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'Direct Instruction' Hangs Up Charter's Bid

State Board turns down Duplin proposal, OKs Wake, Guilford plans

By MITCH KOKAI
Associate Editor

RALEIGH

The State Board of Education has taken choice off the table for parents of elementary-age public school students in one southeastern N.C. county.

Thanks to a unanimous vote at the board's meeting in October, organizers of the proposed Duplin Charter School cannot move forward with plans to open next fall. The board cited three objections, but its main objection seemed to be the plan to use the "direct instruction" method at the proposed school for children in kindergarten and first grades.

The UNC-CH School of Education defines "direct instruction" as "[t]eacher-centered instruction with methods that include scripted lesson plans, teacher



"[T]here has been great success nationally with direct instruction in bringing very low students and their lead teachers up to mediocrity ..."

Melissa Bartlett
State School Board

lectures and presentations and student recitation, fast-paced delivery, careful attention to components of skill development, intense teacher-student and student-student interactions, homogenous skill grouping, and frequent assessments."

The other two objections dealt with the school's pledge and its method of allotting slots to prospective students. The board did not, however, base its decision to deny Duplin Charter on the geographical distribution of existing charters. Wake already hosts 13 charter schools, the most of any North Carolina

county, while Guilford has three.

"This sticks out like a glowing sore thumb," said George "Buster" Price, the local poultry farmer and minister who did much of the early legwork for a Duplin charter. "When the state came up with this cap, I assume someone must have been thinking about one charter school per county. I can't understand why that wouldn't affect the decision."

Price and the supporters of the proposed school are not happy. "I'm terribly upset about it," Price said. "Duplin County does not have a charter school. Neither do any of the surrounding coun-

ties. A lot of folks were counting on this. It's not just me. There's an outcry about this decision."

Duplin Charter had been one of three schools competing for the state's final two charter slots. The state school board awarded preliminary approval to the other two and rejected Duplin Charter's application. With final approval expected as early as March, the two new schools in Wake and Guilford counties would give North Carolina 100 charter schools, the maximum number of charters permitted by state law.

Approval process

This year marked the first time prospective charter schools faced a review from a special State Board of Education committee. Review from the new Leadership for Innovation Committee replaced an outside review by a state Charter School Advisory Committee.

The state school board disbanded

Continued as "Direct Instruction," Page 2

Some See Double Standard as Schools Bend for Islam

By KAREN McMAHAN
Contributing Editor

RALEIGH

For decades, Americans have debated the role of religion in public education, leaving many confused and divided over what constitutes religious freedom versus promotion.

Of increasing concern to critics, however, is the growing number of Muslims who are demanding and receiving special accommodations, while Judeo-Christian values and rituals are

The "best and safest place for a Muslim child to be educated" is in a home school because of the "prevalent moral degradation" of American society.

Dr. Ibrahim B. Syed
Islamic Research Foundation International

virtually being eliminated from public school classrooms.

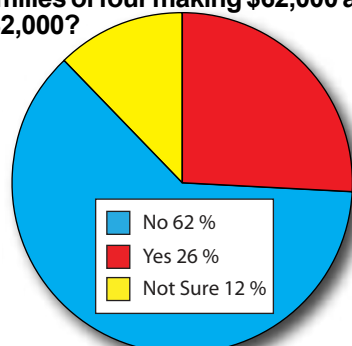
North Carolinians might be unaware of Islamic influences in public

schools because few incidents like those in other parts of the country have been reported. But several national and local Islamic groups are quietly working to infuse an Islamic-friendly curriculum in N.C. public schools.

In fall 1998, Sister Sahar El-Shafie, a sixth- and seventh-grade social studies teacher at Martin Middle School in Raleigh, wrote an article for *Noor* on what

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Should the Children's Health Insurance Plan cover children in families of four making \$62,000 and \$82,000?



John William Pope Civitas Institute Poll, Oct. 2007

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'Direct Instruction' Proves Charter's Undoing

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that advisory committee in April, said Terry Stoops, John Locke Foundation education policy analyst.

"The state's own documents called this change a restructuring that would allow for more in-depth involvement of the State Board of Education in working with charter schools," Stoops said. "Despite what any board members might say about the changes, the purpose of the new committee is to look for new ways to regulate charter schools."

As the board reviewed this year's prospective charter schools, all three finalists had "good applications," state board chairman Howard Lee told the *News & Observer* after the vote Oct. 4 in Ocracoke. But comments offered during the debate show state board members raised three objections to the Duplin Charter School proposal.

The first dealt with the last section of the school's pledge. Duplin Charter School's application indicates that students would recite the pledge each morning. After pledging to stay healthy and to be truthful and virtuous, Duplin students would say, "I pledge to be obedient and loyal to those in authority."

Some state board members didn't like that line. "One of the first concerns was the pledge that the students were required to sign promising absolute acquiescence to adults in authority," board member Melissa Bartlett told her colleagues. "It's not exactly those words, but close."

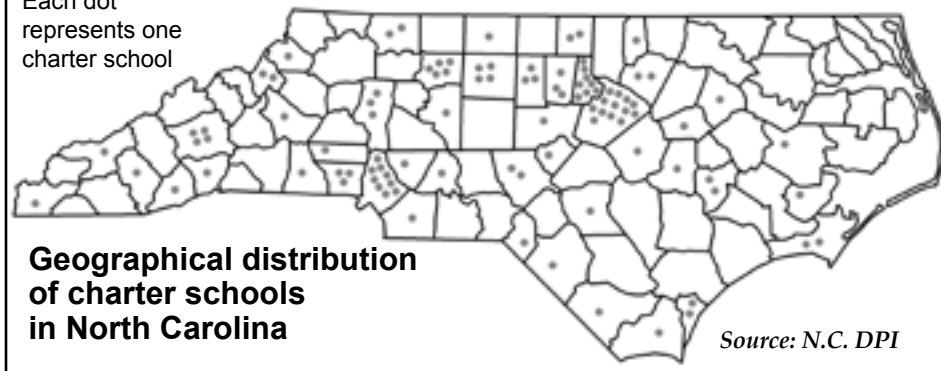
Duplin Charter School supporters say that pledge never has caused concerns. Charter Day School in Brunswick County has had the same pledge since 2000, according to Mark Cramer, superintendent of Roger Bacon Academy. Roger Bacon Academy operates Charter Day and planned to operate Duplin Charter.

"The pledge has always had strong support from parents," Cramer said. "It consistently gets 95 percent to 100 percent support on parent surveys. It sets a bar for students, but it's not about blind obedience. We also teach students about responsibility and telling the truth."

The state board's second objection dealt with Duplin Charter School's policy for allotting slots to prospective students.

"Another concern was that there was a clause in the application that said students who did not reach grade level by the end of the year may not neces-

Each dot
represents one
charter school



Geographical distribution
of charter schools
in North Carolina

Source: N.C. DPI

sarily be given a slot for the next year," Bartlett told her fellow board members. "And that was a great concern."

That's not what the application says, Cramer said. "This part of the application gives us the ability to be sure we do not exceed the state's limits on the number of students we have in a classroom," he said. "Let's say you have a classroom with 25 students, and one kid needs to be held back. Do you take away a slot from one of the students who's expecting to move into that class?"

Like the student pledge, the Duplin Charter application imported the language dealing with guaranteed student slots from the existing Charter Day School's policy guidelines, Cramer said. "We've never had to execute that policy," he said. "We just wanted to have a policy in place. We told board members we would have no problem taking that language out of the application."

Direct instruction

The final red flag from state board members targeted direct instruction itself. That instructional method requires

teachers to follow detailed scripts in delivering each lesson to students. "There seems to be a disconnect between direct instruction and the state board's new mission and goals," Bartlett said at the meeting. "In a DI approach, there has been great success nationally with direct instruction in bringing very low students and their lead teachers up to mediocrity,

to average, but beyond that is where it tops out, full stop."

Bartlett noted another concern linked to "innovation." "Since we have an open lottery on charter schools, although you may get a lot of average students that are weak coming in, we really want to be accelerated — innovative — in that the whole ... charge of charters if we understand it correctly in

this meeting is to be schools which have the flexibility to aspire to the highest of organization ... which is very important in the mission and goals."

