local public school as a remote-only learner.

"Virtual school to start kindergarten was not so fun," said Lyndsay. "It was a challenge. Then I'm hearing from friends in a private or a charter school who get to go to school for a half-day."

The Buis later entered the lottery to get into Pine Springs Preparatory Academy, a K-8 public charter school located in Holly Springs.

"When I got the news he was accepted into Pine Springs, I literally cried tears of relief. I was so happy," Lyndsay said. "Sending my baby off during the pandemic, I wondered if anybody even knew he was there. I didn't know what he was learning. I didn't know what he's doing."

Bang for your buck: N.C.'s best value universities

BY BRAYDEN MARSH

As the summer ends, thousands of recent high school graduates are waiting to dive headfirst into the college experience. Others are eager to return to higher education post-pandemic. In either case, a college education is a big financial commitment. In June, Smart Asset released their list of the Best Value Colleges in North Carolina, the schools where students get the biggest return on their tuition investment.

"Many young adults are saddled with enormous college loan debt," said Benjamin Koval, president and founder of SoundPath Retirement Strategies, "Others who would benefit greatly from college but can't afford it don't go, avoiding the debt but missing out on perhaps a life-changing opportunity. The idea of paying for a college education can seem daunting, but there are options to help pay for it."

Smart Asset is a website that seeks to educate students on the ins and outs of student loans and help them understand their investment in higher education.

Duke University, UNC-Chapel Hill, and North Carolina State University take the top three rankings in North Carolina's best-value universities. Smart Asset uses an array of data sets to determine the value and rank of each academic institution. Starting salary, tuition, living expenses, student retention rate, and scholarships awarded are all



important factors in their placement.

Tuition and student living costs are the first data set analyzed to give a basis for how much of an investment each university is going to be. To understand the benefits of attending a university, it is important to weigh the benefits alongside the costs.

The student retention rate is weighed heavily by Smart Asset because it is crucial to see that

students are returning to the school year after year and finishing their degrees at the university. The top three best-value universities in North Carolina have the best retention rates; Duke at 97%, UNC-CH at 95%, and N.C. State at 94%. Schools lower on the list have lower retention rates. Eighth-ranked East Carolina University has a retention rate of 83%. The overall rankings move linearly with their respective student retention rates.

The average starting salary is weighted at 25% of the overall ranking because it is the immediate return on investment. The scholarships and grants awarded section is weighted at 12.5% of the total ranking because it lowers the average cost of the investment. The schools with higher starting salaries typically rank higher.

The best value rankings do not directly correlate with the U.S. News Best Universities rankings. U.S. News weighs graduation and retention rates, undergraduate academic reputation, and faculty resources as their largest factors while leaving only 5% of the overall score to social mobility and scholarships. Nationally, Duke comes in ninth place, and UNC is ranked 28th. They are both first and second in the best value rankings for North Carolina. N.C. State is third in best value rankings in North Carolina and is ranked 79th nationally; North Carolina A & T is fourth in best value rankings but is ranked 277th nationally.

Wake Forest is an outlier because it is tied with UNC in national rankings at 28th but is sixth in best value universities in North Carolina. Appalachian State University, a school not ranked on U.S. News national university rankings, is above Wake Forest at fifth. This is caused by Wake Forest's tuition-to-scholarships-awarded ratio. Although Duke's tuition is \$55,695 per year, they award on

average \$48,351 in scholarships and grants, leaving a little over \$7,000 to be covered each year while still having a better starting salary than every other listed university by over \$10,000. Wake Forest's tuition is \$53,322, but they award \$37,880 in scholarships and grants on average, leaving around \$15,500 to be covered each year in tuition. Although they have the second-highest starting salary, Smart Asset believes their benefits don't outweigh the costs enough for Wake Forest to rank higher.

Student debt continues to be the growing obstacle between students and higher education, so many are looking for new ways of achieving higher education.

"The average cost per credit hour at a two-year community college is less than half the average cost at a four-year university," Koval says. "And after two years at a community college, students can usually transfer their credits to a four-year university to finish a four-year degree."

Going to college is now seen more as an investment than a crucial experience in one's life. With prices rising on all fronts, the scholarships and grants that an institution offers are a major factor in deciding where to attend. Students need to be able to afford their education, and rankings like Smart Asset's help them to be precise in making their decision.