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# THE CAROLINA JOURNAL

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## 2022 yields wins for Republicans

*The New Year brings a new legislative session, launch of 2024 races*



BY DONNA KING

In the November 2022 mid-term election, more than 3.79 million votes were cast, with a 51% voter turnout. Notably, there were nearly twice as many absentee-by-mail ballots cast as there were in 2018; 187,600 this year compared to 97,500 four years ago. Of the total ballots cast, two million were

cast during one-stop early voting from Oct. 20 to Nov. 5.

Voters elected Republican Ted Budd to fill the U.S. Senate seat left open by retiring Sen. Richard Burr, despite a fierce and expensive race between Budd and Democrats' Cheri Beasley.

Those big numbers still don't beat Sen. Thom Tillis' re-election race in 2020 against Democrat Cal Cunningham, which was the most

expensive Senate race in U.S. history, outside of December's Georgia runoff, in which Democrat Raphael Warnock was re-elected, giving Democrats a one-seat edge in the U.S. Senate.

Voters also elected Republicans in all statewide judicial races, arguably the most pivotal result of the election. Republicans won all six statewide judicial races, shifting the lean of the N.C. Su-

preme Court from 4-3 Democrat to 5-2 Republican. Republicans also swept the state Court of Appeals races.

In the North Carolina General Assembly, Democrats' efforts to avoid a Republican supermajority fell short. N.C. voters elected 30 Republicans, a supermajority, to the state Senate. In the state House, the GOP picked off five Democrat incumbents in districts

5, 9, 24, 32, and 63. But losses in a handful of other open seats limited Republicans' net pickup to two seats, sending 71 Republicans to the state House, one seat short of a supermajority. However, House Speaker Tim Moore calls it a "governing supermajority," as Republicans would need just one Democrat vote to override a veto by

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## Consumers curb holiday spending; if only government would, too

**DONNA KING**  
EDITOR-IN-CHIEF



With the lights hung and rolls of wrapping paper filling spare bedrooms across the state, it can be too easy to fall victim to a last-minute flurry of spending. But we aren't seeing that this year. According to preliminary numbers, 2022 holiday spending is the most cautious since 2013, as 41% of people say they are spending less than last year.

While American families proceed with caution and bat-ten down their financial hatches, some in the federal government see our taxes as a blank check and every day as Black Friday. The federal government has \$24 trillion in outstanding debt held by the public, about 93% of the

nation's gross domestic product and the highest level of debt to GDP since the end of World War II. Holding lawmakers accountable is critical to protecting your hard-earned money from disappearing into the void of governmental mismanagement.

Fortunately, the state of North Carolina is faring far better, after a decade of strategic budget restraint. This year taxpayers will get a break, with the state's 4.99% personal income tax falling to 4.75% and the corporate tax of 2.50% dropping to 2.25% in 2025 and phasing out completely in 2030.

Still, the spending temptations will be there in 2023, especially as the North Carolina General Assembly, one vote shy of a supermajority in the House, starts state budget negotiations in the next legislative session. Under state law, the legis-

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## Congratulations to our CJ team!



The North Carolina Press Association honored Carolina Journal for excellence in news coverage during the 149th annual convention held in Raleigh on Aug. 25. NCPA's advertising and editorial contest is one of the largest in the nation with over 4,000 entries submitted by more than 125 newspapers and news organizations.

**Magazine or Niche Publication**  
**2nd Place** Carolina Journal  
Staff: Culture Wars  
**3rd Place** Carolina Journal  
Staff: Demands for Freedom

**Lighter Columns**  
**1st Place** Dallas Woodhouse  
"Honoring those who work and serve"

**Editorials**  
**2nd Place** Mitch Kokai  
"The burdens of government bureaucracy"

**Illustration/Photo Illustration/Print or interactive graphics**  
**2nd Place** Greg de Deugd, Donna King, Jim Stirling:  
Follow the Money

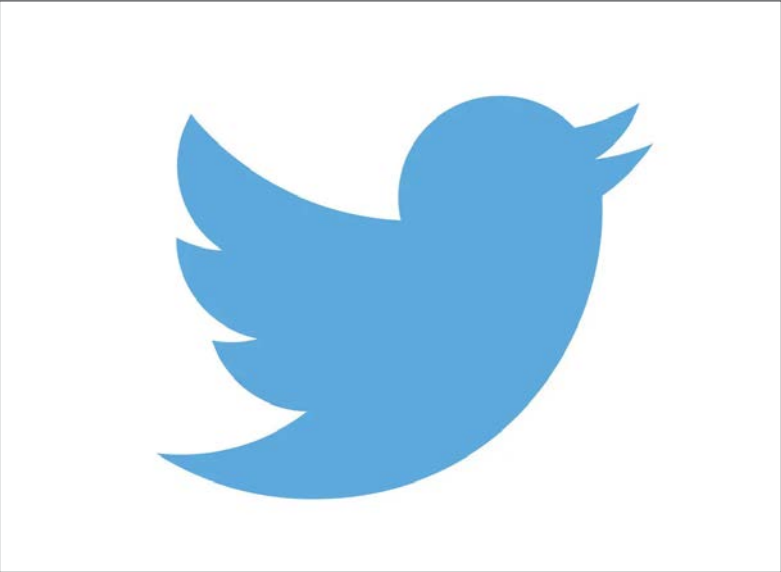
**Religion & Faith Reporting**  
**2nd Place** Theresa Opeka: "A return to worship"

**Election/Political Reporting**  
**3rd Place** Donna King: Donor Privacy legislation

**Photo Page or Essay**  
**3rd Place** Maya Reagan:  
Wounded Heroes and a Day for Reflection

**Photography, Feature**  
**3rd Place** Maya Reagan:  
Reading his face: Robinson speaks without saying a word

## The 'Twitter Files' make Twitter interesting again



TWITTER

**AMY O. COOKE**  
PUBLISHER



Pop some popcorn, open your laptop, and log on to Twitter. Under Elon Musk's ownership, Twitter is one of the most interesting online places to be.

Once the equivalent of an EPA superfund site for toxic rhetoric, Twitter is now center stage in a national debate about censorship, transparency, and government and institutional meddling into content moderation on social media platforms.

Through the "Twitter Files," Musk is spearheading an online speech renaissance. He's shining a light on Twitter's prior moderation policy and the outside actors who were influencing it. According to Musk, his goal for Twitter "is to come clean on everything that has happened in the past in order to build public trust for the future."

Trust will bring more users,

which will attract advertisers and their money. Musk didn't get to be the richest man in the world without being an incredibly savvy investor.

Journalist Matt Taibbi released part one of the "Twitter Files" in a lengthy thread of internal emails. The thread revealed the extraordinary lengths to which Twitter's "Trust and Safety" team went to squash the New York Post's Hunter Biden laptop story in October 2020, just ahead of the presidential election.

Key revelations to this point: The Democratic National Committee pressured Twitter to censor the Hunter Biden story and specific conservatives like actor James Woods. Wrap your mind around the fact that the Democrats could contact Twitter and have an individual censored. Democrat Congressman Ro Khanna of California bucked his party and was deeply troubled by the censorship. Some Twitter employees expressed First Amendment

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# First post-election Civitas poll shows marginal improvements in voter mood

BY DAVID BASS

The first Civitas Poll since Election Day shows that sentiment among voters about the economy and the direction of the country has improved marginally. On the “right track or wrong track” question, the results improved from October by around 10 percentage points. Thirty-two percent of respondents now say the country is headed in the right direction, compared to 22% in October, while 63% say the country is headed in the wrong direction, compared to 73% in October.

The results landed just over one week since the midterm election in North Carolina, in which Republicans made sweeping gains at the state level and came within one seat of capturing supermajorities in both chambers of the legislature. “Overall, Republicans in North Carolina had a better night than Republicans across the nation, but they definitely left points on the field,” said John Locke Foundation President Donald Bryson. “It seems like Republicans may have cost themselves a lot of votes due to vague messaging about their policy agenda, such as with the Congressional Republican Commitment to America plan.”

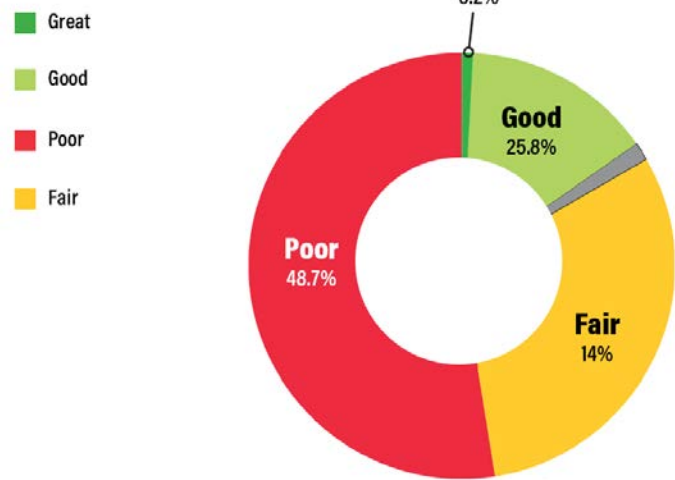
In the new poll, President Biden’s approval rating saw marginal improvement, inching up from 38% in October to 42% in November. The percentage of people saying they “strongly” approve of the president, however, dropped from 20% to 19%, while those who “somewhat” approve rose from 18% to 23%. Meanwhile, Biden’s disapproval rating stands at 54%, with 49% of voters “strongly” disapproving. Asked whether Republicans or Democrats did a better job explaining their plans and visions for the country in the election, respondents gave higher marks to Democrats — 39% said the GOP

did “well” and 46% said the party did “poorly,” while 48% said Democrats did “well” and just 33% “poorly.” The poll also revealed more evidence of split-ticket voting in the Tar Heel State. Twenty-eight percent of respondents said they voted for some Democrats and some Republicans, while 36% said they voted straight-ticket Republican and 35% straight-ticket Democrat. Asked to rank their priority list of issues in the midterm elections, 32% said the economy, 25% abortion, and 16% inflation. Health care, the environment, crime, guns, energy, and foreign policy all

ranked in the single digits. On the health of the U.S. economy, 53% said “poor” and 31% “fair,” while 59% said they believe the country is currently in a recession. Forty-four percent said they believe inflation will be higher six months from now, 26% said they believe it will be lower, and 19% said they believe it will be about the same. On home affordability, 83% are concerned about the price of housing and 74% said the average person could not afford to buy a house in their community. The poll was conducted Nov. 12-14 and surveyed 600 likely general election voters.

## State of US Economy

How would you describe the current state of the American Economy?



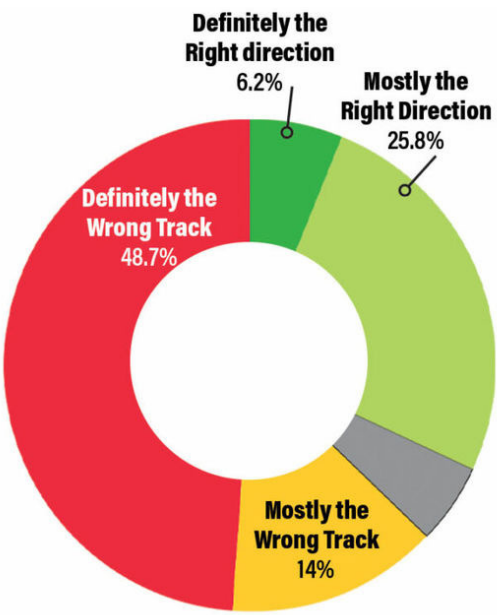
## Direction of Country

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



Cygnal Polling, on behalf of John Locke Foundation, surveyed 600 likely general election voters from November 12-14, 2022 with a margin of error of ±3.99%.

locke CIVITAS POLL CYGNAL



# New NC congressional delegation heads to DC after midterms

BY DAVID LARSON

After months of door-knocking, fundraising, TV ads, polling, and direct mail, the results for the 2022 midterm elections are in, and a new North Carolina congressional delegation will now head to Capitol Hill. Republicans will keep both of the state’s seats in the U.S. Senate, after U.S. Rep. Ted Budd won a decisive victory, at 51% to 47%, over Cheri Beasley. They did not fare as well in the House, with Democrats winning both competitive districts and creating an even 7-7 balance in the House delegation. Considering the advantage for Republicans in statewide races, the 7-7 House split was largely due to temporary court-imposed maps designed to create an even number of seats for each party. Now that the state Supreme Court is securely in Republican hands, the General Assembly will have an opportunity to draw new maps without interference from a Democrat-run court that many analysts believe veered into activism, creating novel constitutional interpretations favorable to Democrats.

The seat that Republicans had staked their hopes on was NC-13 in the southern Research Triangle. It was a suburban district that slightly favored Democrats. But Republicans believed that their candidate, political newcomer Bo Hines, had a real shot at winning over Democrat state Sen. Wiley Nickel. In the end, Nickel was successful in convincing more voters that he was the right choice for the swing district, running as a moderate despite a fairly left-wing voting record. The final tally was 52% to 48%. There were also less competitive races that Republicans had hoped would be made competitive in a red-wave election. But a major wave didn’t develop, and Republican results in NC-1, NC-6, and NC-14 fell short. The closest of the three was NC-1, in the northeast section of the state, where Republican Sandy Smith trailed Democrat state Sen. Don Davis 52% to 48%, the same as the Hines-Nickel result. In the Triad’s NC-6, Republican Christian Castelli fell to Democrat incumbent Rep. Kathy Manning, 54% to 45%. And in NC-14,



continued PAGE 10 A red wave didn’t develop for Republicans and Democrat state Sen. Wiley Nickel defeated Bo Hines for NC-13.



# Nation’s highest court wrestles with Moore v. Harper

BY MITCH KOKAI

The U.S. Supreme Court will likely wait until June to rule on whether activist state courts can use vague provisions within a state constitution to throw out election maps drawn by a legislature. But nearly three hours of oral argument Dec. 7 in the Moore v. Harper case offered clues about the court’s decision.

The case stems from the N.C. Supreme Court’s decision in February to reject a congressional election map drafted by state lawmakers. State courts eventually substituted a court-drawn map for the 2022 election.

Legislative leaders argue that the federal Elections Clause should have blocked the Supreme Court’s actions. That clause assigns decisions about federal election laws to state legislatures.

“It is federal law alone that places substantive restrictions on states’ legislatures performing the task assigned by the federal Constitution,” argued legislators’ attorney, David Thompson. “The Founders tasked state legislatures with federal functions that transcend any substantive limitations sought to be imposed by the people of the state.”

Justices in the U.S. Supreme Court’s so-called liberal bloc expressed concern about stepping in to overrule North Carolina’s highest court. Justice Elena Kagan specifically referenced the In-



The Supreme Court of the United States heard oral arguments Dec. 7 in Moore v. Harper.

dependent State Legislature Doctrine, a name critics have attached to N.C. lawmakers’ arguments.

“This is a theory with big consequences,” Kagan said. “It would say that if a legislature engages in the most extreme forms of gerrymandering, there is no state constitutional remedy for that, even if the courts think that that’s a violation of the constitution. It would

say that legislatures can enact all manner of restrictions on voting — get rid of all kinds of voter protections.”

“It might allow the legislatures to insert themselves, to give themselves a role, in the certification of elections and the way election results are calculated,” Kagan added. “In all these ways, I think what might strike a person is that this is

a proposal that gets rid of the normal checks and balances.”