Concerns about direct instruction seem misplaced, Stoops said. "The Duplin Charter School would have followed the instructional model used by teachers at Roger Bacon Academy, one of the most successful schools in the state," Stoops said. "It looks as if the state board rejected a charter school application despite the fact that the school would have used a proven model of instruction and would have held parents and students accountable for academic performance. Isn't it good to know that they are running education in North Carolina?"

Test scores from Charter Day School suggest direct instruction works for more than just struggling students, Cramer said. The State Board of Education has honored Charter Day School as an "honor school of excellence." The state also recognized Charter Day in 2005 as one of North Carolina's top 25 schools, out of more than 1,850 K-8 schools, for its students' academic growth rate.

In 2005-2006, more than 92 percent of Charter Day School students scored at or above grade level on the North Carolina End-of-Grade reading tests. Forty-one percent of the student body is considered economically disadvantaged, according to the school's Web site.

Though unfamiliar to most public school students in North Carolina, direct instruction is not a new concept. It's "an explicit, scientifically based model of effective instruction developed by Siegfried Engelmann in the 1960s," according to special education professors Nancy Marchard-Martella and Ronald Martella of Eastern Washington University.

Key ideas include the beliefs that: all children can be taught; an instructional program must focus on teaching basic skills and the application of those basic skills in higher-order skills; and disadvantaged students must be taught at a faster rate to succeed in school.

Teachers use predesigned scripts to teach material. Supporters describe student interaction as "constant and intense." The scripted lessons require an entire class to respond continually by speaking and writing. Classes grouped by skill level move forward only when

Continued as "Direct Instruction," Page 8

"It looks as if the state board rejected a charter school application despite the fact that the school would have used a proven model of instruction."

Terry Stoops
Education Policy Analyst
John Locke Foundation

Some See Double Standard as Schools Bend for Islam

Continued from Page 1

Muslim parents need to know about raising their children in public schools. She blamed the problems of Muslim children in public schools on Western society, saying that "the good news is that these are problems to which only Islam offers the correct solution."

This view appears prevalent among Muslims in America. Dr. Ibrahim B. Syed of the Islamic Research Foundation International in Kentucky, wrote in 2001 about educating Muslim children in American public, parochial, private nonparochial, Islamic, and home schools. He concluded that the "best and safest place for a Muslim child to be educated" is in a home school because of the "prevalent moral degradation" of American society.

After reading his article, one would conclude that any Muslims with disciplinary or morality problems are the result of American influence and that Muslims in non-Western countries have no problems with drugs, gangs, sexual promiscuity, poverty, or crime.

Double standard

Recent media reports about religious issues in the classroom have led analysts to assert that public schools have a double standard, giving preference to Islam over other religions.

Since a landmark case in 1971, *Lemon v. Kurtzman*, establishing how state-run schools must handle religious practices, numerous groups and individuals have successfully sued to eliminate Christian texts, icons, and holiday celebrations from public schools, prohibit students from wearing crosses and crucifixes, and abolish Christmas and Easter celebrations. Meanwhile, Muslim advocacy groups are forcing public schools to accommodate their religious views and needs.

On July 25, 2007, *USA Today* reported that Carver Elementary School in San Diego added an extra recess, another 15 minutes out of the instructional day, for the sole purpose of allowing Muslim students to pray. The school also added Arabic to the curriculum and segregated classes by gender. The Muslim Students' Association actively advocates for schools and universities to provide prayer rooms, prayer rugs, and foot baths, the newspaper reported. The Council on American-Islamic Relations also defends these programs.

The July 9, 2007, *Investor's Business Daily* reported that Carver Elementary has "banned pork and other foods that conflict with the Islamic diet." The article called attention to California's world history curriculum that requires seventh-grade students in a Bay-area school to role-play being Muslims and recite the Muslim profession of faith. When outraged parents sued, they lost in federal court and in their subsequent

"Can you imagine the barrage of lawsuits and problems we would have ... if we tried to teach about the contributions of Matthew, Mark, Luke, John, and the Apostle Paul?"

California parent reacting to Muslim preference in schools

appeal. The 9th U.S. Circuit Court of Appeals ruled that Islamic catechism is constitutional.

Concerned Women for America and other Christian advocacy groups say that texts used in California schools omit any references to or discussion of Islamic intolerance throughout the centuries and the suppression of human rights and democracy in many Islamic countries today. Instead, Islam is portrayed positively, while Christianity is portrayed negatively.

Muslims in Baltimore County, Va., have been petitioning for four years to change how Islam is taught to middle- and high-school students in the county's local public schools, charging that texts are erroneous and have "misleading stereotypes" about Islamic culture "being monolithic."

Influencing curricula

SoundVision.com, a Web site devoted to teaching Muslims how to win public school accommodation for Muslim beliefs and practices, coaches parents on dealing with misinformation about Islam in public school texts. Parents are admonished to evaluate texts on world history, cultures, geography, and comparative religions and make sure to point out inaccuracies in how they cover Islam. Students are told to raise their hands and offer the proper perspective and correct the misinformation.

Sound Vision offers extensive information on First Amendment rights, quoting former President Bill Clinton's 1995 statement of principles as one of the best arguments for religious expression. On the one hand, parents are told to be nonconfrontational and polite while making sure to indicate they are exercising their constitutional rights when contacting teachers, principals, and school superintendents. Among Sound Vision's suggestions are to invite a child's "teacher and principal over for dinner as a gesture of goodwill" and to "leave a paper trail." One writer was concerned that not enough Muslims are bringing legal action, unlike other minority groups.

The Islam Project is another organization actively working to promote Islamic-friendly curricula through videos, books, detailed lesson plans, and other materials aimed at public school teachers. Teachers are advised to become "conscious of their own intellectual or cultural presumptions and potential

biases" and to view media treatment of Islam as "at odds with scholarship."

"American Muslim Teens Talk," a video being promoted by The Islam Project on YouTube, is part of a lesson plan on stereotypes. In the lesson plan, teachers are advised not to tell students "at the outset that all the students are Muslims." Only after the video has been shown and discussed are students to learn the title. The lesson's authors suggest some stereotypes that might emerge are, "All Republicans are white and wealthy," and, "All immigrants are people of color." The teacher is to guide students in understanding how to apply what they learned on stereotypes about Muslims and Islam to other groups.

Dr. Thomas Tweed, an adjunct associate professor of American studies at the University of North Carolina at Chapel Hill, advises American educators on how they should introduce Islam to their students. He suggests that educators might end a discussion on Islam in America by asking, "Is America a Christian Nation?" given that Islam might well be the second largest religion in America, if not already so.

An N.C. Department of Public Instruction official could not confirm whether any questionable textbooks are being used in classrooms, but she did say that the textbooks for history and social studies were approved Oct. 4. The list is not yet available. A review of currently approved textbooks shows that the history and social studies textbooks are published by a subsidiary of Houghton Mifflin, the publisher of controversial textbooks used in California's middle- and high-school world history curriculum.

Not just social studies

The Muslim American Society Freedom Foundation, North Carolina, is pushing for Arabic language instruction in state schools. In its letter to the N.C. State Board of Education, MASNET promotes professional development for teachers of Arabic to "cultivate a true appreciation for cultural, ethnic, and linguistic diversity."

One of MASNET's chief arguments is that "knowledge of Arabic will promote investments here since there are a lot of revenues from oil." The organization urges North Carolina to follow the lead of New York, Michigan, and Illinois high schools by adding Arabic language to its curriculum.

Ostensibly, Arabic language instruction helps students learn globalization issues in compliance with President Bush's National Security Language Initiative. But critics say it's how some courses are taught that raises concern. In the July 2007 edition of *National Review Online*, Stanley Kurtz asserts that Saudi-sponsored Islamists are taking over K-12 teacher training in colleges and universities, and thus promoting a radicalized version of Islam. Moreover, they are doing it by using Title VI of the Higher Education Act, which requires public outreach. Kurtz said, "... university-distributed teaching aids slip into the K-12 curriculum without being subject to the normal vetting processes."

Analysts say that what passes as Arabic instruction is little more than promoting cultural studies biased in favor of Islam. In June 2007, three N.C. public schools systems received funding for Arabic language instruction from the U.S. Department of Education. They are Cumberland County Schools, \$157,819; Burke County Public Schools, \$47,975; and Union County School District, \$153,324.

As recently reported by the Intercollegiate Studies Institute, schools are failing to teach American history. But increasingly teachers are being trained to teach Islam and Muslim history, using Islamic-approved methods and Islamic-influenced curricular materials.

An issue of fairness

In a 2004 article, Charles Haynes, First Amendment Center senior scholar, said, "... administrators may not organize, sponsor, or otherwise entangle themselves in religious activities during the school day." The National Education Association's 1995 statement of principles said public schools "must be places where religion and religious conviction are treated with fairness and respect."

But that is not happening. Regarding special treatment to Muslim students not granted to any other religious faith, one California parent said: "Can you imagine the barrage of lawsuits and problems we would have from the ACLU if Christianity were taught in the public schools, and if we tried to teach about the contributions of Matthew, Mark, Luke, John, and the Apostle Paul? But when it comes to furthering the Islamic religion in the public schools, there is not one word from the ACLU, People For The American Way, or anybody else. This is hypocrisy!"

Lindalyn Kakadelis, director of the North Carolina Education Alliance, is a strong advocate of religious freedom and says parents need to be aware of what goes on in their children's schools.

She says parents should encourage their children to report any problems and to take their concerns to school officials. CJ

Parton Theatre Marketing Dollars Never Materialized

Attendance estimates based on \$2 million promotional campaign

By **DON CARRINGTON**
Executive Editor

A consultant's prediction that a total of 250,000 spectators would attend shows the first year of operations at the Randy Parton Theatre in Roanoke Rapids was based on \$2 million of publicly funded marketing support that never materialized.

The marketing funds and attendance estimate were detailed in a 2005 feasibility study prepared by Economic Research Associates, an international consulting firm.

Carolina Journal could find no one associated with the early stages of the theater's development to explain the \$2 million total.

The General Assembly provided \$500,000 in the 2005-06 budget for marketing. The money went to the Halifax County Tourism Authority. No other state funds have been designated.

Roanoke Rapids borrowed \$21.5 million to build the theater and turned over the building in March to Parton's company, Moonlight Bandit Productions. Parton has almost total control of the facility. The first show with his band, the Moonlight Bandits, was conducted July 26. He normally performs about four

two-hour shows per week. He has not scheduled any other performers for this year. Based on the theater's current schedule of about 200 shows per year, an average of 1,250 attendees per show would be required to achieve a first-year attendance of 250,000.

According to the study, Roanoke Rapids city officials had claimed that Gov. Mike Easley would appropriate \$500,000 of the marketing funds. *Carolina Journal* furnished the relevant excerpt from the study to Easley's office and asked for confirmation of the promise. "No, Gov. Easley did not promise funds," deputy press secretary Seth Effron said.

The study's project manager, Bill Owens, has refused to discuss the document. Owens said city officials told him not to answer any questions about the study. "The City of Roanoke Rapids reports that the theater is expected to enjoy especially strong level of pre- and post-opening marketing support

including \$500,000 in initial marketing and advertising, an appropriation of \$800,000 from the North Carolina General Assembly, \$200,000 from the state of North Carolina, and \$500,000 from Governor Easley," the study stated on page 24.

The study used the expected marketing support to predict attendance. "Due to this especially strong level of initial marketing support, ERA assumes that occupancy will stabilize in Year 3 operations and that opening year attendance will be over 80 percent of stabilized attendance, or about 250,000," it said.

Neither the city nor theater managers will release attendance figures, but media reports and accounts from local citizens have indicated nightly attendance at the 1,500-seat theater is significantly lower, sometimes less than 100 people.

The state-funded N.C. Rural Economic Development Center provided a \$25,000 grant to the Northeast Partnership, a regional economic development organization, for the study that was dated April 15, 2005.

CJ furnished the relevant portion of the study to City Manager Phyllis Lee and former City Manager Rick Benton and asked each of them whether city officials told authors of the report about pledges of state funds. Benton is now the city economic development director.

"As I have told you in the past, I was not involved in the project during the period of time in which the Feasibility Study was prepared. Therefore, I do not know who, if anyone, from the City made the claim to ERA; what representative of Gov. Easley may or may not have promised \$500,000; and I have no documents or e-mails concerning any promise of State money," Lee said.

"Efforts to secure state funding during this time frame were undertaken by representatives of the NE Partnership, not the City," Benton said.

Lee also confirmed that she has received another quarterly financial report from the theater, but that the city still maintains the report is not a public document.

The Northeast Economic Development Commission was the parent organization of the Northeast Partnership. Commission CEO Vann Rogerson said he had no information on the marketing funds.

"To my knowledge, during this period of time, Rick Watson was personally



The Randy Parton Theatre, which is located prominently near an exit of I-95 near Roanoke Rapids (CJ file photo)

handling the procurement of state funds for the entertainment project. I am not aware of any direct involvement of any of the Northeast Commission/Partnership Board members or other staff in the matter," Rogerson said.

Former Northeast Partnership and Commission CEO Rick Watson recruited Randy Parton to Roanoke Rapids. Watson and Parton formed Moonlight Bandit Productions LLC on Feb. 11, 2005. The commission and partnership boards of directors terminated Watson's employment in spring 2006 after State Auditor Les Merritt issued a scathing report on the activities of the


organization and Watson's conflict of interest. The partnership was terminated and all activities were transferred to the commission.

In February 2007, Parton filed amended documents with the N.C. Secretary of State's Office that left him as the sole manager of Moonlight Bandit Productions. Public records do not say whether Watson still has any connection with Parton or the theater. Neither Watson nor Parton could be reached for comment. CJ

Don Carrington is executive editor of Carolina Journal.

"Efforts to secure state funding during this time frame were undertaken by representatives of the NE Partnership, not the City."

Rick Benton
Roanoke Rapids City Mgr.



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'Seriously Flawed' Analysis Hurts Climate Debate

By CJ STAFF

RALEIGH

An outside consultant likely used "seriously flawed" methods to help craft state global warming policy proposals for North Carolina, a report by a Boston-based economic research group says.

The John Locke Foundation in October highlighted the Beacon Hill Institute's peer review assessment as N.C. policy makers began to review proposed global warming policy ideas. "Unless the methodology used to construct their North Carolina report is significantly different from the work they have done in the past, the ... report will contain little information that could guide policy makers to make efficient decisions," according to the Beacon Hill assessment.

Beacon Hill Institute researchers specifically focused on the work of a Harrisburg, Pennsylvania-based group called the Center for Climate Strategies. CCS served as the consultant to North Carolina's Climate Action Plan Advisory Group.

CAPAG released a list on Oct. 16 of more than 50 policy proposals for North Carolina. All are billed as strategies for mitigating global warming. Among those proposals are policies that would increase taxes, restrict land use, ration energy use, and raise energy costs.

"This peer review from the Beacon Hill Institute arrives at a critical time in North Carolina's debate about global warming," said Dr. Roy Cordato, the John Locke Foundation's vice president for research. "If we can't trust the work of the consultant that guided the entire

process of studying climate change in North Carolina, we should doubt the merits of any recommendations from that consultant."

"Unfortunately for North Carolina and other states using CCS estimates, the cost-benefit methodology is seriously flawed," concluded the Beacon Hill Institute, the 16-year-old research arm of the Department of Economics at Boston's Suffolk University. "First, CCS fails to quantify benefits in a way that can be meaningfully compared to costs. Second, when estimating economic impacts, CCS often misinterprets costs to be benefits. Third, the estimates of costs leave out important factors, causing CCS to understate the true costs of its recommendations."

The Beacon Hill Institute did not review CCS's work in North Carolina. Researchers instead based their findings on nearly identical CCS policy proposals developed for other states. CCS has completed greenhouse gas reduction plans in 10 states and is working on plans in 15 other states, according to the Beacon Hill report.