Justice Ketanji Brown Jackson questioned how a state legislature could avoid a review of its actions from a state court applying a state constitution. “When this entity would ordinarily be bound by all of the limitations in the state constitution in its legislative authority role, why suddenly in this context

do you say, ‘No, no, no’? All those other constitutional provisions that would bind or constrict legislative authority that the state gives you because you’re the state legislature — why do those evaporate?”

Attorney Neal Katyal, arguing for left-of-center activist group Common Cause, made repeated references to potential wide-ranging negative impacts of N.C. lawmakers’ legal arguments.

“The blast radius by their theory starts at the size extra-large,” Katyal said. “It starts with invalidating 50 different state constitutions today.”

U.S. Solicitor General Elizabeth Prelogar raised similar concerns on behalf of President Biden’s Justice Department. Prelogar contended that historical evidence contradicts N.C. lawmakers’ arguments. “Petitioners’ contrary theory rejects all of this history and would wreak havoc on the administration of elections across the nation.”

But some justices expressed more sympathy for lawmakers’ arguments.

“It seems to me there are two types of problems. One, is the state court actually interpreting a statute, or is it going too far afield to the point where someone might say it’s not following the statute,” said Justice Neil Gorsuch. “Then you have a separate problem of when a state court does not even try to interpret the law and just

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## Voters set new course for NC Supreme Court

BY MITCH KOKAI

The N.C. Supreme Court will look much different in 2023. Voters decided in November to oust one incumbent Democrat from the state’s highest court. Voters also replaced a retiring Democrat with a Republican. The end result is a shift in the court’s partisan control.

After six years of dominance by Democrats, including a 4-3 Democratic court for the past two years, the N.C. Supreme Court that begins work in January will feature a 5-2 Republican majority.

That partisan shift could affect major cases involving election maps, voting rules, school funding, and parental school choice.

The one Supreme Court incumbent on the 2022 ballot, Democrat Sam “Jimmy” Ervin IV, was seeking a second eight-year term. Voters instead preferred Republican Trey Allen, general counsel for the N.C. Administrative Office of the Courts. Allen beat Ervin, 52% to 48%, in the Nov. 8 election.

The second Supreme Court contest pitted two N.C. Court of Appeals judges who hoped to succeed retiring Democratic Justice Robin Hudson. Hudson would have been able to serve little more than one year of a new eight-year term before hitting the state’s



After six years of dominance by Democrats, the N.C. Supreme Court will now feature a 5-2 Republican majority.

mandatory retirement age of 72.

By a 52% to 48% margin, Republican Appeals Court Judge Richard Dietz defeated Democratic Judge Lucy Inman to take Hudson’s seat. Dietz had two years left in his Appeals Court term. Gov. Roy Cooper will appoint a replacement.

Republicans also swept all four Appeals Court seats on the Nov. 8 ballot, with winning margins

of 52% to 48% or better. If Cooper appoints a Democrat to replace Dietz, Republicans will end up with a net gain of one seat on the 15-member Appeals Court. The court will have 11 Republican judges and four Democrats.

It’s the second straight election cycle in which Republicans won every statewide N.C. judicial contest. In 2020 GOP candidates won three Supreme Court races

and five seats on the Court of Appeals.

The new partisan composition of the state’s highest court could come into play with one of the first cases up for discussion in the new year.

The outgoing court issued an Oct 6 order in a lawsuit titled Community Success Initiative v. Moore. It’s a case that could determine whether felons who have

completed active prison time will be able to vote in future N.C. elections.

Thanks to a 2-1 Appeals Court ruling, with two Democratic judges outvoting a Republican colleague, felons on probation, parole, or post-release supervision were able to register and vote in the latest general election.

Advocates for felon voting argue that a state law from the 1970s sets up unconstitutional barriers for felons to regain voting rights. Republican legislators responded in court filings that the state constitution itself blocks felons from voting.

The Oct. 6 state Supreme Court order said justices “will calendar the matter for hearing at the first regularly scheduled session of Court to be held in 2023.”

Felon voting is just one issue that could set up clashes between the state Supreme Court’s Democratic and Republican justices.

The Republican-led General Assembly will redraw the state’s election map for 14 seats in the U.S. House of Representatives. A court-imposed map used only for 2022 produced a 7-7 split between the two major parties. Pundits predict that GOP lawmakers will produce a new map that’s likely to favor at least a 9-5 Republican-friendly split in 2024.

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# School choice in NC set to continue significant growth in 2023

BY DAVID BASS

The rapid growth of school choice options brought on by the pandemic shows no signs of letting up as the calendar turns over to 2023.

Recent statistics show that for the 2021-22 school year, there were 115,311 students enrolled in K-12 private schools, 160,528 in homeschools, and another 132,909 enrolled in public charter schools. Part of what's fed the increase in parents looking for alternatives is the fact that many private schools remained open during the COVID-19 pandemic, while state and local government forced traditional public school classrooms to close.

One example is Catholic private schools. Leading up to the pandemic, many of these schools were facing steady enrollment declines. But now, Catholic schools nationwide saw a 3.5% bump in enrollments during the pandemic, from 1.63 million to 1.69 million.

In North Carolina specifically, families are benefiting from the state's two school-choice programs — the Opportunity Scholarship Program and the Education Savings Account. Nearly 23,000 students are receiving an Opportunity Scholarship, an award up to \$6,168 per student to attend a private school for low- and middle-income families.

More good news came for Opportunity Scholarship families with the results of the midterm election. Republicans took a majority on the state Supreme Court,



Catholic schools saw a 3.5% bump in enrollments during the pandemic, from 1.63 million to 1.69 million.

making it unlikely judges will strike down the program.

Demand for the Education Savings Account saw a 44% leap comparing the current school year with the previous one, according to data from the N.C. State Education Assistance Authority.

Prior to the current school year, two separate support programs were available for students with special needs attending schools of choice — the Children with Disabilities Grant and Education Savings Accounts. The 2021 budget combined both programs into one — now known as ESA+ — to ensure adequate fund-

ing and reduce waitlists.

Under ESA+, most students are awarded \$9,000 annually to be used for tuition and fees at private schools, tutoring, educational therapies, curriculum, or technology. Students with certain designated disabilities are eligible for \$17,000 a year.

“Those who doubt the appeal of school choice should ask about the topic with one of the many parents who sought — and sometimes even fought — for different education options for their children,” said Robert Luebke, director of the Center for Effective Education at the John Locke Foundation.

“They wanted and their children needed something better than what many schools were offering during the pandemic. Americans readily expect to be able to choose a doctor, choose a car, and choose a career. Isn't it time to finally allow parents a choice when making one of the greatest gifts a parent can give a child — an education?”

Meanwhile, public charter schools in North Carolina have experienced a boom during the pandemic years.

The National Alliance for Charter Schools found that charter school enrollments jumped by 14,312 new students from the

## Enrollment in charter school continues trending up for black and Hispanic students

Contrary to arguments that charter schools are not diverse, minority enrollment jumped last year.

▲ 14% ▲ 23%  
Black Hispanic

SOURCE: NATIONAL ALLIANCE FOR CHARTER SCHOOLS

2019-20 school year to 2021-22. That brought total enrollments from 118,597 students to 132,909 students, a 12% gain.

Contrary to arguments that charter schools are not diverse or even that they promote racial segregation in schools, the report noted that student enrollments for black students in North Carolina grew at the same pace as for white students.

Enrollments for black students jumped by 14% during the pandemic, while enrollments for Hispanic students increased by 23%.

For the nation as a whole, charter enrollments grew by nearly 240,000 students during the pandemic, while traditional public school enrollments dipped by nearly 1.5 million students.

# New laws taking effect this new year in North Carolina

BY THERESA OPEKA

When legislators draft bills, they add an “effective date” for when the law will begin to be enforced. And the most common time chosen is when one year ends and the next begins. So what laws are set to take effect as 2023 begins?

Senate Bill 300, Criminal Justice Reform, was signed into law by Democrat Gov. Roy Cooper on Sept. 2, 2021, and a portion of the bill will become law on Jan. 1.

Section II of the law requires using the FBI's Next Generation Identification System and Rap Back Service.

It also will require the State Bureau of Investigation to provide the criminal history, fingerprints, and any other pertinent information of any person who applies for certification or is certified as a criminal justice officer or justice officer to the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission.

The SBI will also conduct a criminal history records check using the fingerprints of the applicants and certified officers.

In addition to searching the state's criminal history record file, the SBI will forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

“Getting Senate Bill 300 across



The new North Carolina General Assembly session commences in January 2023.

the finish line was a herculean effort by the bill sponsors, most notably, Sen. Danny Britt,” said Jordan Roberts, director of government affairs for the John Locke Foundation. Roberts monitors the General Assembly's work.

“The bill resulted from countless hours of debate and input by groups involved in the criminal justice system. What passed was a comprehensive criminal justice reform that brings enhanced accountability, training, and oversight to our

law enforcement officers across the state.”

Section 6 of Senate Bill 766, Organized Retail Theft, which deals with third-party sellers that sell goods through online marketplaces, will also take effect on Jan. 1.

Online marketplaces will be required to collect and maintain identifying information for high-volume third-party sellers.

The remainder of the law went into effect on Dec. 1.

Senate Bill 265, Bond Info

Transparency/LGC Toolkit II, will be updated under Section 9a, Fidelity Bonds, to read that a person may not be appointed as a finance officer if the person cannot obtain the bond required by that section.

The toolkit increases local governments' transparency by requiring additional disclosures and making changes recommended by the Local Government Commission.

Several towns have come under scrutiny in recent years for not filing audits on time or, in other cases,

embezzlement, like in Spring Lake.

Part 1 of Senate Bill 388, Qualifying Farmer Zoo Sales Tax Exemption, will expand the sales tax exemption for farmers to include 10 certain sales to a qualifying farmer for a zoo.

A qualifying or conditional farmer who operates a zoo in addition to the farmer's farming operations is allowed a sales-and-use tax exemption for the items used in the farmer's zoo operations if used for the housing, raising, or feeding of animals for public display.

The remainder of the bill took effect earlier this year.

Section 1 of House Bill 792, Barber/Electrolysis Boards/Merger, deals with recodifying and reorganizing the North Carolina Board of Barber Examiners and the North Carolina Board of Electrolysis.

Items like displaying certificates and sanitary rules and regulations fall under this section.

Section 2, also known as the Barber and Electrolysis Practice Act, will have nine members, including five licensed barbers, two electrologists, one physician, and one public member who isn't licensed under Chapter 86B, appointed to The North Carolina Board of Barber and Electrolysis Examiners.

Both sections will apply to applications for licensure, examination, and renewal submitted on or after Jan. 1.

Sections of House Bill 560, Public Safety Reform, will also take effect on New Year's Day.



North Carolina ranks 10th in nation for positive tax climates

BY DAVID BASS

North Carolina places 10th in the nation for its tax environment, according to new rankings from the Washington, D.C.-based Tax Foundation.

The Tar Heel State's 2.5% corporate income tax helped the state achieve its better score, coming in fifth best nationally.

North Carolina placed 17th for the individual income tax rate, 20th for the sales tax rate, 13th for the property tax rate, and 10th for the unemployment insurance tax rate.

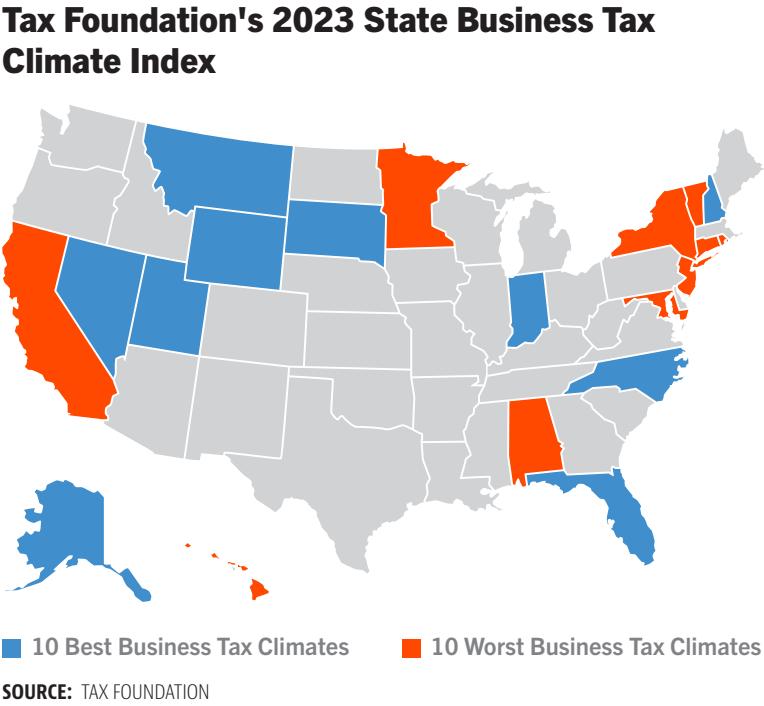
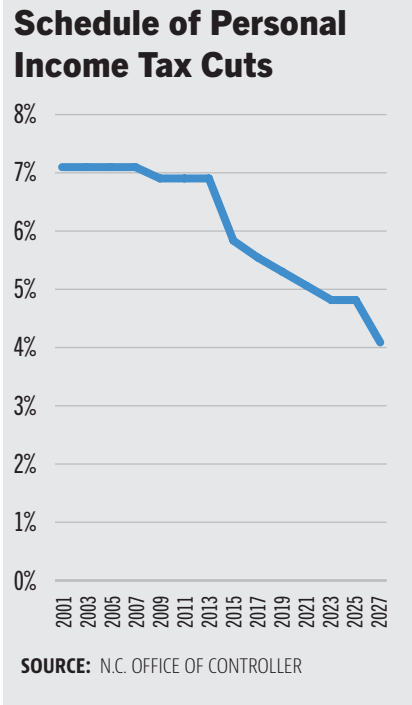
"Just 10 years ago, North Carolina ranked 44th on this index. Thanks to restrained spending under fiscally conservative leadership over the past decade, North Carolina has been able to lead on tax reform," said Paige Terryberry, senior analyst for fis-

cal policy with the John Locke Foundation.

"North Carolina now holds 10th place. Once the latest reforms are fully phased in, North Carolina will earn an even higher ranking from the Tax Foundation's annual index."

During the 2021 long session of the General Assembly, Republican lawmakers spearheaded an effort to further cut taxes for individuals, households, small businesses, and corporations. The plan reduced North Carolina's flat income tax from 5.25% to 4.99%. It also raised the standard deduction from \$21,500 for joint filers to match the federal standard deduction, which stood at \$25,900 for the 2022 tax year.

The plan also slashed the corporate income tax to 2.5% before phasing it out completely by 2030.



2022 yields wins for Republicans

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Gov. Roy Cooper. The dynamic is likely to lead to Republicans and more moderate Democrats working closely together.

"This election has been a barometer for where voters want their state and country to go," said Senate leader Phil Berger, R-Rockingham, in a statement. "The Republican platform of low taxes, job creation, expanded parental choice, and quality education is one that reflects the needs of all North Carolinians. Tonight's results prove just that. Our promise to the people of North Carolina is that the Senate Republican supermajority will continue to deliver on those priorities."