Publicly available data suggest policy recommendations for North Carolina mirror those CCS has proposed for other states, the Beacon Hill Institute report said. CAPAG issued 56 policy recommendations for North Carolina. Each recommendation came from a master list of more than 300 proposals from CCS. "In plans that CCS is involved with the typical state plan contains between 50 and 75 specific policy actions," according to the Beacon Hill Institute report.

CCS also appeared to have used the same methodology in North Caro-

lina to estimate costs and benefits of its recommendations, the report said. The similarities suggest the flaws in CCS cost-benefit analysis work in other states also apply to North Carolina. For instance, "they never estimate the dollar value of the supposed benefits of their recommendations."

Without a dollar value linked to greenhouse gas reduction, there's no way to tell whether any policy that has a cost is desirable, according to the report. "For example, if a policy could reduce [greenhouse gas] emissions by five tons, but it would require giving up two tons of steel in lost production, would it be desirable?" the report asked. "CCS gives us no guidance because we cannot directly compare tons of [greenhouse gas] reduction to tons of steel, so we are left essentially comparing apples and oranges."

The Beacon Hill Institute finds similar problems with misinterpretation of costs and benefits, along with understatement of the true costs of CCS recommendations. The report labels at least one CCS proposal as "astonishing."

"CCS is claiming that by forcing individuals to comply with their recommendations, the individuals themselves will receive direct cost savings that make them better off," the report said. "There are good reasons to be skeptical about this claim of a free lunch. If there are direct benefits (negative costs) to individuals from reducing activities that emit greenhouse gases we should expect their own self-interest to guide them to reduce emissions. ... Most people would simply do what CCS recommends on their own."

The CCS cost-benefit analysis does not hold up to the scrutiny of peer review, according to the Beacon Hill Institute report. "The Center for Climate Strategies fails to do one of the most basic calculations included in any responsible cost-benefit study: it does not quantify both benefits and costs in dollar terms so that they can be compared."

In addition, the John Locke Foundation questions the background of CCS and the process it directed through the Climate Action Plan Advisory Group.

"This process has been skewed from the start toward the agenda of global warming alarmists," Cordato said. "The announcement of proposals for addressing climate change is really

just a 'dog and pony show' to provide some cover for the alarmist agenda."

The proposals were billed as ways North Carolina could address problems linked to climate change. The proposals include items that would raise taxes, restrict land use, and increase energy costs, Cordato said. The N.C. Division of Air Quality set up CAPAG.

"The problem is that the Center for Climate Strategies is no objective consulting firm," he said. "It is an advocacy group disguised as a consultant. This group tied to the Pennsylvania Environmental Council has been bought and paid for by a battery of left-wing foundations. For several years it has been infiltrating state government all across the country."

Problems extend beyond just the consultant's viewpoint, Cordato said. "The 56 proposals were chosen from an original list crafted by CCS with no other options allowed to be part of the discussion process," he said. "In addition, all these proposals were adopted with absolutely no discussion of the science of global

warming. CCS and its government enablers forbade all efforts to bring up the science. CCS devised rules of discussion that stifled all scientific debate."

CCS has employed the same strategy in other states, said Pat Michaels, former Virginia state climatologist and former president of the American Association of State Climatologists.

"In state after state, CCS 'advises' on this process, specifically what to do in order to achieve 'consensus,'" Michaels said. "In fact, CCS presents a series of stipulations, one of which is particularly odd: The Commission will take discussion of global warming science off the table."

Stifling that discussion allows CCS and its state-government colleagues to avoid hard questions, Michaels said. "There isn't any extant suite of technologies that are politically acceptable to the CCS crowd that can significantly alter the warming trajectory the planet is on," he said. "That's the science that CCS wants off the table."

Any policies resulting from such a flawed process must be suspect, Cordato said. "That's right, a panel set up to devise strategies for dealing with climate change allowed absolutely no discussion of the science," he said. "There's nothing like open government." CJ



"The Center for Climate Strategies fails to do one of the most basic calculations included in any responsible cost-benefit study: it does not quantify both benefits and costs in dollar terms so that they can be compared."

**Beacon Hill Institute
Peer Review Report**

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Visit www.JohnLocke.org. Click on *Policy Reports* and *Spotlights*.

NC Delegation Watch**Reps oppose Internet tax**

Six members of the U.S. House from North Carolina's delegation — four Republicans and two Democrats — signed on as cosponsors of a measure that would ban taxes on Internet access and transactions.

The Permanent Internet Tax Freedom Act was introduced at the end of January and has accumulated cosponsors up until mid-September, when Reps. Virginia Foxx, R-5th; Walter Jones, R-3rd; and Patrick McHenry, R-10th; joined 174 other members of Congress in support of the legislation. The bill would help ensure Americans are not forced to pay new taxes on Internet access.

The Permanent Internet Tax Freedom Act would extend the moratorium on Internet access taxes and duplicative taxes on e-commerce. Congress instituted a temporary Internet tax moratorium in 1998 to encourage growth of online commerce. In 2004, Congress extended the moratorium for an additional three years, which was scheduled to expire Nov. 1.

Reps. G. K. Butterfield, D-1st, and Howard Coble, R-6th, signed on to the measure as cosponsors in June, and Rep. Heath Shuler, D-11th, was added in July.

Group: Shuler is prolife

U.S. Rep. Heath Shuler, N.C.-11th, who ran for office as a pro-life Democrat last year, has fulfilled his campaign promises on those issues, according to a national lobbying group that concentrates on social and family concerns.

Focus on the Family Action, a lobbying group separated from the more familiar Focus on the Family advocacy organization founded by Christian leader James Dobson, said Shuler has been reliably prolife since entering office last year, although his opportunities to demonstrate that have been relatively few. Focus on the Family Action officials said altogether, four House Democrats who ran on antiabortion platforms have kept their promises.

"Based on their voting records in the 110th [Congress] so far, we've got four freshmen lawmakers in the House who have voted consistently prolife," said Ashley Horne, federal policy analyst for Focus on the Family Action. *CJ*

Open to interpretation**National Park Presentations Don't Stay Static**

By HAL YOUNG
Contributing Editor

RALEIGH
Was Samuel Adams motivated primarily by greed and not patriotism? Were American colonists simply disaffected Britons who took up arms against their fellow citizens because they were unwilling to pay even the lowest tax rates in the Empire? Was "No taxation without representation" an impossible demand, because time and distance made it impractical for colonies to be represented in Parliament?



These may be unexpected statements to hear in rural North Carolina, unless you visit Moore's Creek National Battlefield near Currie. There, Chief Ranger Bert Dunkerly starts his tours with a decidedly pro-British slant "because it gets people's attention." And because many rangers at other parks are temporary employees, and most write their own presentations with minimal guidelines, each visit to a national park might be different from the last — and some visitors don't appreciate it.

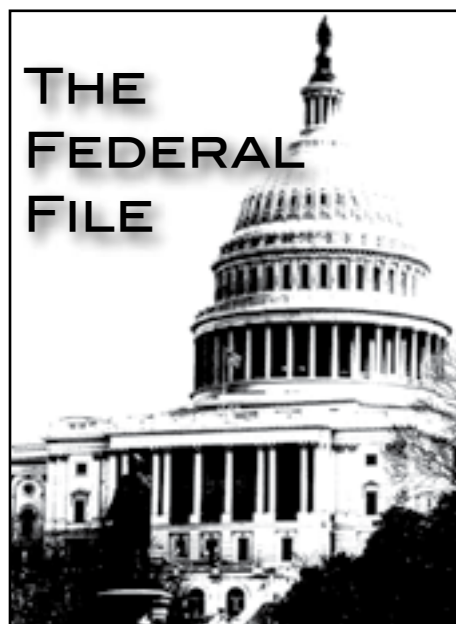
Attention, please

The National Park Service is no stranger to controversy. Many sites have had public relations issues over interpretations of events and the balance between competing political and historical perspectives. The introductory video at the Lincoln Memorial was changed in 2004 after conservative groups complained it focused almost exclusively on anti-war demonstrations and protests for liberal causes such as gay rights and feminism.

While the Park Service has professional historians on staff, rangers on site are typically given a basic outline as a foundation for their talks. They are expected to develop their own presentations for tours, bringing their own perspectives and experiences into play. Dunkerly, for example, found the taxation question interesting, so he wrote it into his verbal presentation, though it doesn't play a major role in the site's printed or audiovisual materials.

Sites connected with the Civil War frequently draw debates from visitors, said the Park Service's Bob Miller. "There are people who have studied every bullet that was fired and where every boot struck the ground," he said. Miller worked at park sites in Washington, D.C. before coming to Great Smoky Mountains National Park, where he now heads the public affairs department.

Native-American sites also have



been contentious, such as Mesa Verde National Park in Colorado. There, no less than 28 tribal groups argue for conflicting interpretations of local history. The Great Smoky Mountains park shares its eastern boundary with the Cherokee reservation in Swain County, so Miller said they try to coordinate with the tribal authorities on anything touching Cherokee history.

"Typically we allude to that, but we don't provide very in-depth information here," Miller said. "We direct them to Cherokee to the village and museum — they are very effective." The five historic districts in the Great Smokies center on the pioneer settlers' communities and homes, he said, "so we interpret those buildings, not the people who were here a thousand years before."

A temporary situation

Employee turnover can be a problem. The Park Service relies heavily on volunteers and part-time, seasonal rangers to supplement permanent staff. Mary Doll, the chief of interpretation for Cape Hatteras National Seashore, Wright Brothers National Memorial, and Fort Raleigh National Historic Site, said the three parks have a rigorous training program to ensure the 23 temporary rangers know the ropes.

"The intensive training we do at the beginning sets the stage for the expectations and the boundaries, and rarely does anyone go beyond them," she said. After the first couple of weeks a member of the permanent staff will audit the seasonal rangers' presentations and interaction with visitors. For example, Doll said there is still so much unknown about the Fort Raleigh site, the location of the "Lost Colony," that rangers need to be adept dealing with opposing viewpoints.

"There could be discussions that come up, but that's in the training," she said. "It's not that [visitors] are angry,

but passionate about the subject. That's where we have to engage them."

At Guilford Courthouse National Military Park in Greensboro, graduate students from UNC-Greensboro's history program supplement two full-time rangers and one seasonal ranger. The chief ranger on site, Gary Henson, said there is certainly a possibility that a ranger or volunteer with an unorthodox view of history might introduce unplanned innovations in their tours, which has happened at other locations. He didn't think it very likely at Guilford Courthouse, though.

"We work pretty closely with one another," he said. "If one person was presenting something that was really off base, you'll hear about it and correct it."

Full-time rangers such as Henson might be designated as law enforcement or interpretive rangers, he said, but in sites like his there is overlap of responsibilities. Henson's own background is in law enforcement, but he also leads tours, he said. The site has a historical library with original documents and copies pertaining to the site, and rangers do most of their own research.

Guilford Courthouse is not a very controversial site, though. "There's very little discrepancy in the facts here," he said.

Is all history revisionist?

Even so, Henson notes that "the biggest obstacle to us interpreting anything at our park is making sure the historical facts are correct. From time to time facts come up that change what we thought was right."

New information comes to light from a variety of sources, and what historians and rangers miss, visitors, and former landowners, will bring up. Miller said that while visitors to the Smokies seldom complain, families who used to live within the park's boundaries won't hesitate to speak up.

"The Smokies were acquired from private owners in the 1930s, and if we hear complaints, typically it's from families that were moved out of the park," he said. "'You are calling this 'The Oliver Cabin' when my grandfather's name was Bennett.' Those kind of things come up pretty commonly," he said.

Dunkerly at Moore's Creek said, "A lot of times, history is just consensus," he said. "At most of the historic sites there is research done on events and people, archeology, and in-depth studies of the site. Parks put together interpretive plans and those change over time as we learn something new and maybe learn that something we've said is wrong."

"That happens," he said. And when it does, the presentation changes once again. *CJ*

Warshauer Discusses Andrew Jackson and 9/11 Precedents

Matthew Warshauer, professor of history at Central Connecticut State University, recently addressed a John Locke Foundation North Carolina History Project Headliner luncheon in Raleigh. He also discussed his book, *Andrew Jackson and the Politics of Martial Law: Nationalism, Civil Liberties, and Partisanship*, with Mitch Kokai for Carolina Journal Radio. (Go to <http://www.carolinajournal.com/cjradio/> to find a station near you or to learn about the weekly CJ Radio podcast.)

Kokai: People who have paid a lot of attention to the executive branch and the president, the powers that he has and uses in the wake of 9/11, might not know that this is an issue that goes back many, many years in our history. As you have been following what's been going on with the post-9/11 United States, do you think, "Hey, I've been studying about this with Andrew Jackson for years"?

Warshauer: The timing could not have been better. You know, one of the things about American society is that we are a law-based society, and therefore everything is built upon the idea of precedent and the powers that President Bush has taken on, he has used precedent and history to support and justify what he has done. But he has expanded more, I think, than other presidents have in terms of executive privilege and executive power. But certainly the idea of it is nothing new.

Kokai: When you look at the example of Andrew Jackson and the steps that he took, what are some of the main things that people should know about the use of executive power in that time?

Warshauer: Well, the really interesting thing about Jackson is that most people aren't aware of it. Even most constitutional historians have not really paid attention to what Jackson did. When they look at the origins of emergency war powers and executive power, they turn to Lincoln. But Lincoln turned to Jackson. And what Jackson actually did was not done while he was chief executive. He was not president at the time. Rather, he was a general. And this is what created his national fame.

It was the Battle of New Orleans, in which he just absolutely devastated a formidable British army that was attempting to invade New Orleans. Everyone expected him to lose the battle. He did not. He became an overnight sensation and it is what paved the way to the White House for him.

But in order to win that battle what did he need to do? He needed to impose martial law and suspend the writ of habeas corpus, and it was the first in American history it had ever been done. And it didn't create immediate controversy at the time he did it. To an extent

it did — and I can be more specific about that if you would like — but it was the aftermath, years later, when Congress debated what he did that really created the precedent that Lincoln turned to and then in turn other presidents. Woodrow Wilson, Franklin Delano Roosevelt, and then, of course, George Bush turned to these previous precedents.

Kokai: Of course this tends to come up during a war, when the nation's security seems to be most threatened. Do you get the sense that Jackson at the time that he took his actions was pretty well supported among those who were fighting the British enemy in the War of 1812?

Warshauer: Well, the interesting thing — that's a great question. It's the logical question. Most people in New Orleans when Jackson imposed martial law supported it. It helped to ready the city for defense against the British. Once the victory was won on January 8 everyone expected Jackson to relinquish martial law. He thought that another British invasion was imminent, and therefore he held martial law in place for another two months. Well, those in support of martial law began to wane rather quickly in their support.

And so the internal struggle in New Orleans was pretty unique and got rather nasty to the extent that Jackson was hauled before a federal district judge and fined \$1,000 for contempt of court. And outside of New Orleans, in Washington, virtually nothing was said about this. Jackson received a couple of lengthy letters from the secretary of war, Armstrong, expressing President Madison's deep concern over military exertions.

But beyond that Madison did absolutely nothing. And one of the things that I have argued in the book is that in doing



Matthew Warshauer speaks at a JLF Headliner luncheon in Raleigh in September.

"Most people in New Orleans when Jackson imposed martial law supported it. ... He thought that another British invasion was imminent, and therefore he held martial law in place for another two months. Well, those in support of martial law began to wane rather quickly in their support."

Matthew Warshauer
Andrew Jackson historian

nothing Madison left really a gaping hole in the future of civil liberties in this nation.

Kokai: By taking no action at that point, was there a precedent set that things like this could be done if you could come up with ends that seemed appropriate?

Warshauer: Yeah, well, it was a precedent that set no precedent, if you follow me.

Jackson was fined \$1,000 for contempt of court by a federal judge. He paid the fine. A thousand dollars is a lot of money at that time. Years later, after he retired his presidency, he was sitting at home in the Hermitage in Tennessee, and he is looking back over an otherwise brilliant career.