Despite the boost for Republicans in the judicial and state legislative races, N.C. congressional races yielded an even 7-7 split in the U.S. House; seven Republicans and seven Democrats. The congressional map for the 2022 elections will likely be a one-time use. The map was designed by "special masters" appointed by judges authorized by the left-leaning N.C. Supreme Court. The map split some Republican-leaning areas to make them more friendly to Democrats. Supporters of the map said the 7-7 split indicates proportional "fairness," but critics say it was to keep Democrats in key seats amid what was expected to be a "red wave." The maps utilized what Andy Jackson, director of the Civitas Center for Public Integrity at the John Locke Foundation, called "classic gerrymandering maneuvers."

The 2022 map is likely to be redrawn by the incoming state legislature. However, the U.S. Supreme Court heard oral arguments in December on whether or not the state court overstepped its role by interfering in congressional redistricting. In *Moore v. Harper*, lawyers for state lawmakers argued that both the state and U.S. Constitution are clear that redistricting is the responsibility of the legislative branch.

"Legislative districts are about their local communities, not the state," wrote Jackson. "Specifically, local districts should not be drawn to satisfy statewide proportional-



**POLLING PLACE.** Following the election, each of the state's 100 county boards of elections certified results at the county level and after a series of post-election audits by election officials verified the counts.

ity goals, thereby creating a backdoor proportional representation system."

Jackson's Civitas Partisan Index is a measure of the partisan tendencies of North Carolina legislative districts. For 2022, it proved to be reliable.

"A person using nothing except the CPI would have correctly predicted the result in 108 of the 114 North Carolina House districts the CPI assigned a partisan tendency, a 94.7% accuracy rate," said Jackson. "The CPI performed similarly well in the Senate. Only two of the 46 seats assigned a partisan tendency by the CPI went to the other party, an accuracy rate of 96.2%."

Following the election, each of the state's 100 county boards of elections certified results at the county level and after a series of post-election audits by election officials verified the counts. State law requires that, before certifying results, each county elections board must hold public meetings where they audit results from two randomly selected groups. In 158 precincts, officials hand-counted Election Day results of the U.S. Senate race and 28 early voting sites. Fourteen counties conducted a hand count of all absentee-by-mail ballots they accepted.

Of the 200 audited races, 181 showed that the hand and ma-

chine counts were identical. According to the NCSBE, 19 audits showed discrepancies by an average difference of 2.3 votes. The state board reports that most differences could be attributed to human errors during the hand-eye audit itself or to voters who did not fill in the bubbles completely.

"These audits and recounts once again showed that voters can trust the certified and tested voting equipment to accurately count ballots in North Carolina elections," said NCSBE executive director Karen Brinson Bell.

For 2024, voters will consider a general election with candidates for president and governor.

Turnout is likely to be higher, and congressional Democrats may not be as weighed down by the midterm effect of 2022. By then, the results of inflation and personal debt may have taken a larger toll on American families.

"Total household debt rose 2.2% or an increase of \$351 billion in the third quarter. This is the largest nominal quarterly increase since 2007. The total household debt for Americans is now \$16.51 trillion," said Paige Terryberry, John Locke Foundation fiscal research analyst.

Inflation was a core issue for Republicans in 2022 and will likely remain so for 2024.



# January begins new long session, new political battles

BY THERESA OPEKA

When the new N.C. General Assembly session commences in January 2023, a mix of old and new faces will be present to debate issues old and new.

The legislature's makeup for this long session will be a bit different. Senate Republicans have regained a supermajority, and their House counterparts are one vote shy of a supermajority. Still, House Speaker Tim Moore, R-Cleveland, calls it a "governing supermajority."

"We have a handful of Democrats who work with us," Moore said at a Nov. 9 press conference, a day after the election. "We have some new members coming in, and I feel completely confident that should we need to override vetoes, we'll be able to do our part in the House as well."

"I am extremely pleased that we have moved back into a situation where we've got 30 members," Senate Leader Phil Berger, R-Rockingham, said at the same press conference.

Jordan Roberts, director of government affairs for the John Locke Foundation, said the policy issues discussed this session will be similar to those in the previous biennium. Education initiatives, election reform, deregulatory efforts, and Second Amendment issues will be debated, but perhaps with some new strategies.

"What will be different is the political maneuvering that Republican leaders need to do to get bills across the finish line," Roberts said. "For the past several sessions, Gov. [Roy] Cooper's veto was a central strategic issue when considering legislation. With functional supermajorities in both chambers, the calculus changes for which bills may be sent to the governor."

Education has gained much attention during the last two years,



The new North Carolina General Assembly session commences in January 2023.

with children falling behind in school due to disruptions by the COVID-19 pandemic. This has led to a renewed focus on school choice.

On the Nov. 25 episode of PBS North Carolina's "Front Row with Marc Rotterman," Moore talked about investing in education and dealing with learning loss due to the school shutdowns during the COVID-19 pandemic.

He said many parents were surprised to see what their children were being taught online, and what they weren't, during the public school shutdowns.

Moore also stressed parental rights when it comes to school choice. Private and charter schools, which mostly stayed open during the pandemic, didn't suf-

fer the predicted ill effects on the health of their students or teachers. The learning outcomes during this time remained more steady

when compared to those in public schools. Children who were taught online suffered learning loss and fell behind. He said summer school offerings to help students catch up haven't worked either, so investments still need to be made there, but parents should have more of a say in where

they want to send their children to school.

"If a parent has a child in the school system that isn't getting the job done, they need to have that opportunity," Moore said on "Front Row." "They need to have that choice. Because education, at the end of the day, is making sure



**The Senate has regained a supermajority, and the House is one vote shy of a supermajority.**

CIP PHOTO

that a student receives the education they need to be able to grow, thrive, and survive."

Berger has said parents made it clear that they are unhappy with some things going on in public schools. He feels confident there will be support for a parental bill of rights as many members who supported the bill passed in the Senate will be returning for the new session.

Regarding abortion, Berger previously mentioned that his stance on abortion has not changed. He said the majority caucus has not had a conversation with its members, particularly new members, so no decision has been made. He did say on the Nov. 25 edition of "Front Row" that there is no question that bills will be introduced to both expand and curtail the state's current 20-week ban, which was reinstated in August.

Moore has publicly stated that he supports legislation banning abortions once a heartbeat is detected but does support exceptions for rape, incest, and protecting the mother's life.

Both leaders also agreed at the Nov. 9 press conference that they want to take up Medicaid expansion, which was passed by the Senate in 2022 and was originally on the agenda in the House for December. Both felt it was important to have conversations with their new incoming members to see their priorities.

"The Senate passed the [Medicaid] bill, 44-to-2," Berger said. "I continue to support it. I don't disagree that waiting for next year is the right thing to do, and I know that it's something that will be on the list of things that we'll be discussing next year. I continue to support expansion in the context of some of the other market reforms that were in the Senate bill."

The debate about the certificate-of-need law also has held up legislative negotiations over Med-

icaid expansion in North Carolina. The certificate of need acts as a government permission slip. Health care providers need a CON for most new medical facilities, expansion of existing services, and even purchases of major medical equipment like magnetic resonance imaging machines.

The state Senate has approved an expansion bill. Senators tied Medicaid expansion to a relaxation of CON restrictions. The state House has been unwilling to tie CON reform to its own version of Medicaid expansion.

The legalization of marijuana may again come up for discussion after the passage of two bills in June that kept hemp legal in the state and allowed THC drugs that are FDA-approved.

The passage of Senate Bill 455, Conform Hemp with Federal Law, also removed it from the State Controlled Substances Act.

Senate Bill 448 legalized FDA-approved THC medications. Senate Bill 711, also known as the Compassionate Care Act, was passed by the Senate in June and would have legalized medical marijuana but was dead on arrival in the House with the passage of S.B. 448.

Voter ID could also be on the legislative agenda, with Moore and Berger pointing out that N.C. voters passed it as a constitutional amendment in 2018. The matter will most likely be handled through the legislature and the courts.

Moore also spoke on "Front Row" about giving more resources to law enforcement in how they deal with crime and keeping North Carolina "going in the right direction on sound financial footing."

The legalization of sports betting (which failed by one vote in the House), tax cuts, and the redrawing of state election maps are all issues that may also be discussed in the next session.

# Will NC remain an abortion 'safe haven'?

BY DAVID LARSON

Republicans have secured a supermajority in the N.C. Senate and a "functional supermajority" in the state House — since they are only one vote shy, and there will be at least a couple of Democrats willing to break with the party on most issues. So a crucial question being asked is: What are Republican plans regarding abortion law in the 2023-24 legislative session?

The attention on the subject has only increased as North Carolina's less-restrictive abortion laws have made the state a "safe haven" in a post-Dobbs South.

Planned Parenthood's Jillian Riley told WLOS in early November that "North Carolina is a critical access point for abortion care in the South and Southeast," adding that abortion restrictions in surrounding states are "causing people to get in a car, travel across the night in order to find the health care that they need, the abortion care that they need."

In response to these sorts of statements by Planned Parenthood and others who want to see the state continue to be a regional safe haven for abortions, Lauren Horsch, spokesperson for Senate leader Phil Berger, R-Rockingham, pushed back.



Gov. Roy Cooper signs an executive order to protect abortion in NC after Dobbs.

ham, pushed back.

"It's tragic that Planned Parenthood is advertising North Carolina as a 'destination' to get an abortion," Horsch said in Nov. 16 comments to Carolina Journal. "The Senate Republican Caucus has not discussed our policy goals for the upcoming session. As the pro-life caucus, we anticipate discussing how to protect the un-

born."

A study by FiveThirtyEight showed that demand for abortions has declined in the United States after Dobbs but that the impact on specific states varies widely.

In many states where stricter laws became enforced, like Texas and Ohio, abortions have plummeted.

But in states that have not seen

significant changes in abortion law after Dobbs, abortions have surged, especially if the state bordered more-restrictive states.

North Carolina was near the top of the states seeing a spike in out-of-state abortion seekers, second only to Illinois. The study found that three-week wait times were typical for abortion providers in the state.

After Dobbs, North Carolina's 20-week limit on abortions was held up in court for weeks. But federal Judge William Osteen determined on Aug. 17 that there was no reason to block the law after the federal Roe and Casey precedents were struck down.

Before Osteen's decision, both state House Speaker Tim Moore, R-Cleveland, and state Senate leader Phil Berger, R-Rockingham, made statements indicating they would consider additional abortion legislation after the 2022 midterms.

Moore said North Carolinians can "expect pro-life protections to be a top priority of the legislature when we return to our normal legislative session in January," Berger said, "Senate Republicans will determine whether other steps are appropriate to strengthen our pro-life laws" in 2023.

In an October interview with

the Associated Press, Berger said he would like the law to limit abortion after about 12 weeks and for it to provide exceptions for rape, incest, and the mother's life. He said he's not aware of any Republican leaders in the General Assembly who are not in favor of these exceptions.

Moore told the Associated Press that he favored an earlier limit, starting when a heartbeat is detectable, which is generally identified at around six weeks.

Planned Parenthood's political arm, concerned about these potential changes to abortion law, put \$5 million into N.C. General Assembly races in the final weeks.

Emily Thompson, deputy director of Planned Parenthood Action PAC NC, told the AP that if they "don't elect reproductive rights champions in five key state Senate races, an anti-abortion supermajority will have the votes to ban abortion in North Carolina."

But Republicans were able to win enough of these races in the 2022 midterms to secure a Senate supermajority.

General Assembly Republicans are likely to discuss what steps they will take in the new year now that abortion policy is a state issue and Cooper's veto is no longer likely to be as much of a factor.



# 2024 general election already underway

BY CJ STAFF

For all intents and purposes, the races start now, even though candidates have not officially declared their intent to run, except for N.C. Labor Commissioner Josh Dobson, who said in December's monthly Council of State meeting that he would not run for re-election.

"Let me be clear; I'm not going anywhere," Dobson said. "My focus over the next two years will be health and safety in the workplace, toning down the political rhetoric, and working with this council and this General Assembly to find innovative solutions to the workforce shortage across the state, and, in particular, state government."

Labor commissioner will be an open race in 2024, as will the race for governor. Current Gov. Roy Cooper cannot run again due to statutory term limits, but his endorsement will carry weight.

His overall approval rating among voters has remained relatively high and unchanged through much of his tenure, despite conflict with the Republican-led General Assembly and more vetoes than all other N.C. governors combined. A Civitas Poll taken in November finds that 48% of voters think he's doing a good job, compared to 43% who do not.

Among Democrats, the field of candidates is somewhat split. The left-wing nonprofit Carolina Forward released early polling that showed current Attorney General Josh Stein leads with 22% of voters favoring him, followed by former N.C. Health and Human Services Secretary Mandy Cohen (18%) and newly elected U.S. Rep. Jeff Jackson trailing not far behind (12%).

Another 39%, however, were



Lt. Gov. Mark Robinson



Attorney General Josh Stein

undecided, and 9% had another candidate in mind. Cohen led in urban areas, and Stein in suburban and rural areas.

While she has not indicated her intention to run, Cohen served in the Biden administration in health policy and became the face of the state's pandemic response, including forced shutdowns, so gauging how voters would respond to that association is likely a significant consideration for Democrats going into 2024.

Among Republicans, current Lt. Gov. Mark Robinson leads Carolina Forward's poll with 54% support from respondents, as opposed to U.S. Sen. Thom Tillis (20%) and Treasurer Dale Folwell (4%).

The preference for Robinson among Republicans was especially pronounced in rural areas (64%) and with men (61%), while in suburban areas (41%) and with

women (49%), Robinson did not have quite as much support. Folwell has made clear that he is considering a run for governor, after serving as Treasurer since 2017.

If primary voters were to select Robinson, age 54, and Stein, age 56, at this point, Stein leads 44-42 in the Carolina Forward poll, but 14% were undecided. Republicans, independents, men, and rural voters favored Robinson, while Democrats, women, suburban, and urban voters preferred Stein.

But a lot can happen between now and the 2024 primary elections. Among other things, the 4th Circuit U.S. Court of Appeals heard arguments in December on a state criminal libel law that could be used against Stein. The law, which dates back to 1931, makes it illegal to lie about a political candidate.

In 2020, Stein narrowly defeated Republican challenger Jim

O'Neill, the Forsyth County district attorney. One of Stein's ads, called "Survivor," blamed O'Neill for the backlog of untested rape kits in his judicial district. O'Neill filed a complaint with the State Board of Elections, calling the ad false and defamatory. The NCSBE investigated and referred the case to the Wake County District Attorney's office.

Stein and his lawyers then worked to have the libel law overturned. Should the 4th Circuit rule that the libel law stands, Stein could face misdemeanor charges for running an intentionally false political ad. Those charges might change the 2024 gubernatorial primary strategy for Democrats.

In the race for the White House, N.C. voters selected a Republican in the last elections: Donald Trump in 2016 and 2020, and Mitt Romney in 2012. Democrat Barack Obama won the state in 2008. In a November Civitas

Poll, N.C. voters did not approve of the job President Joe Biden is doing, with 54% disapproving and 42% approving. That figure was up from a low of 31% approval over the summer. When asked who they would vote for between Trump and Biden in 2024, N.C. voters are deadlocked 44-44 between the two.

Biden's approval rating was a weight on Democrats in the 2022 election. However, the left's messaging in the campaign was clearer to voters. In the Civitas Poll, only 39% of respondents think Republicans did a good job explaining their visions for Congress, compared to over 48% believing Democrats did a good job.