He thought, "I have one final stain on my reputation and my legacy. And it is this New Orleans fine, and I want the money back with interest. And importantly I want to set that very clear precedent for acknowledging emergency powers in a time of, you know, great danger to the nation."

And so this turned into a two-year struggle in Congress over returning this fine. And it was very partisan-motivated. You know, the Whigs hated Jackson. The Democrats loved him. It turned into a partisan free-for-all that was as much about the presidential election of 1844 as it was about civil liberties in the United States.

And it did, in fact, create a precedent because it changed the definition of the very term, the legal definition, of the term "martial law." It did not, however, create a precedent in terms of legislation. Because the actual bill refunding Jackson's fine did not say one word, not a single word, about whether or not what Jackson did was legal, illegal, whether it should be allowed in the future.

But the very silence of the legis-

lation created that precedent with no precedent. And when Lincoln turned to the use of martial law and the suspension of habeas corpus during the Civil War, in an 1863 letter, he specifically cited Jackson's use of martial law in New Orleans and Congress' subsequent approval. Now the legislation, of course, didn't say approval, but giving him the money back with interest — precedent with no precedent.

Kokai: Fast forward now to the post-2001 era. As you have seen what has happened with the use of executive power in the Bush administration, what parallels do you see?

Warshauer: Well, the primary parallel is this question of security over freedom. What do we do to balance maintaining our civil liberties on which this nation is founded? The legacy of, you know, the very creation of our Constitution and how the founders set up our system of government in this nation that we hail as a nation of liberty? They understood that governments have the tendency to increase power over time.

That is certainly what has occurred in this nation across many levels. Not just involved with civil liberties, but certainly executive power has expanded, you know, exponentially especially in the 20th century and now in the 21st century. And I think that if there are any lessons from the Jackson episode, from the Lincoln episode, from Woodrow Wilson, from Franklin Delano Roosevelt, and then from September 11 and what George Bush has done, the very, very clear lesson is that we need to be proactive in the future in regards to protecting our civil liberties.

What that truly requires is an emergency action plan that is very clearly defined and spelled out as to how long the president can invoke emergency powers and what type of support he needs from Congress in order to maintain those emergency powers. I don't think that there is anything wrong with imposing emergency powers in a time of really dire emergency. I believe that what Jackson did was correct. I believe that what Lincoln did was correct. But it can't be open-ended because I sat and I watched many of these 9/11 tributes, and they are moving and they are thoughtful and people discuss liberty and freedom and fighting for our democracy.

Well, what happens if we destroy it from within by breaking down the essential frameworks of our own Constitution, which protects liberty? ... Yale law professor Bruce Ackerman ... outlines, you know, a blueprint for an emergency Constitution that would in fact give the president the executive powers that he needs when an emergency is before us, but not so open-ended that the president can claim and do anything he would like to do.

I think that is really the key. CJ

State School Briefs

Union against records release

The state's largest teachers' organization attacked the Wake County school board Oct. 18 for releasing portions of a teacher's personnel file, including his reprimand for inviting a speaker who denounced Islam, the *News and Observer* of Raleigh reports.

Eddie Davis, president of the N.C. Association of Educators, said Wake's decision will intimidate teachers who would fear that their files will be released in retaliation for standing up to administrators.

The Wake board released the documents Oct. 17 to justify its refusal to let Robert Escamilla, a former Enloe High School teacher, return to his post.

Davis said the board was trying to win a nationwide battle of opinion. The board's transfer of Escamilla to an alternative school has angered conservative Christians who said he is being persecuted for his religious views. Civil libertarians contend his actions stirred anti-Islamic fervor and ushered evangelism into the classroom.

"It seems that teachers' personnel files will be sacrificed to give some kind of public relations advantage," said Davis, who has often supported the Wake school system. "That's not right."

A teacher's personnel file is normally confidential under state law. But the school board cited an exemption that says the information can be released if it "is essential to maintaining the integrity of the board."

Poor bus maintenance

Every school day, the parents of about 12,000 students in New Hanover County count on 190 school buses to take their kids to and from school, secure in the assumption those buses are in top shape, the *Wilmington Star* reports.

But what few people outside of the superintendent's office and maintenance staff know is that New Hanover County's buses consistently rank near the bottom on state maintenance inspections. In 2005-06, the district had the second worst score of the state's 100 counties.

In the 2005-06 school year, New Hanover's score, 108.39, was nearly double the average score for 39 counties in the eastern part of the state, 55.24. Only Warren County's 134.83 score was worse.

That year, 13 of 18 inspected buses in New Hanover County were taken off of the streets until repairs were made. *CJ*

'Direct Instruction' Scuttles Charter

Continued from Page 2

the group demonstrates "fluency, proficiency or mastery, depending on the goal of the lesson," according to Rory Donaldson of brainsarefun.com, a Denver, Colorado-based education Web site.

Duplin Charter details

Duplin Charter School would have been the third direct instruction-based school associated with the Roger Bacon Academy, named for the 13th century English scholar. "His ethical standards in science and his relentless pursuit of truth stand as a beacon to inspire us all to the utmost in keen, objective observation and scrupulous honesty in all of our undertakings," the academy's Web site explains.

Founder Baker Mitchell and Cramer opened the first Roger Bacon campus, Brunswick County's Charter Day School, in 2000. A school that started with 53 students now serves more than 700 in kindergarten through eighth grade. The school conducts a lottery each year for slots in each grade, since the demand for school slots exceeds the state-mandated enrollment cap.

Roger Bacon Academy's second school, Columbus Charter School in Whiteville, opened this year for students in the youngest elementary school grades. Mitchell, the academy's founder, is also a member of the John Locke Foundation's board of directors.

Duplin Charter School would have targeted an enrollment of about 150 students for its first year. In its state application, Duplin Charter is described as a "sister charter school" for the existing Brunswick campus "to bring an added educational choice to the parents of that county and adjacent counties and to help attract new residents to the area."

Organizers promised that Duplin Charter School would use the same educational and business model "that has proven so successful at its Brunswick campus and that has brought its rural student body to achieve High Academic Growth two years in a row — a feat duplicated by only one other school in the five-county area and only 91 of 2,353 schools statewide," according to the application.

That success attracted Price, the farmer with school-age grandchildren in Duplin County. "I heard Mark Cramer talk about the Charter Day School on the radio," Price said. "I was impressed from the interview, and I visited the school to get a better view. It was calm and organized. Everything seemed in order. Students showed a willingness and desire to learn."

Charter school cap

Regardless of the Duplin school's qualifications for a state charter, the State Board of Education could not add

"It was calm and organized. Everything seemed in order. Students showed a willingness and desire to learn."

George "Buster" Price
Duplin charter backer

more than two new charter schools next fall. North Carolina has operated with a statewide cap of 100 charter schools ever since the General Assembly first approved charter school legislation in 1996.

Charter supporters have attempted to raise or eliminate that cap over the past decade, but bills designed to accomplish that goal have died in both the House and Senate. This year, 19 representatives endorsed a House bill to scrap the cap. That bill died in committee.

In the Senate, members from both

parties filed bills to raise the cap from 100 to 125 charter schools statewide. One bill endorsed by five Democratic senators and four Republicans would have authorized 25 new charters for schools in which at least 30 percent of the students qualified for free or reduced-price lunches. Even with that restriction, the bill went nowhere.

That cap makes little sense to Price. "The word 'choice' has come up quite a lot," he said. "It seems to make sense if what we have isn't working. Our public school system is failing miserably."

A model that has worked well in Brunswick County and drawn interest in Columbus County might work just as well in Price's county, he said. "The program they use — direct instruction — some say it's old and antiquated," he said. "I can't understand why. I drive a good dependable vehicle. This sounds like a good dependable vehicle."

"You would think the model they are using would be welcomed in schools where the dropout rate is so high," Price said. "Another thing has become quite apparent to me: People in the private sector tend to put out a higher quality of product for a lower price." *CJ*

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Learn-Earn Schools Inspired By One-Room Schoolhouses

By KAREN WELSH
Contributing Editor

RALEIGH

In 2003, the Melinda and Bill Gates Foundation gave an initial \$11 million educational grant to the state. Since that time, the foundation, which focuses on reducing educational inequities within the United States, has raised the funding to \$20 million for launching new schools and redesign within North Carolina.