While neither Stein nor Robinson was on the ballot in 2022, campaign donations continue to fill their coffers. In the 2022 mid-year campaign finance report, Stein had raised more than \$4.2 million and had \$3.4 million cash on hand. For Robinson, the campaign report indicates \$2 million in cash on hand, and he has raised more than \$3.5 million.

"Fundraising is the greatest indicator of a candidate's intention to run in the next cycle," said Jim Stirling of the John Locke Foundation. "Given North Carolina's ever-increasing election costs, candidates must raise significant funds to get a message out to voters. There is a long road ahead to the 2024 election, and it would not be the first time a candidate came from nowhere to beat out a well-known opponent."

*The Civitas Poll was conducted Nov. 12-14 and surveyed 600 likely general election voters with a margin of error of 3.99%. The Carolina Forward poll was taken among 606 registered N.C. voters a month before the 2022 elections, with a margin of error of 4%.*

# Cooper steps into national spotlight

BY DONNA KING

As chairman of the Democratic Governors Association, N.C. Gov. Roy Cooper considers the 2022 election a good year for Democrat governors across the country. While in his own state his party suffered a net loss in the state legislature, the U.S. Senate seat, and all the statewide judicial races, nationally the Democrat organization he leads "avoided a net loss and picked up one governorship" in November.

Cooper and the DGA had 13 incumbent governors to defend in 2022, including Michigan's Gretchen Whitmer and New York's Kathy Hochul, both of whom faced difficult but successful re-elections.

Democrat governors dominated in highly populated states. One U.S. territory and 28 states have Republican governors. Republicans also control more state legislatures than Democrats and have more total legislative seats at the state level.

The DGA is a partisan group dedicated to getting Democrats elected to the governor's office in all states. After the 2022 election, there are now Democrat governors



Gov. Roy Cooper embraces Democrat candidate for U.S. Senate Cheri Beasley the night before the Nov 8 midterm election. Beasley was defeated by Republican Ted Budd 51%-48%.

in 22 states and three U.S. territories.

Chairing the DGA has given Cooper a national platform in his party with speculation that he could be on a presidential ticket at

some point in the future. His analysis of the election on a recent podcast shows an increasingly partisan take on national elections. He called Florida's Gov. Ron DeSantis "divisive" and said North Carolin-

ians made a mistake in voting for Donald Trump twice.

"I ran for governor in 2016 and 2020, and I won at the same time that Trump won North Carolina," Cooper told CBS host Major Gar-

rett on "The Takeout" podcast. "I know the people here. I do not believe that North Carolina will make that mistake again."

On the podcast, he also said that President Biden does a "fantastic" job in the White House and should run for re-election. Cooper was on hand for a number of recent White House events, including this year's Thanksgiving turkey presidential pardon, after which the Bidens joined him for a "Friendsgiving" with servicemembers at Air Station Cherry Point in eastern North Carolina.

"I had a conversation with him just a couple of days ago," Cooper said of Biden. "I support him. He's been a fantastic president. I've told him that I will try to win North Carolina. If he makes the decision, I'm for him 100%."

Part of Cooper's strategy for the 2022 governors' primaries did draw criticism even within his own party.

The DGA was among the Democrat groups that spent more than \$42 million on ads highlighting primary candidates who they considered to be "far-right" Republicans in gubernatori-



# Truitt: Testing-based formula for grading schools needs improvement

BY THERESA OPEKA

According to Catherine Truitt, N.C. superintendent of public instruction, the COVID-19 pandemic continues to underscore the limited nature of North Carolina's accountability for public schools. She spoke about the challenges students still face and what is being done to fix the problems at the Dec. 6 Council of State meeting.

Truitt said many schools in the state are still dealing with being designated, both on a federal and state level, as low-performing due to poor end-of-grade testing during school closures that occurred because of the pandemic.

The accountability model uses a formula that looks at how students performed in grades three through eight and then again in a couple of courses in high school on high-stakes end-of-grade testing. The scores from that test make up 80% of the school's A-F letter grade, and the other 20% comes from how the scores have improved compared to prior years.

She said while they agree that testing is important and is still required by the federal govern-



N.C. Superintendent of Public Instruction Cathrine Truitt speaks at a Council of State meeting

ment in their federal accountability model, more is needed to determine a school's quality based on testing.

"To illustrate that point, our statewide principal of the year, Dr. Patrick Greene of Greene County, has 54 teachers in his high school," Truitt said.

"Six of them teach a tested subject, which means that his school's letter grade, which is supposed to be indicative of school quality, is determined by six out of 54 teachers at his school. So, clearly, this is a flawed model. We've had this model for about 12 years, and it's been a part of my strategic

plan, Operation Polaris, to work to change this model."

Truitt said they partnered with EdNC in October and did a statewide survey. They received 19,000 responses. Over 80% of those who responded, 45% of whom were parents, said that while testing does need to be considered, there should be other indicators of school quality.

"We continue with an advisory group that is bipartisan and utilizes expertise of not just K-12, but also our partners in higher ed and business to look at what our testing and accountability system should look like and what those metrics should be," she said. "Should we be looking at things like chronic absenteeism, availability of tutoring at school, family satisfaction surveys, teacher satisfaction surveys, do teachers feel valued at their school, do parents feel like the school is a place where they are welcomed and can get their concerns and questions addressed in a timely manner?"

Truitt said they look forward to presenting a new slate of measures to the General Assembly during the long session and will keep the Council of State updated.

THE CAROLINA JOURNAL

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# Dobson announces he won't seek re-election as NC Labor commissioner

BY CJ STAFF

At the Dec. 6 Council of State meeting, Republican N.C. Labor Commissioner Josh Dobson announced that he will not seek re-election in 2024.

"I feel the time is right for me to step out of elected office; it's nothing more, and it's nothing less than that," Dobson said. "I'm so grateful for the support of my family.

They have supported me during each of my previous five elections, and they are supportive now of my decision to not run for re-election. I'm also grateful for the employees at the North Carolina Department of Labor and the work they do every day to keep North Carolinians safe."

He also said he would not be a candidate for any other office.

Dobson said that when this term is up, he will have served 14 consecutive years in three different offices. He got his start in public office as a county commissioner in McDowell County,



N.C. Labor Commissioner Josh Dobson's face appears in most inspected N.C. elevators.

where he served for two years. He was appointed to the N.C. House of Representatives in 2013, after Mitch Gillespie resigned, and served until 2020, when he was elected as commissioner of labor.

He said that while he doesn't know what's next for him after his term is up in two years, he has a passion for public service and health care policy, particularly closing the coverage gap.

Dobson said he was grateful for the employees at the Department of Labor and is proud of the work they have done and what they have accomplished.

He gave a special thanks to

Department of Agriculture Commissioner Steve Troxler for his friendship and support and to the people of North Carolina for the opportunity to serve.

"Let me be clear; I'm not going anywhere," Dobson said. "My focus over the next two years will be health and safety in the workplace, toning down the political rhetoric, and working with this council and this General Assembly to find innovative solutions to the workforce shortage across the state, and, in particular, state government."

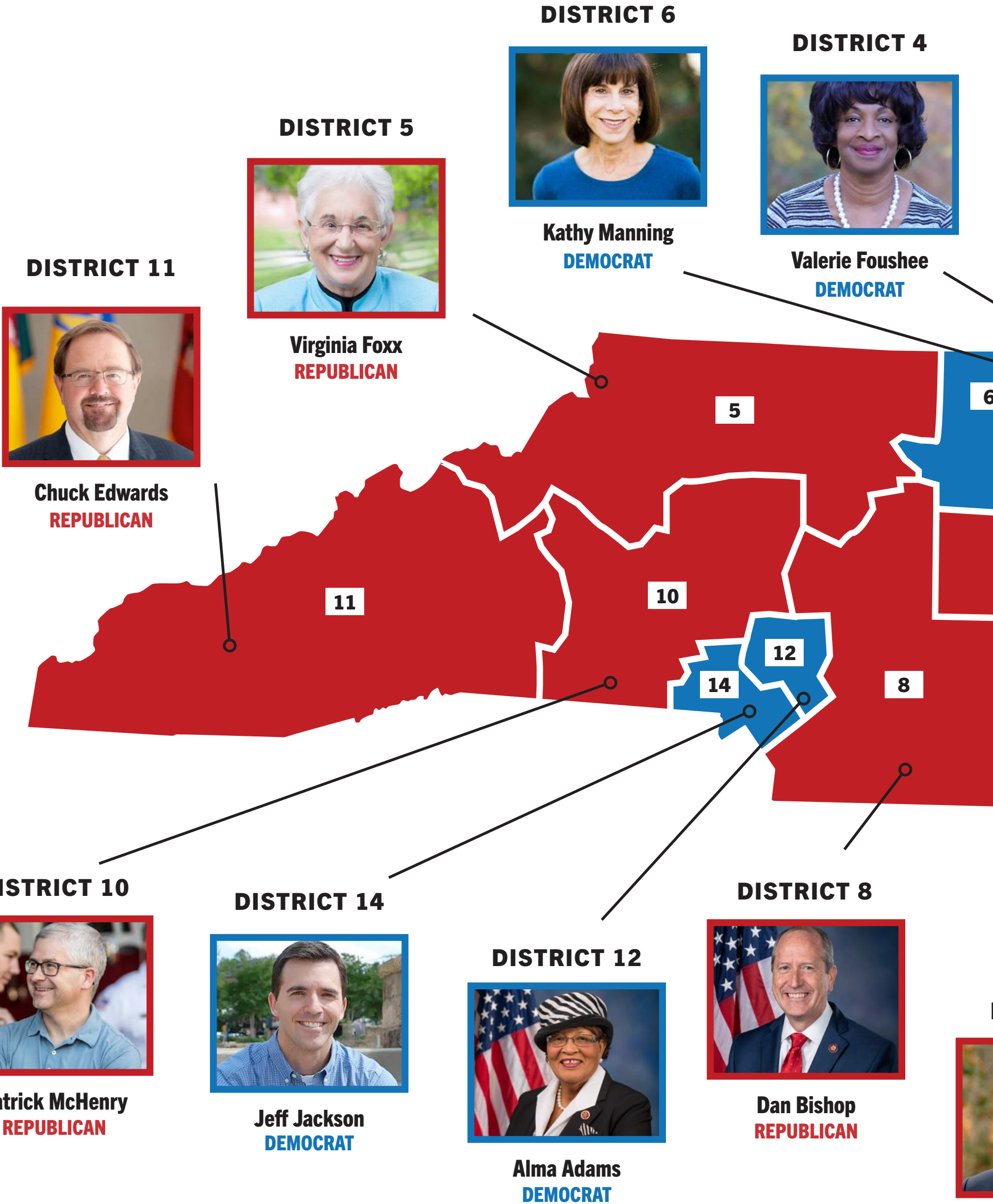
"It is an unbelievable privilege to sit at this table with every one of you, and I look forward to the good work we can accomplish together over the next two years," Dobson added.

Democrat Gov. Roy Cooper thanked Dobson for his work in his position and for his time in the legislature.

Cooper noted that he and Dobson have the same amount of time — two years and twenty-four days — left in their respective roles.



10 CONGRESS



Congress

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Republican Pat Harrigan lost to Democrat state Sen. Jeff Jackson, 58% to 42%.

One interesting note from the House races was that all five new congressional members — Davis; Valerie Foushee, D-4th Dis-

trict; Chuck Edwards, R-11th District; Nickel; and Jackson — came by way of the state Senate.

This has often been considered a traditional path to Congress, rising through the local ranks of city councils and county commissions, to a seat in the state House or state Senate, before seeking federal office or a high-profile statewide office like treasurer or even governor.

Current U.S. Rep. Dan Bishop, R-8th District, followed this tradi-

tional path to Washington. Bishop was on the Mecklenburg County Commission for four years before serving in the N.C. House, then in the N.C. Senate, then running for Congress.

During cycles with a lot of dissatisfaction with elected officials, though, voters often decide they prefer outside perspectives and will choose from nonpolitician candidates.

It's not only the new members

who served in Raleigh. All but two incumbent members of North Carolina's U.S. House delegation, as well as U.S. Sen. Thom Tillis, came to their congressional seats after serving in the state General Assembly. Manning and Richard Hudson, R-9th District, are the exceptions, never serving in state legislative office.

In the two most high-profile U.S. House races this election season, the Republican candidates

were political newcomers. In NC-1, Smith ran against incumbent Rep. G.K. Butterfield in the previous election cycle, but had never held office. And in NC-13, Republican Hines was a 27-year-old law school student without much political or career experience prior to the campaign.

Smith and Hines lost to Davis and Nickel, both of whom had

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DISTRICT 2



Deborah Ross  
DEMOCRAT

DISTRICT 13

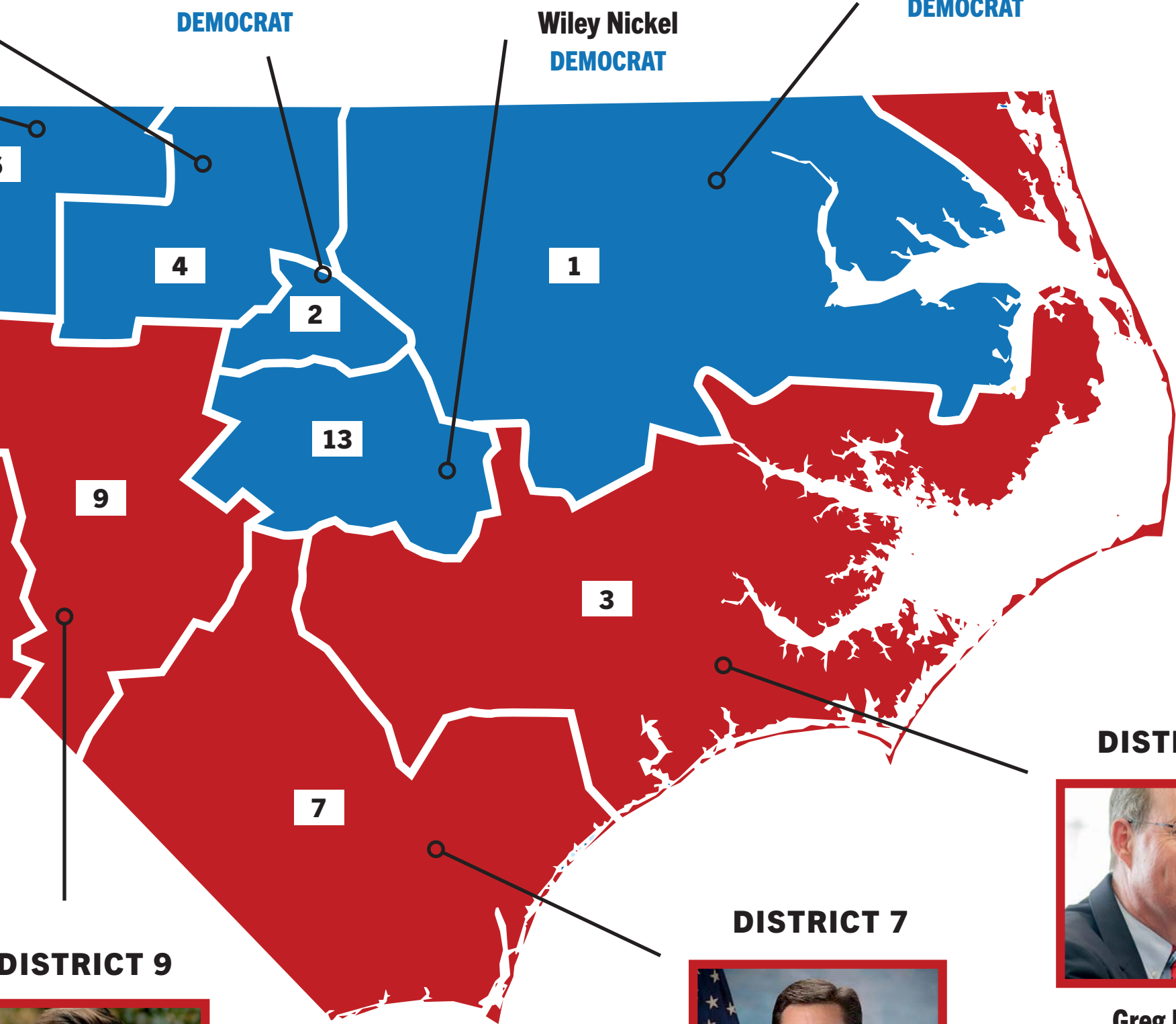


Wiley Nickel  
DEMOCRAT

DISTRICT 1



Don Davis  
DEMOCRAT



DISTRICT 3



Greg Murphy  
REPUBLICAN

DISTRICT 7



David Rouzer  
REPUBLICAN

DISTRICT 9



Richard Hudson  
REPUBLICAN

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served in the state Senate. Rep. Madison Cawthorn, R-11th District, had never served in elected office before winning a congressional seat in 2020. Cawthorn was ousted in the 2022 Republican primary by Edwards, another state senator.