The money, along with matching grants from the government, has proved to be a catalyst for change and has been used to develop the North Carolina New Schools Project.

Admittedly, there have been some difficulties along the way. Joseph Garcia, vice president for advocacy and communications for the NCNSP, said starting an innovated program has required pushing through "huge mountains of attitudes and beliefs" that currently prevail.

Undaunted, Garcia said his organization has opened 86 new Learn and Earn early college high school campuses throughout the state, with 25 more set to open next year.

Whether intentional or not, this new approach to learning is going back to the principles used to govern one-room school houses, which was a staple of education across America until the mid-1950s.

Garcia said each Learn and Earn school is small, with no more than 100 students per grade level and is personalized, focusing on rigorous and relevance in learning and in relationships among students and the teaching staff.

He said students attending the school are able to earn high school and college credits at the same time. Garcia said each school has a "purposeful design" and is required to implement

five design principles, which include college preparatory curriculum, powerful teaching and learning, and providing personalization through advisory support and tutoring.

He said the new schools have also redefined professionalism by allowing teachers to become teams through shared planning time. "Everything is organized around getting kids ready for college, careers and life," he said. "Students are empowered to make choices."

Although the program is only in its third academic year, Garcia said, the schools are meeting and exceeding their benchmark targets. "It's early yet, but the statistics are promising," he said. "We've got the markers we are looking for and we feel like our schools are making changes. There's powerful teaching and learning going on. It's a successful story. This is innovating high school. We feel like what we're doing is well-grounded and is preparing graduates for life."

Marie Groark, spokeswoman for the Melinda and Bill Gates Foundation, said foundation officials are pleased with how the state is using their grants. "We are seeing a return on our investment," she said. "There's been a positive impact on students. Optimism goes a long way."

She said the ultimate goal of the organization is to improve high school and college graduation rates among minorities. Groark said the foundation chose North Carolina because of its high level of need in both rural and urban areas.

Garcia said the NCNSP will continue to move forward. He said the NCNSP has discovered an effective way to approach education and will continue to reform education in North Carolina. Only then, he said, can high schools throughout the state reflect 21st century citizenship. CJ



Methods used in one-room schoolhouse like this one in Rowan County in the 19th and early 20th century are inspiring administrators of the Learn and Earn program. (NCDPI photo)

Commentary

Standardizing Mediocrity

In recent years, public debate in K-12 education has focused intensively on the needs of struggling students. Universal grade-level proficiency, mandated by 2014 under the federal law No Child Left Behind, has become the holy grail of education reform. Clearly, ensuring that all children achieve basic competencies is worthwhile and necessary. But our lopsided attempt at academic parity has produced a new class of forgotten children: high achievers.

Smart students are, after all, a sure thing when it comes to proficiency on state tests. So it should come as no surprise that a system equating success with basic mastery stints these kids on resources and instructional time. But this is shortsighted and unfair. Frittering away the intellectual capital of our sharpest minds has pernicious, far-reaching cultural and economic implications. If we don't nurture the gifts of our best and brightest, who will rise up to pen great literature, discover life-saving medicines, or help us compete in the global marketplace?

Besides, there's more to education than averting negative outcomes for poor-performing students. Failing to tap the potential of bright children is costly, too. According to a 2000 study by Joseph Renzulli and Sunghee Park, dropout rates for gifted students were virtually indistinguishable from those of nongifted adolescents. Even top performers who stay in school often live up to our low expectations: A 2006 National Bureau of Economic Research study by Colleen Donovan, David Figlio, and Mark Rush found that "an accountability system based on a low-level test of basic skills... led to generally reduced performance by high-achieving students."

Yet the bulk of our resources now goes to "subsidize the education of the least gifted," according to an August 2007 Time article by John Cloud: American public schools spend more than \$8 billion a year to teach the mentally retarded, but allocate less than \$800 million for gifted students. In an educational economy that exalts basic skills, enrichment programs are disappearing like mist before the sun; precocious students are

thus consigned to spend their days steeped in boring, familiar academic content.

Even mainstream curriculum decisions can snuff out incentives for high achievers to perform. The Charlotte-Mecklenburg System, in the midst of a three-year math curriculum transition, is decelerating the pace of honors math instruction

to ensure all students master the "basics." This year, seventh-grade honors math students have to sit through concepts they covered last year — a colossal waste of time and talent. Parents are running low on patience.

The result is an emerging educational exodus, dubbed "bright flight." Increasingly, in North Carolina and elsewhere, families with

high-performing children are fleeing traditional government schools. Some are leaving for private or home schools, others for public charter or magnet schools.

What can we do? Let's start by redefining success. Basic proficiency shouldn't be the gold standard; rather, we ought to expect improvements from all students. One particularly effective way to track student gains is through the use of value-added assessments. Simply put, value-added data reveal the academic growth of the same kids over time. For some, success means reaching grade-level proficiency; for others, the sky's the limit.

Value-added systems don't negate the need for high state standards. They do, however, change our incentive structure. Teachers and schools are deemed effective when they produce consistent gains in students at the bottom, middle, and head of the class. Guilford County's innovative superintendent, Terry Grier, has successfully used value-added data for the past several years to measure student growth and teaching efficacy.

In the end, fairness cuts both ways. "Unless we have excellent education for both our plumbers and philosophers, neither our pipes nor our ideas will hold water," American novelist John Gardner said. Our brightest minds are growing dim with neglect. Isn't it time we did something about it? CJ

Kristen Blair is a North Carolina Education Alliance Fellow.



Kristen Blair

School Reform Notes

Home schooling popularity

Hanging from the walls of Ronda Marshall's dining room, instead of family photos and artwork, in Candler are U.S. and world maps and geography terms.

On most days Marshall converts her dining room into a classroom and her kitchen into a science lab. The mother of six has been home schooling her children for 12 years.

Parents across western North Carolina are moving toward the alternative education form as a way to emphasize values and have more control over their children's education, the *Citizen-Times* of Asheville reported. Over the past 10 years, the number of home-schooled children in Buncombe County has grown about 74 percent.

In North Carolina, only Wake and Mecklenburg counties have more home-schooled children. "There is somewhat more of a spirit of independence in the western counties of the state. People like to be more in control and independent. That kind of thinking works well with home school," said Ernie Hodges, president of North Carolinians for Home Education, a private volunteer organization that supports home educators.

In North Carolina, about 4 percent of school-aged children are home-schooled. In most states across the country, 2 to 3 percent of school-aged children are home-schooled, said Laura Derrick, president of the National Home Education Network.

Crowded Davie high school

The superintendent for Davie County Schools recommended Oct. 12 that grade levels throughout the school system be reconfigured to ease crowding at Davie High School, the *Winston-Salem Journal* reports.

Sixth-graders would attend the school system's six elementary schools, and ninth-graders would be moved out of the high school and go to the school system's three middle schools. The move would take more than 500 ninth-graders out of Davie High, reducing the student population from nearly 1,900 to about 1,400.

The Davie County Board of Education will vote on the plan at a special meeting in early November, said Carl Lambert, chairman of the school board. Superintendent Robert Landry also recommended that the school system build a seventh elementary school on property off U.S. 158 in northeastern Davie County. CJ

Less than projected

School-Enrollment Levels Puzzle Officials

By JIM STEGALL

Contributing Editor

RALEIGH

When school doors opened this fall, some principals and superintendents around the state began to notice something odd about their students. There weren't enough of them, at least not as many as had been expected.

In districts that had projected and planned for sharp increases in student enrollment, the anticipated surge wasn't materializing. Classrooms had been built, teachers and staff hired, and funds allocated based on projections of continued high growth. Now, school leaders in some districts are worried that they won't have enough students to justify the increased expenditures.

It's not that growth has stopped. Fast-growing counties, such as Union and Wake, continue to experience hefty increases in their student populations. But the rate of increase has slowed unexpectedly.