With Republicans taking a

House majority with at least 221 seats, Minority Leader Kevin McCarthy of California and Minority Whip Steve Scalise of Louisiana will likely become speaker and majority leader, respectively, and Minnesota's Tom Emmer will be majority whip.

While none of those filling the top three positions will be from North Carolina, Rep. Patrick McHenry had been seen as an ear-

ly contender.

McHenry, who represents a district just west of Charlotte, had been chief deputy whip to Scalise from 2014 to 2019 and is seen as a rising star.

His decision to remove himself from the whip race may have been a strategic move to maintain his good name and wait until there's a better opportunity.

But McHenry is not being left

out of leadership entirely. As ranking member of the House Financial Services Committee, he will take on the chairmanship of the key committee.

"House Republicans will retake the majority this November, and the next Congress will be defined by divided government. As a result, I will best be able to serve our conference as the chairman of the Financial Services Commit-

tee," McHenry told The Hill after removing his name from the whip race.

Rep. Richard Hudson, who represents the district surrounding Fort Bragg in eastern North Carolina, is another major player to watch, as he was selected as chair for the National Republican Congressional Committee, which works to elect more Republicans to the U.S. House.



Moore v. Harper

continued from PAGE 4

annuls the law outright. And that's this case."

Justice Samuel Alito questioned the role of a partisan elected state Supreme Court in redistricting disputes.

"There's been a lot of talk about the impact of this decision on democracy," he said. "Do you think that it furthers democracy to transfer the political controversy about districting from the legislature to elected supreme courts, where the candidates are permitted by state law to campaign on the issue of districting?"

Attorney Donald Verrilli, representing state government interests outside the legislature, offered a way justices could decide whether a state supreme court strayed too far from its proper role.

"You would ask whether the state decision is such a sharp departure from the state's ordinary modes of constitutional interpretation that it lacks any fair and substantial basis in state law," Verrilli said.

Alito subjected the N.C. Supreme Court's decision to Verrilli's standard.

"Boy, that seems awfully close to what you said would be a viola-



N.C. House Speaker Tim Moore is the named plaintiff in a high-profile U.S. Supreme Court case.

tion," he told Verrilli. "There's 100 pages of elaboration, but basically at the beginning they say what they're doing. Basically, they're saying, in no uncertain terms, 'Look, there's legislative malfunction here. The legislature has adopted political gerrymandering. It's really hard to amend the state constitution, and we don't have a referendum to correct it. So there's a big problem in the state, and we have to step in.'"

Moore v. Harper resulted from the state Supreme Court's par-

ty-line 4-3 vote in February to throw out the General Assembly's map for 14 N.C. seats in the U.S. House of Representatives.

The court's four Democrats overruled three Republican colleagues and rejected the GOP-led General Assembly's map. The four Democratic justices cited several provisions within the state Constitution, including the Article I provision that "All elections shall be free," to invent a new state constitutional ban on partisan gerrymandering.

Democratic justices offered guidelines, but no firm rules, when it returned the case to a three-judge trial court.

The trial judges rejected lawmakers' revised, or remedial, map. Then the judges substituted their own map.

Three outside "special masters" working with consultants had drafted that map with no input from the public or the public's elected representatives.

Put in place only for the 2022 election cycle, the map helped

produce a 7-7 split between the two major parties in North Carolina's congressional delegation. Earlier court hearings had suggested that the state's political geography was likely to give Republicans at least an 8-6 advantage, with 9-5 or 10-4 GOP majorities possible in strong Republican election cycles.

There's no official timeline for the U.S. Supreme Court to release its decision. Justices tend to rule on most high-profile cases near the end of a Supreme Court term in June.

Take Note:

- The U.S. Supreme Court spent nearly three hours dissecting arguments in North Carolina's Moore v. Harper congressional redistricting case.
- Some justices criticized the Independent State Legislature Doctrine. Others offered more support for state lawmakers' argument that state courts overstepped their authority in throwing out North Carolina's congressional map.
- Observers expect a decision in the case by June.

North Carolina Supreme Court

continued from PAGE 4

Depending on the outcome of the Harper v. Hall case, still undecided at press time, lawmakers might also redraw N.C. House and Senate election maps. Legal challenges involving any new statewide election maps could head back to the state Supreme Court in 2023.

Justices might also take another crack at photo identification requirements for state voters. At press time, the current 4-3 Democrat-dominated Supreme Court had yet to

issue a ruling in Holmes v. Moore. That's the case challenging North Carolina's 2018 voter ID law as racially discriminatory. It's possible that case could return to the state's highest court for further action in 2023.

It's also possible that justices could be asked to revisit N.C. NAACP v. Moore. In that case, the court split 4-3 along party lines in August to rule that a trial judge could throw out two state constitutional amendments. One of the voter-approved amendments from 2018 would enshrine a voter ID requirement in the state's governing document. The other would lower an existing constitutional cap on state income tax rates.

Once a Wake County Superior Court judge issues his decision in that case, it would be subject to an appeal back through the court system.

In addition to election-related cases, the state Supreme Court might have new opportunities to address education issues that have produced past party-line divisions.

A trial judge is scheduled to take up the Leandro education funding lawsuit again. The current court's 4-3 Democratic majority ordered the judge to determine how much of his earlier \$785 million Leandro spending order should proceed. High-court Democrats also ordered the judge to force state officials to transfer Leandro-related funds from the N.C. treasury without input from the General Assembly.

It's likely that whatever order emerges from the Leandro court will face an appeal back to state Supreme Court justices.

Seven years have passed since the state's highest court ruled, in a party-line split favoring Republicans, that North Carolina's

Opportunity Scholarship parental school choice program complied with the N.C. Constitution.

An ongoing suit, Kelly v. State, challenges Opportunity Scholarships again. That case heads next to a three-judge Superior Court panel. But it's possible that the state's highest court could have a chance to consider the scholarships again in 2023.

Past experience suggests that justices' party affiliations won't affect every decision. Even in 2022, which featured a relatively high number of partisan divisions by historical standards, a majority of cases yielded rulings in which justices agreed unanimously.

But it's clear that the court's new 5-2 Republican majority has a chance to make a difference in some of North Carolina's highest-profile legal disputes.

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Cooper

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al primary races, ones that they thought would be easier to beat in the general election

"It is not just shameless, but dangerous, that Democrats have

spent tens of millions this year promoting Republican extremists," the editorial board of the Washington Post wrote in response to the strategy.

For example, in Maryland, the DGA ran ads that focused on primary candidate Dan Cox's endorsement from Donald Trump, saying he's "too conservative for Maryland." Similar DGA-funded ads ran during the primaries in Illinois and Pennsylvania.

"Multiple polls have shown Dan Cox is firmly in the driver's seat of Maryland's Republican primary. ... Given Cox's frontrunner status and radical MAGA stances, we are starting the general election early and wasting no time to hold him accountable," the DGA told NBC News.

Cox did win that Republican primary and was decisively beaten by Democrat Wes Moore in the general election, 65% to 32%.

Cooper said that despite the decisive victory of DeSantis in Florida (60%-40%) and the dramatic loss of Beto O'Rourke in Texas (55%-44%), governors in his party exceeded expectations by running on the accomplishments of the Biden administration.

He considers governors the last line of defense in protecting rights "stripped away" by the U.S. Supreme Court.

"One of the hardest things to

do in politics is to defeat an incumbent governor," he said. "Governors do so much work that affect people's everyday lives. And even if you're not such a good governor, it's still hard to root one out."

"And this just was not the time for Democrats to succeed in Texas and Florida," Cooper added. "But they are still on the Democratic maps. We have to go in and look at ways that we can improve the processes there."



# OPINION



## Why we don't 'wait for the facts'

DAVID LARSON  
OPINION EDITOR



In early December, someone shot out two electrical substations in Moore County, leaving more than 40,000 of our fellow North Carolinians without power in the cold. Somewhere else in the county that night, there was set to be a controversial drag show. Was the attack on the power supply due to the drag show? It's possible. But, as of the writing of this essay, law enforcement has not been able to find any evidence of that.

That did not stop left-wing accounts on Twitter from offering as fact the theory that right-wing, neo-Nazi, Christofascist terrorists (kind of a mouthful) knocked out much of the power to the county in order to stop the show.

Harvard Law instructor Alejandra Caraballo said, "The fascists wanted to stop a drag show in North Carolina so they shot up

multiple power substations and knocked out power to over 40,000 people to prevent the show from happening. This is terrorism."

Closer to home, the Charlotte Mayor Pro Tem Braxton Winston said, "Radical Christian Terrorism."

Democratic 8th District congressional candidate Scott Huffman responded to Rep. Dan Bishop, who defeated him in the race, saying, "I'm your constituent Rep-DanBishop. Don't spin this as vandalism. Call it what it is. An act of terrorism. This was coordinated and your #LGBTQ #transphobic #rhetoric is fueling this. Over 42,000 and emergency services are affected over a drag queen show event."

And when law enforcement was unable to make any immediate connection between the power outage and the drag show, the Democrats' 2020 candidate for state commissioner of agriculture, Jenna Wadsworth, added the inevitable next piece in the conspiracy-spinning process, throwing doubt on the authorities and the



**In those moments, we feel that maybe this proves we're the 'good guys' fighting on the right side of history.**

"official narrative," saying, "So, totally hypothetical question, but how can we trust police officers and elected Republican sheriffs to adequately investigate suspects they are sympathetic to, like, perhaps, right wing, Neo-Nazi, Christofascists?"

Even if this theory — about neo-Nazis, with law enforcement support, knocking out key infrastructure to stop a drag show — turns out to be correct, those above would still be in the wrong for asserting these facts before they were discovered. It was just as obnoxious and wrong when

some on the right jumped to disgusting and baseless conspiracies after Paul Pelosi was attacked by a crazy person with a hammer. All sides should take a wait-and-see approach, but we don't.

A quick examination of conscience shows me that I've at times basked in moments of smug moral superiority upon learning that a political opponent had secretly been a horrible person all along. In those moments, we feel that maybe this proves we're the "good guys" fighting on the right side of history.

Sara Pequeño, an opinion writer for the News & Observer, wrote a column recently about how to defeat all your evil conservative relatives during holiday dinner debates. To be fair, she largely focused on racism and "Q Anon" conspiracies, which deserve the treatment she discussed. But in the pushback to the piece, she said that there is no "both sides" to extremism because "there is a clear throughline between right-wing extremism and real violence," while things like universal health

care and nationalizing "the means of production" do not lead to violence. To her, violent extremism is by definition only a problem in the other guys.

Putting aside the enormous historical ignorance in being unaware of the very real "throughline" between seizing the means of production and "real violence" (think 10s of millions of bodies in the 20th century), there is also real danger in placing the entire locus of evil in others' beliefs and actions. It lets you off the hook to be just as evil without noticing, or even while thinking you are fighting noble battles for justice.

Aleksander Solzhenitsyn, one of those who experienced the brutality of real left-wing violence in the Soviet gulags, said it best: "If only it were all so simple! If only there were evil people somewhere insidiously committing evil deeds, and it were necessary only to separate them from the rest of us and destroy them. But the line dividing good and evil cuts through the



# Beware of the coming pork-barrel spending



**THE 2022 GENERAL ELECTION** has come and gone. And while the oft-prophesied national “red wave” failed to materialize, North Carolina Republicans had a successful election season.

Republican Congressman Ted Budd defeated Democrat Cheri Beasley for a US Senate seat that was considered one of the most competitive in the nation. Republicans won both state Supreme Court races, thus ensuring a partisan majority through 2028. Republicans also won 30 of 50 (60%) seats in the state Senate. Additionally, Republicans won 71 of 120 (59.16%) seats in the state House of Representatives.

This last figure of 71 Republican state House seats is likely the most dramatic number to come out of this year’s North Carolina elections. Why?

Article II, section 22 of the N.C. Constitution sets the rules for a legislative chamber to reconsider a bill that the governor has vetoed. The constitution stipulates that a veto override can occur after “such reconsideration three-fifths of the members of that house present and voting shall agree to pass the bill.” If that happens, the bill goes to the other legislative chamber, and if three-fifths of the present members in the second chamber also vote to override the veto, then the bill becomes law.



The state House consists of 120 members, so three-fifths (60%) of the House would be 72 members, commonly called a supermajority. However, a House supermajority of 72 would be one more than the number of incoming House Republicans.

Republicans have a solid supermajority in the state Senate, but some have described House Republicans as having a “functional supermajority,” which means that some Democrats may be willing to cross the aisle to help Republicans override a veto by Gov. Roy Cooper, a Democrat.

But why would freshly elected Democrats cross the aisle?

As a fiscal conservative, here is where I have some concerns about the legislative session. Candidly, there is a lot of horse trad-

ing in any legislative body. The constitutional framers of our republic made it that way so that the interests of one region would be balanced by those of another. My fiscal concern is that lots of that trading can be made through “special provisions” in the state budget process.

A special provision in the state budget can be boiled down to a more colloquial term — pork-barrel spending. Special provisions are additions to the state budget that are not core state government functions and are pet project spending for lawmakers on parks, high school athletic facilities, or funding for a local nonprofit.

For example, Paige Terryberry, senior fiscal policy analyst at the John Locke Foundation, found

**To put it another way, if the state government is spending money on things that are not core government functions, then it is taxing citizens beyond what is necessary.**

special provisions in the 2022 state budget, such as \$400,000 to Alleghany County for a new public swimming pool, \$150,000 to the Arts Council of Wilmington and New Hanover County, and \$100,000 to the North Carolina Folk Festival.

As a fiscal and constitutional conservative, I have serious reservations about these special provisions. The primary reason is that they can add up to tens, if not hundreds, of millions of dollars when spread across the state and are not allocated to the constitutional functions of the state government.

I am confident that the North Carolina Folk Festival is a fine event in Greensboro, but I need help finding where the General Assembly derives the constitutional power to fund it. Nor do I understand how \$31 million in

incentives for the film industry, mainly in Charlotte and Wilmington, is a core government function. And the same goes for the \$10,000 spent in 2021 for a mural in Sanford.

To put it another way, if the state government is spending money on things that are not core government functions, then it is taxing citizens beyond what is necessary.

Both Democrats and Republicans are guilty here.

Additionally, these special provisions can be for “good causes,” but state legislators are elected from local districts to make decisions on a statewide basis. It is not fiscally conservative or fair to use taxpayer money to fund localized projects that only benefit a select area at the expense of all N.C. taxpayers — particularly when these provisions are funded to broker a deal.

The conservative leadership of the General Assembly has accelerated North Carolina’s economy over the last decade. We have skyrocketed from the third-highest state unemployment rate at the height of the Great Recession to being named the best state for business and ascending as the clear economic engine of the Southeast.

North Carolina did not get there with an overspending government and easy decisions. It was a meticulous and fiscally conservative process. That may not lead to the seductive headlines that some lawmakers want, but it is how true conservatives govern.

# Test scores show huge learning loss



**I**n 2019, 28% of N.C. eighth-graders lacked even basic reading skills, and 29% lacked basic skills in math. Only about a third were proficient in these core subjects.

Regardless of region, sector, party, or ideology, no one was satisfied with the 2019 results from the National Assessment of Educational Progress, the gold standard in independent evaluation. We all knew that without higher levels of reading and math proficiency, North Carolina’s economy would be smaller, our families poorer, and our communities weaker. We knew that while the schools of many other states were worse, North Carolina’s could still be better.

Now that the 2022 NAEP scores are out, we know something else: Our task has gotten much harder.

According to the latest estimates, the share of N.C. eighth-graders who lack basic skills expanded to 34% in reading and 39% in math. Proficiency rates dropped into the mid-20s. When discussing trends in test scores, we often focus on learning gaps by race, ethnicity, and family income, but it’s important to recognize that declines weren’t confined to disadvantaged children or those already struggling. In 2019, 11% of our eighth-graders demonstrated advanced skills in math. In 2022, that rate tumbled to 6%.



Not surprisingly, Republicans and conservatives who faulted Gov. Roy Cooper and other policymakers for keeping public schools closed too long during the COVID-19 pandemic seized on the NAEP scores as supporting evidence. Also not surprisingly, the Biden administration and other Democrats immediately spun the results differently, pointing out (correctly) that many places where schools reopened quickly had large test-score de-

clines as well.

Critics of long-term school closures have the better argument, however. According to separate analyses of the data by Brown University professor Emily Oster, Thomas Willburn of the online news outlet Chalkbeat, and Harvard professor Martin West (who also serves on NAEP’s governing board), the extent to which states provided face-to-face rather than online instruction was, indeed, related to the

size of their test-score declines — although the correlations were in some cases rather modest.

North Carolina and many other states kept their public schools closed far longer than was justified by any fair-minded evaluation of the risks (both medical and educational). That being said, even if they’d been reopened quicker, the initial shutdowns and the pandemic’s ongoing disruptions of economic and family life would have hurt the perfor-

**According to the latest estimates, the share of North Carolina eighth-graders who lack basic skills expanded to 34% in reading and 39% in math. Proficiency rates dropped into the mid-20s.**

mance of our students anyway.

What now? Relitigating the issue isn’t going to fix the present problem. In North Carolina, the political battle lines were formed years ago.

Democrats think the best way to improve education is to spend more money on public schools, including across-the-board pay raises for teachers and the employment of more instructional and noninstructional personnel. Republicans think the best approach is to give parents more choices, foster more competition among schools to make them more cost-effective, and reform the way we train, hire, evaluate, and compensate in order to attract and retain more effective teachers.

You’ll hear a lot about these ideas over the coming months. The stakes are huge, as our abysmal NAEP results laid bare.



# Should North Carolina expand Medicaid next year?

MARC JOFFE  
CATO INSTITUTE



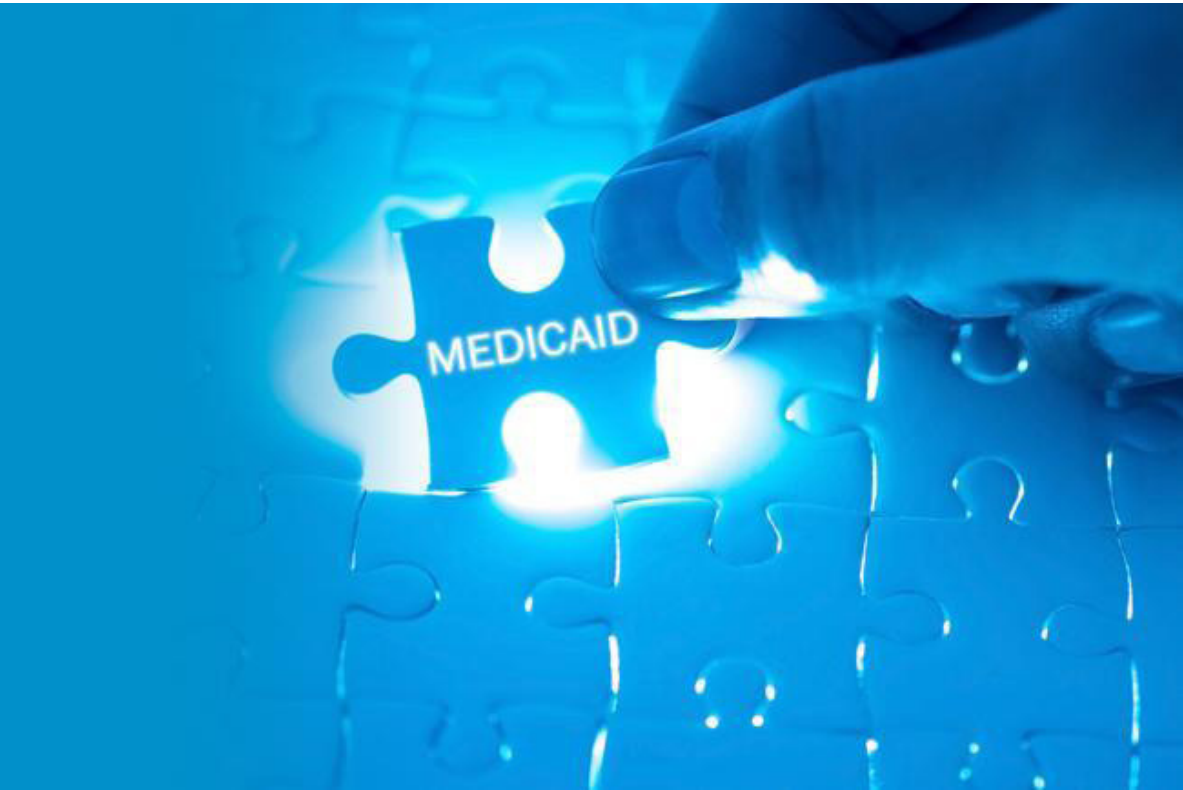
Rather than consider Medicaid expansion during the lame duck session, Republican leadership in North Carolina has decided to take up the issue in the new General Assembly next year. Their best option in 2023 would be to reject the expansion while adopting two other reforms that were in this year's Senate bill.

A bill introduced this session proposed both paring back certificate-of-need requirements that oblige operators to obtain state permission before adding new facilities and expanding the services that advanced-practice nurses can offer. Both reforms would increase availability of health care services and should lower costs.

CON laws create an additional hurdle for medical providers hoping to add beds, diagnostic equipment, and other facilities. When regulators choose not to issue certificates, they constrain the availability of medical services. This session's bill would have eliminated the CON process for psychiatric beds, MRI equipment, and a few other categories.

But it could have gone further: 12 states, including California and Texas, have no CON requirements. While Florida still has a CON law, the state legislature exempted hospitals from CON review in 2019.

The N.C. bill would have also allowed nurse practitioners, nurse midwives, clinical nurse specialists, and nurse anesthetists to prescribe and dispense drugs and order tests and treatments in hospitals without having to consult a physician. This reform would allow North Carolina to join the 25 states that per-



mit nurse practitioners to work independently. Because these professionals typically charge less and spend more time with patients, freeing them from restrictions should reduce costs while increasing patient satisfaction without harming quality.

Although the bill included promising reforms, they would have come at the cost of adding over 600,000 new beneficiaries to North Carolina's Medicaid rolls over the long term.

Further, expansion would increase demand for unnecessary visits to health care providers, driving up costs for other patients and triggering a shortage of practitioner time — especially if the scope-of-practice reform is not included. According to the John Locke Foundation, "The majority of those eligible under expansion

would be able-bodied, childless, working-age adults."

Locke also noted that under expansion, "these people would be competing for scarce medical care, and will often crowd out access to care for the traditional Medicaid population, which includes poor children, pregnant mothers, and those with certain disabilities."

Expansion costs may exceed budget projections, especially over the long term. According to the Foundation for Government Accountability, costs per expansion beneficiary were \$2,100 higher than the Department of Health and Human Services had forecast six years earlier. Also, more individuals enrolled than originally expected, a dynamic exacerbated by a federal law restricting states' ability to disenroll beneficiaries during the COVID-19 pandemic.

Although proponents correctly observe that the federal government will pick up 90% of expansion costs, it is worth noting that N.C. state taxpayers are also federal taxpayers. According to IRS' Statistics of Income, N.C. residents were responsible for 2.4% of federal income tax liabilities in 2019.

Expansion will also add to budget volatility. During recessions, more people will join the program just as state tax revenues are declining.

In fact, the main beneficiaries of Medicaid expansion are hospitals. They are ethically obligated to provide care to uninsured patients, so the question is not whether an individual eligible for Medicaid expansion should re-

ceive needed in-patient treatment but who will pay for it.

Hospitals have traditionally provided charity care to those who could not afford their services, and they have the financial wherewithal to do so. In North Carolina, large hospital systems are quite profitable. Even though some hospitals are "nonprofit," the difference between revenues and expenses is typically positive and often quite large.

According to a study published by the State Health Plan, North Carolina's top seven not-for-profit hospital systems reported net revenues totaling \$5.2 billion in 2021. One major, for-profit hospital operator, HCA, has hospitals in North Carolina and several other states. In 2021, HCA reported Earnings Before Interest, Taxes, Depreciation, and Amortization of over \$3.1 billion.

In addition to retaining those earnings, some hospital groups offer generous executive compensation.

Charlotte's Atrium Health had five executives who each received total compensation in excess of \$2 million in 2021, including the organization's CEO, who received nearly \$8 million.

Hospitals that encounter challenges providing charity care could consider adjusting executive compensation rather than further burdening federal and state taxpayers. Deregulating hospital and clinician markets would allow hospitals to provide charitable care at a lower cost.

N.C. legislators can assist the state's hospitals by freeing them from regulatory barriers to adding new facilities through CON reform. They should not provide an additional, unneeded subsidy by expanding Medicaid.

*Marc Joffe is a policy analyst at the Cato Institute focusing on state policy issues.*

# Parents made their voices heard in 2022 school-board races

KELLY MANN  
CONTRIBUTOR



**NORTH CAROLINA SCHOOL BOARD** race results are a strong reminder that, despite the re-opening of schools and loosening of pandemic restrictions, the parent revolt continues in the state. Parents across many N.C. counties feel unheard, that their choices within schools are infringed upon, and, most importantly, that students' basic educational needs are not being met. Now they are pushing back.

On Nov. 8, parents across the state expressed this dissatisfaction with their votes in local school board races.

In fall 2020, parents were forced to become involved in school board meetings at an unprecedented level. Parents united to question school reopening policies and raised alarms over loss of instructional time. They formed groups to strategize. Parents' eyes were opened to politically driven, controversial curriculums and invasive surveys.

Concerns were validated two weeks before Election Day with the release of The Nation's Report Card. North Carolina reading



and math scores declined from 2019, with fourth-grade reading and math falling five points and eighth-grade math and reading falling 10 points and six points, respectively. It was clear that students faced a tragedy of learning loss.

According to EdNc, 290 school board seats were up for election in 83 districts. Of those races, 41 were partisan. Republicans won 75% of those races to Democrats' 25%. Several counties moved from a Democrat majority to Republican.

Progressive campaigns focused on additional funding for schools, equity programs and policies, and elevating criticism of concerned parent voices. Conservative campaigns centered on academics (particularly learning loss), school safety, transparency, parent partnerships, and improving teacher satisfaction and retention.

In Wake County, where five of nine incumbents did not seek re-election, Republicans gained two seats. Wing Ng, who defeated Doug Hammack in District 6, focused on parent engagement and transparency, school safety, learning proficiencies, and support of educators. Hammack, endorsed by North Carolina Teachers Association, focused on "polarization," with "screaming fits," and addressing the "hissy-fit approach," to school board meetings in his campaign.

Parent groups got involved in campaigns. The New Hanover County Tide Turners endorsed candidates whose campaigns aligned with their four pillars: academics, parental rights, transparency, and fiscal responsibility. Newly elected Josie Barnhart credits the Tide Turners and positive campaigning. The New Hanover County board flipped from majority-Democrat to Republican.

can.

Craven County — where Republican candidates also took a majority — strategized, collaborated, and listened to what was important to constituents. Jennifer Dacey knocked on 4,000 doors to discuss academic shortfalls, safety, and students. Dacey won by 66 votes.

Michelle Antoine, an advocate and mother of seven who won a close race in Johnston County, said, "My race was won by being bold, along with staying engaged for years through writing and advocacy. Truly, voters want public servants that will work for the people."

Republican-endorsed candidates won all three open seats in Johnston County.

The North Carolina Association of Educators, despite having less than 17% of educators affiliated, has financial resources and political expertise to its advantage. But they came up short.

School board wins were led by grassroots efforts of outraged parents unwilling to take more of the status quo. Shortfalls and weaknesses in the N.C. public school system have been exposed. If school board election outcomes are an indicator, the grassroots parent revolt is here, and its impact is growing.



# A new opportunity for pro-freedom policy



JORDAN ROBERTS  
CONTRIBUTOR

Despite a nationwide underperformance by Republicans in 2022 elections, N.C. Republicans made meaningful gains, picking up two seats in both the state Senate and House. The change in legislative composition presents additional opportunities for lawmakers to continue their decade-long record of successful governing and increasing freedom for all North Carolinians. As is the case every two years, the John Locke Foundation produces a legislative agenda featuring the most critical issues legislators need to focus on to keep North Carolina on its prosperous track. Backed by research and careful consideration, these policy recommendations would help make our state the freest in the union.

Locke's 2023-24 policy agenda comprises many issues we have championed in the past. Regarding fiscal policy and taxes, the General Assembly should continue keeping the growth of government in line with inflation and population growth, as well as look to repeal unnecessary taxes, such as the privilege tax. In education, lawmakers should protect and expand school choice programs and pass a parental bill of rights that prioritizes transparency and accountability. To support a growing economy and work force, lawmakers should look for ways to make it easier for workers to utilize their skills free from undue burden and protect against occupational coercion. Finally, in health care, lawmakers should resist expanding Medicaid and instead focus on supply-side reforms to increase available services. In addition to these core free-market issues, what follows are several others that Locke will promote.



## Responsible energy future

Following the passage of transformative energy policy last session, lawmakers need to carefully oversee the process by which the North Carolina Utilities Commission complies with the new law. This will be a multistep process with input from the legislature, NCUC, and private stakeholders. The new law sets goals for carbon reduction. However, carbon reduction shouldn't come at the expense of ratepayers. The law stipulates that energy plans must be least-cost and most reliable. Parties in this process, most notably NCUC, should carefully adhere to the law, providing a responsible energy future for North Carolina that prioritizes innovation and choice.

## Limiting bureaucracy

As North Carolina has seen

over the past decade, sustained economic growth is the product of sound fiscal policies. Yet there is still more to be done. One way to reduce unnecessary business regulations is by reforming the rules-review process. Executive agencies are given wide latitude to implement rules to carry out duties delegated to them by the legislature.

However, the rules act as law when the Rules Review Commission approves them. Lawmakers can reform the rules review process to curtail the expansive authority executive agencies have to unilaterally implement expensive rules or rules that run afoul of legislative intent. One reform is to require that all rules with a specific economic impact go to the General Assembly for final approval. Another way is to ensure policy documents, guidelines, and interpretive statements go through the rules review process before be-

coming rules. Limiting the authority of the administrative state will better balance public interests with those of executive agencies.

## Keep housing affordable

Another crucial issue for state lawmakers is housing supply. A state named No. 1 for business, and which also gained a congressional seat due to population increase, needs to pay careful attention to the housing market. To prevent a void of starter homes and allow for the middle class to afford homes, the state needs to focus on zoning reform to increase the supply of houses. Legalizing middle housing — such as duplexes, triplexes, and accessory dwelling units — can help improve the housing supply. In addition, local governments can be pre-empted from implementing arbitrary land-use restrictions — such as parking mini-

mums, lot-size minimums, aesthetic requirements, and setbacks — which carry unnecessary costs and limit new construction.

## Election transparency

Despite unfounded claims of rampant fraud in elections, the truth is that North Carolina's electoral system functioned properly in the 2020 pandemic election, with only minor hiccups. Yet there are still reforms to increase trust through transparency in elections. First, lawmakers need to ban any private funding of election administration. Second, we need to ensure all ballots and registrations are legal. Third, election observers should have more access to the voting process throughout election time. Elections are a core part of self-government. Modest reforms can boost trust among the public.

## Bolster Second Amendment rights

Lastly, lawmakers could improve Second Amendment rights of law-abiding citizens by repealing the Jim Crow-era pistol purchase permit. This policy was implemented across the South to limit the ability of black people to purchase firearms. The law is also burdensome and duplicative. Every other former Confederate state has repealed this law, and it's time for North Carolina to join them. Doing so would ensure Second Amendment rights of North Carolinians are protected no matter what is going on in the world.

We offer our public policy agenda to lawmakers and the public to show what we believe should be legislative priorities this session. Each piece of our legislative agenda deals with individual liberty, free markets, and limited constitutional government. We look forward to promoting these ideals in the new year to increase freedom for all North Carolinians.

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  
David Larson | [dlarson@lockehq.org](mailto:dlarson@lockehq.org)

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





# Cooper's veto is no longer safe

ANDRÉ BELIVEAU  
CONTRIBUTOR



**CONTRARY** to what North Carolina progressives seem to think, the truth is that the Republican-controlled General Assembly now has a governing supermajority. This dynamic threatens Gov. Roy Cooper's ability to continue building upon his record of having the most vetoes of any state governor.

The Nov. 8 electoral results also put state public policy outcomes in North Carolina into a favorable position for those who value limited government.

The social media politico echo chambers spiked with analysis after the election.

Folks on the left and right are giving their thoughts about what the results mean for our political landscape.

Overall, it is fair to conclude that what should have been an environment where Republicans saw a massive red wave across the country turned up short. But here at home, they secured critical victories.

The NCGOP took a sweeping victory over the judiciary, gaining the majority on the North Carolina Supreme Court for the foreseeable future.

This will positively impact conservatives and those who value constitutionality in how judges interpret the law rather than judicial activism. Likewise, this will



Gov. Roy Cooper has the record for having the most vetoes of any state governor ever.

potentially impact redistricting, righting the wrongs of previous activist judges.

Most notably, Republicans gained a supermajority in the state Senate, bringing them to 30 seats in the upper chamber and a "functional supermajority" in the N.C. House, coming up short only by one, with 71 seats.

Nationally, the GOP did not do as well as many pundits predicted. There are potentially many reasons why that happened. One can

speculate that this could be seen as a referendum on Trumpism — that it's time for Republicans to move beyond Donald Trump and that populist rhetoric is not necessarily the catch-all winning strategy for conservatives moving forward.

With what we saw in this election cycle in North Carolina with the loss of the three Trump-endorsed U.S. House candidates (Madison Cawthorn, Bo Hines, and Sandy Smith), even with a

Ted Budd victory on the Senate side, that seems to be a good argument.

While the red wave may not have been felt at the national level, and social media rhetoric reflects that sentiment, #NCPOL Twitter is seemingly different from the rest of the country, as we did see positive gains for Republicans on the state level and, of course, with Budd's U.S. Senate victory.

So, as for the General Assem-

bly, what does a "functioning or governing supermajority" mean for legislating and the governor's veto power?

Republicans in the General Assembly only need one House Democrat to align with them to override Gov. Cooper's veto.

House Republicans have a rich environment of moderate Democrats to vote with them on a wide variety of policies, especially now that

Democrats do not have to worry about the wrath of Cooper's vengeance since his time as governor is coming to a close. Senate Republicans have the votes to override a veto even without Democrat support.

On a vote-by-vote basis, and on almost every issue imaginable, Republicans in the General Assembly can expect to have practically no problem finding Democrats to effectively caucus with them on votes, thus making Cooper's veto no longer safe.

It would be politically savvy for moderate Democrats to deliver on being moderates and work in a bipartisan fashion.

This also means Republicans will have to moderate, albeit only slightly, on some issues to win the hearts of their colleagues. Overall, this is arguably not bad for a good and balanced government.

*André Béliveau is the strategic projects and government affairs manager at the John Locke Foundation. He previously served as a policy adviser in the N.C. Senate.*

# If inflation subsides, is everything OK?

MICHAEL WALDEN  
CONTRIBUTOR



**MOST SURVEYS** show inflation is one of the top issues in the country. For several months the inflation rate has been hovering just shy of double-digits on a year-over-year basis.

But what if the Federal Reserve is successful in reducing the inflation rate? Does this mean we're fine? What if, for example, this time next year the year-over-year inflation rate has dropped to 2% — which, by the way — is the Federal Reserve's target? Should we be dancing in the streets because we're now back to where we were prior to the surge in inflation?

The answer is — no! If at the end of 2023, the year-over-year inflation rate is 2%, this means prices are still rising, just not as much. Reducing the inflation rate doesn't mean all prices are falling. Sure, some prices would drop, particularly basic commodities like fuel and food. But most wouldn't.

Still, if the pace of inflation is slowing, isn't that good news? It is, but this doesn't mean everything is fine. The major problem with inflation is not that prices are rising, but that our wages and salaries don't increase at the same pace. Indeed, in the last two years, prices have risen faster than wages and salaries. This means most



Reducing the inflation rate doesn't mean all prices are falling.

households have experienced a reduction in their standard of living.

It gets worse. History shows it's taken a significant period of time for workers to recover their standard of living, even when the inflation rate moderates. The reason is a recession is usually the policy prescription used to reduce inflation. And during a typical recession, businesses reduce employment and sometimes cut wag-

es for the workers they keep. Both actions cause further erosion in the standard of living.

The bottom line is it may take a while for workers' incomes to recover from the combined trauma of rising inflation and a job-killing recession, even if the inflation rate is brought back to normal levels.

Consider these track records of recent inflation/recession combos. It took almost 20 years —

yes, 20 years — for the purchasing power of weekly earnings of workers to recover from the combined impacts of the "great inflation" of the early 1980s and consequent recessions that ultimately cut the annual inflation rate from 13% to 3%.

It wasn't as bad with later combinations of inflation and recession. Inflation jumped in the latter part of the 2000s decade and prior to the housing recession in 2007-09. But it took only five years for the purchasing power of wages to get beyond the double pounding of inflation and recession.

Now we're set up for another challenge. Many economists are predicting a recession in late 2022 or early 2023. Hence, even if there is some good news in coming months that the inflation rate is moderating, many households will experience a struggle to regain their previous living standards.

Unless, of course, like on many things, the pandemic has changed the rules. One big change has been the lingering labor shortage. Many businesses can't find enough workers, and they want to keep ones they have.

This sets up a possible scenario where job cuts with an upcoming recession will be minor. The reason is firms have many unfilled positions to cut, and they don't want to lose the workers they've tried hard to keep. Also, firms may be more forthcoming with pay raises in order to keep

**It may take a while for workers' incomes to recover from the combined trauma of rising inflation and a job-killing recession.**

valued workers. The combination of more jobs and better pay may reduce the time needed to recover the peak purchasing power of worker earnings in early 2020, prior to the pandemic.

The conclusions are these. First, lowering inflation doesn't mean lowering prices. It means lowering the rate of increase in prices. Most prices continue to rise.

Second, what matters for your standard of living is the purchasing power of your salary. The purchasing power of your salary can be eroded by both inflation and recession.

Third, this time may be different. Labor shortages may mean a mild uptick in unemployment if a recession occurs.

*Michael Walden is a William Neal Reynolds distinguished professor emeritus at North Carolina State University.*



# SC founding father at center of US Supreme Court election case



Nearly 200 years after the death of Charles Pickney, a fierce historical debate surrounding his role in the establishment of the Constitution and the American government has renewed.

**DALLAS WOODHOUSE**  
CONTRIBUTOR

One of South Carolina's early governors — and one of the nation's most controversial founding fathers — is taking center stage in a critical U.S. Supreme Court case that could fundamentally alter the control of federal congressional elections.

Nearly 200 years after the death of Charles Pinckney, who was among four South Carolina signers of the U.S. Constitution, a contentious legal theory has renewed a fierce historical debate surrounding Pinckney's role in establishing the Constitution and the American government.

A wealthy Charleston planter and slave owner, Pinckney (1757-1824) became political royalty in South Carolina, initially serving as governor from 1789-1792 and later being elected to two more nonconsecutive gubernatorial terms.

He also served in the S.C. legislature and the U.S. House and Senate. His first cousin from South Carolina was a fellow signer of the Constitution.

At issue in oral arguments set Dec. 7 before the U.S. Supreme Court in the case of *Moore v. Harper* is whether the N.C. Supreme Court had the authority under the Elections Clause of the Constitution to throw out that state's congressional district map passed by the N.C. General Assembly and substitute another map drawn by court-appointed special masters.

N.C. Republicans, who control the state's legislature, want the nation's top court to adopt the "independent state legislature" theory of the Elections Clause.

Under that interpretation, the Constitution allows only state legislatures — not state courts or governors — to draw their respective congressional maps, reviewable only by Congress and federal courts.

The Elections Clause, found in

Article 1, Section 4 of the Constitution, reads in part: "The Times, Places, and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof."

So how is South Carolina's Pinckney connected to the North Carolina case?

N.C. Republicans contend in court papers that by designating the state legislatures' sole authority in regulating federal elections in their respective states, the Constitution's framers deliberately rejected a more broadly worded version of the Elections Clause submitted by Pinckney.

Pinckney's version of the Elections Clause would have allowed "Each State," as opposed to specifically state legislatures, to "prescribe the time and manner of holding Elections by the People for the House of Delegates."

Now, 198 years after his death, Pinckney could play a central role in determining what political body will set rules for federal elections.

"This is the single most important case on American democracy, and for American democracy, in the nation's history," said former longtime U.S. 4th Circuit Court of Appeals Judge Michael Luttig, who is widely known in legal circles for his conservative views but opposes the ISL theory.

"By striking the [N.C.] General Assembly's congressional map and redrawing their own, with the help of Democrat partisans, the [State] courts have, once again, violated the separation of powers," said Republican House Speaker Tim Moore, the lead appellant in the case. "This effort to circumvent the elected representatives of the people will not stand."

In a friend-of-the-court brief, attorneys general from 13 states, including South Carolina, supported North Carolina's arguments in the case.

Given their traditional practice, the nine U.S. Supreme Court justices likely won't issue a ruling until next summer.

But it's not the first time that

**If the court rules as many expect, it could have dire consequences for state courts' ability to ensure that federal elections are free and fair. But the baseless speculation that it would empower Trumpian state legislatures to execute a legal coup in 2024 by ignoring the results of the popular vote is worse than wrong. It's dangerous.**

- Matthew Seligman  
Constitutional Law Center at  
Stanford Law School fellow

the high court has dealt with Pinckney's views.

In a 1926 case, for example, then-chief justice and ex-U.S. President William Howard Taft relied on an 1818 version of Pinckney's various constitutional proposals, collectively known as the "Pinckney Plan."

More recently, in his 2015 dissent in an Arizona redistricting case, Chief Justice John Roberts referred to the 1818 version as the "first known draft" of the Elections Clause presented at the 1787 Constitutional Convention.

The fact that a later draft revision included a reference to state legislatures "indicates that the Framers thought carefully about which entity within the State was to perform congressional districting," Roberts wrote.

Justices Clarence Thomas, Samuel Alito, Neil Gorsuch,

and Brett Kavanaugh have all expressed some support for the independent state legislature theory.

**Dangerous election theory?**

Critics, mostly on the left side of the political debate, have said that the ISL theory could be used to steal future presidential elections. However, some legal experts who oppose the theory don't buy that argument.

Matthew Seligman, a fellow at the Constitutional Law Center at Stanford Law School, wrote about the issue in Politico.

"If the court rules as many expect, it could have dire consequences for state courts' ability to ensure that federal elections are free and fair. But the baseless speculation that it would empower Trumpian state legislatures to execute a legal coup in 2024 by ignoring the results of the popular vote is worse than wrong. It's dangerous."

"This case is extremely dangerous to American democracy, but it would not remove all checks on state legislatures," Helen White, an attorney for the voting rights group Protect Democracy, told The Raleigh News and Observer this summer, when the U.S. Supreme Court first agreed to hear the case. "This would not give anyone 'license to coup.'"

Still, at a minimum, the case could remove governors and state courts from congressional redistricting questions. It also has significant partisan considerations, as Republicans control about two dozen more legislative chambers than Democrats.

But did the nation's founding fathers intend state legislatures to be the sole political actors responsible for federal election policy in the states? N.C. legislative leaders believe so, and the Pinckney Plan is central to their arguments heard Dec. 7 in the nation's top court.

They contend in papers that contrary to its actual wording, the Elections Clause "could have said that [federal election] rules are

to be prescribed 'by each State,' which would have left it up to each state to decide which [state entity] should exercise that power."

"If a redistricting process more starkly contrary to the U.S. Constitution's Elections Clause exists, it is hard to imagine it," the lawmakers wrote.

Critics, though, of the ISL theory have blasted the use of the Pinckney Plan, with the Brennan Center for Justice at the New York University School of Law even calling the plan document "fake."

Responding, N.C. legislators in court papers said:

"The document is not a 'fake': it is undisputed that Pinckney submitted a Plan on May 29, 1787; and it is undisputed that the 1818 version was written by Pinckney himself and published by [John Quincy] Adams as an authentic historical document."

**Pinckney's influence debated**

Among the dozens of provisions that Pinckney submitted for the new Constitution, he is credited with the notion of the separation of church and state, and is said to have coined the phrase, "the legislature of the United States shall pass no law on the subject of religion," though the wording doesn't appear in the First Amendment of the Bill of Rights.

At the same time, Pinckney and Pierce Butler, another wealthy plantation owner and South Carolina signer of the Constitution, supported treating runaway slaves as criminals.

Butler introduced a constitutional provision known as the Fugitive Slave Clause, which eventually became a focal point in South Carolina's secession from the United States in 1860 and later was invalidated with the passage of the 13th Amendment banning slavery.

The 1787 Constitutional Convention voted to refer the Pinck-



Forgotten founder...

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ney Plan to its Committee of Detail. It was here, N.C. lawmakers contend in court papers, that the draft Elections Clause was changed to allocate authority to each state's legislature rather than to the state generally. Pinckney's original constitutional plan was lost. But details were reconstructed from convention records, his own notes, and rough drafts assembled decades after the fact. As noted by NPR: "235 years after the historic convention was held in Philadelphia under a rule of secrecy, no undisputed record of what's known as the Pinckney Plan has been found, leaving exactly what he presented and how much influence it had on the drafting of the U.S. Constitution to be an enduring mystery of the country's founding." In 1818, when then-Secretary of State John Quincy Adams, who later became the sixth U.S. president, was tasked to oversee the first publishing of the Constitu-

tional Convention's official records, he wrote to Pinckney for a copy of the plan he had proposed. Pinckney replied to Adams that he had "several rough draughts," and "at the distance of nearly thirty-two Years it is impossible for me now to say which of the 4 or 5 draughts I have was the one but enclosed I send you the one I believe was it." That version was published as the Pinckney Plan, sparking debates — which have continued to this day — about Pinckney's actual contributions to the Constitution. James Madison, the fourth U.S. president who later was referred to as the "Father of the Constitution" and proposed the Bill of Rights, had a low opinion of Pinckney, who, as a man in his 20s, was one of the youngest delegates at the Constitutional Convention. As noted by Michigan State University historian Sidney Ulmer: "His youth, however, did not keep him from taking an active part in Convention affairs. Indeed his willingness to take the initiative, his aggressiveness at such a youthful age, when surrounded by older and more experienced sages, made him somewhat less than popular. It is known that both Madison and Washington, among

Despite the major roles he played in the establishment of the United States, the development of republican ideology, that informed the founding and his successes in nearly every public political office he held, he has been overlooked by most.

- Marty Matthews  
South Carolina historian

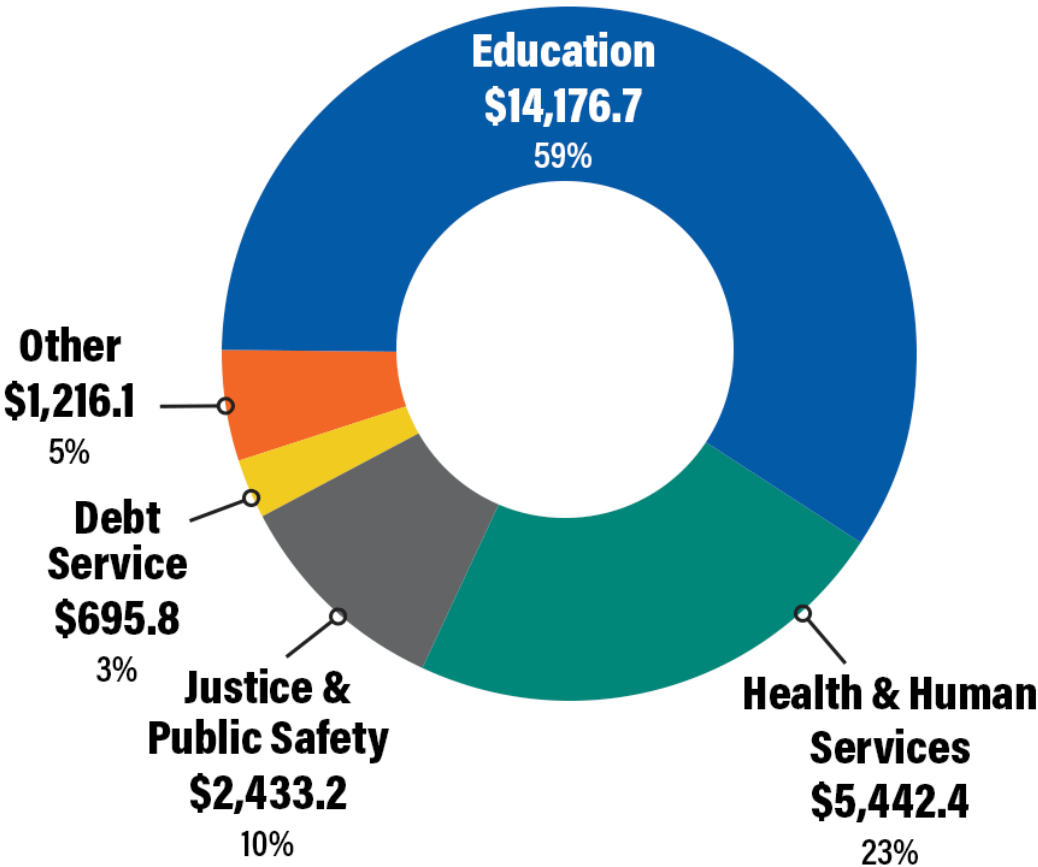
others, considered him indiscreet and presumptuous." South Carolina historian Marty Matthews, regarded as the most knowledgeable Pinkney biographer, wrote that Madison found Pinckney "intemperate and factious." Later Madison would conclude Pinckney was arrogant and a less than effective delegate, holding those views until his death. Ulmer, however, argued that

Madison's "objectivity as a critic" of the 1818 version of the Pinckney Plan is "corrupted beyond repair by his personal interest in every aspect of the subject." But whatever Madison's criticisms were with Pinckney, they didn't appear to be related to the Elections Clause or the argument that the Constitutional Convention's Committee of Detail "deliberately changed the Constitution's language to specify that state legislatures were to exercise that power, not any other state entity and not the State as a whole," N.C. legislators wrote in their Moore v. Harper brief. Legislators also point to Virginia delegate Edmund Randolph's handwritten markup of the Committee of Detail's early draft constitution, contending that because the Pinckney Plan appeared to have been the only one submitted to the committee that contained a version of the Elections Clause, "it stands to reason that that Plan was the source of the wording in the Committee's initial draft." In addition, the lawmakers also claim that Pennsylvania delegate James Wilson's handwritten notes on the Committee of Detail show that Pinckney's original draft of the Elections Clause was "considered, debated, and intentionally changed."

'Forgotten founder'

Nobody can say for certain what the U.S. Supreme Court will decide in Moore v. Harper. Critics of the ISL theory predict chaos in federal elections if governors and state courts are completely removed from the setting of election policy in federal elections at the state level. Others, including the author of this article, have forecast an extremely narrow ruling that would prevent gross overreach from state courts when it comes to congressional redistricting, as was the case in North Carolina. Although not involved in the court case, Matthews has contended that Pinckney is "truly a forgotten founder" of the American government. "Despite the major roles he played in the establishment of the United States, the development of republican ideology, that informed the founding and his successes in nearly every public political office he held, he has been overlooked by most," Matthews wrote. Yet, when it comes to elections policy, Pinckney's role at the Constitutional Convention is now front and center. In Moore v. Harper, Pinckney's words and actions are going to matter — 235 years after the fact.

General Fund Expenditures, FY 2020-21 (in Millions)



SOURCE: NORTH CAROLINA OFFICE OF STATE CONTROLLER

Government spending

continued from PAGE 2

lature writes a two-year budget in odd-numbered years and adjusts it in even-numbered years. The N.C. Constitution requires a balanced state budget.

For Fiscal Year 2023, North Carolina's state budget is \$27.9 billion, an increase of 3.4%, or \$921.5 million, over the original spending figure enacted in November 2021. In May, Gov. Roy Cooper proposed increasing spending further, by another \$2.3 billion. The three biggest expenditures are health care, education, and pensions. Even though restraint has dramatically improved since 2012, North Carolina's spending is still

significant. According to usgovernmentspending.com, North Carolina's budget is the seventh biggest in the nation as a percentage of the state Gross Domestic Product, at 7.98% (N.C.'s GDP is \$7.34 billion). This year, as state lawmakers head back to Raleigh, armed with more seats for Republicans and a 2022 sweep of statewide judicial races, it's important to keep a close eye on the process and how they manage your tax dollars.

The 'Twitter Files'...

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concerns. "Twitter was acting like an arm of the Democratic National Committee; it was absurd," Musk said. No other news outlets came to the Post's defense. In fact, many agreed with Twitter's decision. Most egregious by far was the behavior of elites in the U.S. intelligence community. Fifty-one people in the highest levels of our government intelligence apparatus, including James Clapper, Mike Hayden, Leon Panetta, and John Brennan, suggested the Hunter Biden laptop story was "Russian disinformation." In an open letter published in Politico, they wrote, "this is Russia trying to influence how Americans vote in this election. ... Such an operation would be consistent with some of the key methods Russia has used in its now multi-year operation to interfere in our democracy." Without any evidence, they publicly misled the American electorate. Their expertise provided cover for Twitter's censorship and the mainstream media's defense of it. A recent Wall Street Journal house editorial put their influence into perspective: "They have authority by dint of access to information that isn't confirmable by the press, which takes their spin as gospel." Another name that came up is former FBI general counsel James Baker, the Hillary Clinton campaign attorneys' point man at the FBI regarding the 2016 Russian collusion hoax. After leaving the FBI, Baker went to Twitter, where he became involved in the second Rus-

sian disinformation scandal. This prompted legal scholar Jonathan Turley to describe Baker as "the Kevin Bacon of the Russian collusion scandals." All of them — Twitter, the intelligence community, James Baker, the DNC, and the media — were wrong. Further, they were wrong at a crucial time, just days before a pivotal election. The Hunter Biden laptop story is dominating the online narrative right now, but there are other censorship cases. Criticism of COVID vaccine efficacy got Pulitzer Prize-winning journalist Alex Berenson permanently banned from Twitter. He successfully sued the platform, which was forced to reinstate him. Only recently did Twitter lift its ban on challenges to government COVID claims. President Biden's national climate adviser, Gina McCarthy, said last summer she wants social media companies to censor criticism of renewable energy. During my own testimony, I encountered congressional Democrats who want to regulate public relations firms that work with fossil fuel companies. Certainly, blatant censorship is the most troubling. Also problematic is what many Twitter users, including me, suspect about content being suppressed, warning labels slapped on tweets, or our reach being throttled. The only way to find out is through the release of additional Twitter Files, which Musk has promised. Stay tuned for the most interesting show online. Musk is right about the need for Twitter "coming clean" and regaining public trust. If he continues to follow through on his transparency pledge, it's possible for Twitter to go from social media dumpster fire to trusted source. That could be profitable for him and, more importantly, a victory for free speech.





A Red Spruce Christmas tree from North Carolina sits outside the U.S. Capitol.

# Economic freedom is a shock absorber

JOHN HOOD  
CONTRIBUTOR



In a normal market, creditors demand higher interest from borrowers to whom they lend money for longer periods of time. That’s because these creditors are assuming more risk that they won’t be paid, and because a dollar of interest received tomorrow is usually more valuable than a dollar of interest received years from now.

What about abnormal markets, though? When creditors get pessimistic about the current economy, they tend to move their money to longer-term bonds — which drives up the price of those bonds, thus driving down the yield. Drive it down far enough, and you have an “inverted yield curve,” which is historically one of the best predictors of a recession.

Alas, as of Nov. 30, the yield on a 10-year Treasury note was running 0.78 points below the yield on a two-year note. That was the largest inversion of the yield curve since 1981. In other words, buckle up: Perhaps we won’t have a major recession in early 2023, but I wouldn’t bet on it.

As I’ve observed in the past, North Carolina’s state government is far better prepared today for a possible recession than ever before in modern history. Through prudent budgeting, the General Assembly has built up nearly \$9 billion in rainy-day funds, unreserved credit balances, and other reserves.

That’s not the only way our leaders have hedged against re-



cession risk. After all, we aren’t just worried about government finances and public employees. A major economic downturn would wreak havoc on private finances and employment, and it would be neither wise nor feasible for the state to attempt to bail out companies and households.

What lawmakers can do — and what North Carolina lawmakers have done — is enact public policies that make the private economy more resilient. These include fiscal and regulatory measures that make it easier for enterprises and individuals to respond quickly to changing conditions.

Economic freedom can be, in other words, a kind of “shock absorber” during recessions. That’s what Texas Tech economists Justin Callais and Jamie Bologna Pavlik found in a study just published in the journal *Economics of Governance*. Using data from the years 2002 to 2012, they found that metropolitan areas with higher economic-freedom scores tended to experience low-

er unemployment, higher job creation, and higher income growth than less-free places did.

More to the point, Callais and Pavlik found that when the Great Recession hit in 2007-08, the metros that had improved their economic-freedom scores during the prior five years recovered more quickly from the recession than did otherwise-comparable metros.

“Our results suggest that economic freedom can play a significant role in mitigating the impact of economic crises,” they concluded.

The Fraser Institute recently released its latest Economic Freedom of North America rankings. For the first time in decades, North Carolina made it to the top 10 in the index. Specifically, our state ranked ninth. As recently as 2013, North Carolina ranked 22nd.

State governments can’t wall their economies off from the rest of the country. But they can soften the blow of possible downturns. Ours has.



President Biden pardons N.C. turkeys Chocolate and Chip.

## 'Wait for the facts'

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heart of every human being. And who is willing to destroy a piece of his own heart?”

We are all capable of evil. A good belief system can often guide us further from this capacity, but, as we’ve all seen countless times, as our heroes are counted to be monsters, there is no short supply of moral failures and hypocrites in even the wisest moral traditions.

The binary option of “right wing” and “left wing” can blind us to this. Personality psychologists have long known that those who prioritize the security and reliability found in institutions will be more likely to support the “right,” and those that are more open to change will support the “left.” But it’s obviously simplistic to think that a society should never change its institutions and traditions, or conversely, that they should always be throwing them into chaos.

Some institutions should be torn down (like slavery), others

need tweaking, and others should be defended at all costs. Historically, the “far right” (like fascists, monarchists, and theocrats) has been willing to commit acts of violence to defend the institutions, “right or wrong,” which is close-minded and a net-negative for society. But the “far left” has often been willing to tear down these institutions (think of efforts to abolish the police, abolish ICE, abolish the gender binary), without considering if those might be societal load-bearing structures.

There are countless examples of when this countering spirit, as Edmund Burke called it, caused just as much, and often much more, violence as that caused by reactionary protection of institutions from the right. If you doubt that, read up on the horrors of the French and Russian revolutions and their aftermath.

So, if after every tragedy you find yourself immediately confirming all your prior assumptions that the other guy is the source of all evil, even if the facts have not yet come to that conclusion they were at fault, maybe take a moment of self-reflection. While you’re undoubtedly correct that there is evil in your enemy, there is some buried in you as well.

ARCHITECT OF THE CAPITOL

WHITE HOUSE