Union County Public Schools was bracing for a record 12 percent increase over last year's numbers, but as of early October the growth in enrollment was 7.8 percent. Charlotte-Mecklenburg Schools planned on growing by more than 5,200 students, but fewer than 3,300 additional students have enrolled.

Guilford, Wake, and Forsyth counties are also reporting shortfalls in growth projections.

While the easing tide of growth might provide some respite for districts that have been struggling to keep up, district finance officers are concerned that they soon might not get all of the state money their districts have already planned for. Before the school year begins, districts request funds based on estimates of how many students school officials think they will have. But if after two months of operations a district has 2 percent fewer students than anticipated, the district's authority to draw state funds is reduced accordingly.

In Charlotte-Mecklenburg's case, it's possible that district officials will receive \$3 million to \$5 million less than the \$703 million they thought was coming.

According to Maurice Green, chief operating officer of Charlotte-Mecklenburg schools, that could mean the loss of up to 40 teaching positions, although the *Charlotte Observer* has reported that the district plans to cover the position losses by reassigning teachers to vacant posts. In a report to the Charlotte-Mecklenburg



Many counties are seeing lower enrollments than they expected for the 2007-2008 school year (CJ file photo)

School Board in early October, Green said that the district would continue collecting data through the 40th day of enrollment and work toward a plan for dealing with allocated funds then.

A number of theories have been floated to explain this year's dip in growth figures. The rising popularity of charter schools, private schools, and home schooling might account for some, but not all, of the shortfall in public school enrollment.

According to David Mills of the N.C. Division of Non-Public Education, an increasing number of parents are choosing these alternatives for their children's education. Private school enrollment has gone up every year since 1992, and home schooling has increased steadily since at least 1986.

But the rate of increase has been about the same as North Carolina's overall growth in population. Mills said that figures for this year's enrollment in private and home schools will not be available until June, but that he doesn't think the school-choice options account for the slowdown in public school enrollment growth.

The nationwide slowdown in the housing market might also be a factor. North Carolina's housing market has not deteriorated as badly as those in other states. But if families elsewhere have trouble selling their homes, some of the migration to North Carolina would be delayed.

Engin Konanc, a statistical analyst with the Department of Public Instruction, has a different take on the puzzle. Konanc is responsible for projecting individual district enrollment, and he calculates that most districts are get-

ting about as many students as they should expect. He's used to being right—his projection of statewide enrollment was off by only 170 students last year, although he admits luck played a role in that accomplishment. That's out of a total student population of more than 1.3 million.

Unlike some of the faster-growing districts, which attempt to predict enrollment growth by looking at local trends in home construction and other economic factors, Konanc relies heavily on a simpler, experience-based formula. "It's notoriously difficult to predict [enrollment] based on housing and economic trends," he said.

His method, which incorporates birth data, school grade structure, and enrollment growth trends from previous years, has apparently yielded statistically accurate predictions for most school districts, with Charlotte-Mecklenburg being the exception.

He's still puzzling over why the model apparently hasn't worked for that one district. However, he's convinced that his method is more reliable than those used by some districts.

"The only thing I have to watch out for is a sudden policy change," he said, such as a change in academic standards that might cause an inordinate number of retentions or dropouts, or a sudden increase or decrease of personnel assigned to one of North Carolina's several major military installations.

For local school officials, the consequences of guessing too low are severe. Once allocations of state funds have been set, it is more difficult to raise them when more students show up than expected.

That's why Union County officials, in charge of the state's fastest-growing school district, studied the slew of huge new housing developments being built on the county's burgeoning west side and concluded that they might have as many as 4,000 more students this year. CJ

"It's notoriously difficult to predict [enrollment] based on housing and economic trends."

Engin Konanc
NCDPI analyst

Report: Longer Class Time Doesn't Guarantee Results

By HAL YOUNG
Contributing Editor

RALEIGH

In a move to add instructional time to the school day, a high school in Bergen County, N.J., recently scheduled nearly 1,000 students to share a single lunch period in a cafeteria built for 300. News reports showing students eating lunch on the cafeteria floor—and a microbiologist's analysis of the cleanliness of the floor—brought about a change in seating accommodations, but not the schedule.

It might be logical that extending the number of classroom hours allows teachers to present more comprehensive lessons and deepen the learning experience. Many students in other states and overseas spend more time in class than North Carolina's, and Howard Lee, chairman of the State Board of Education, supports not only longer school days but also longer school years.

However, research suggests that might not be the right move. A report by the John Locke Foundation's Terry Stoops outlines proof that simply adding hours to the day doesn't increase academic performance. Some nations with higher test scores actually spend fewer days in the classroom, a concept

actually supported by Department of Public Instruction's own internal guidebooks, Stoops wrote.

Stoops' report, "Better Instruction, Not More Time," says that when student results on international tests are compared, the nations with the highest average scores are not always the ones with the greatest number of classroom hours.

In mathematics, for example, students in the United States average 169 instructional hours per year. In a study of 39 countries by the Organisation for Economic Co-operation and Development, the nation with the highest math scores, China, spent 177 hours per year in math class, only 4.7 percent more than in the United States, but scored nearly 14 percent higher on the exam. On the

"It is important not to confuse time spent in school with learning. ... No notable research exists suggesting that extending time in school results in a direct increase in student learning."

From *Balanced Curriculum*
N.C. DPI publication

other hand, the Netherlands, No. 4 on the list, spent 110 hours on math instruction each year, but scored more than 11 percent higher.

The United States ranked 27th out of 39 countries. U.S. students spent the equivalent of four weeks more than the global average time in math class, but ranked only barely ahead of the lowest fourth.

"Overall, there was no consistent relationship between in-school instructional time in mathematics and the countries' average score," Stoops wrote. "In fact, there is a slight decrease in math performance as instructional time increases."

A study published by Pennsylvania State University found similar results in science, reading, and civics instruction. The researchers recommended that as long as scores were within international norms, "Do not waste resources in marginal increases in instructional time ... If there is a choice between using resources to increase time versus improving teaching and the curriculum, give priority to the latter."

Publications from the Department of Public Instruction acknowledge the need to focus on instructional quality over simple questions of seat time. DPI's guide for implementing the Standard Course of Study, a pair of documents titled, *The Balanced Curriculum*, cautions,

"extending the school day won't necessarily help teachers deliver a balanced curriculum. Research has shown that it is *how* time is used versus [sic] the *amount* of time that students are in school that makes a difference."

"It is important not to confuse time spent in school with learning," the guide says. "Learning is complex and affected by a variety of factors. No notable research exists suggesting that extending time in school results in a direct increase in student learning."

Stoops acknowledged that some successful schools do have a longer instructional day, such as those based on the Knowledge Is Power Program (KIPP). However, he said, the difference is what they do with the time.

"KIPP's success has much more to do with their high-quality instruction and superior school climate than with the length of their school day. KIPP schools are able to fill their longer school day with highly effective instruction, whereas most public schools do not," he said.

Programs such as KIPP demonstrate that "an extended school day and year may be well suited for students who could benefit from high-quality supplemental instruction," Stoops wrote, but longer time "is not the panacea that advocates make it out to be." Instead of imposing a blanket solution across the state's entire school system, he recommends making longer, or shorter, school days available at different schools, and giving parents the option to place their children where the time would best be spent.

"Otherwise," he said, "the measure becomes one in a long list of one-size-fits-all reforms that invariably fail to deliver on the promise of increasing student achievement." CJ

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Campus Briefs

• Recently, the NCSU Student Senate drafted a proposal recommending which campus entities should receive fee increases for the 2008-2009 academic year. The proposal was based on a student referendum Oct. 1. Yet the student recommendations might fall on deaf ears, should the UNC Board of Governors decide to ignore them again. Last year, students' objections to the fee-based funding of a campus Lesbian, Gay, Bisexual, and Transgender Center were rebuffed. A package of reforms to the UNC Code in 2003 provided for the establishment of Fee Review Committees, with requirements that they include students. Even after the so-called reforms, however, the trustees and the Board of Governors still reserved the right to deny student or administrative recommendations.

• First they banned smoking in classrooms and administrative buildings. Then, in 2004, they banned smoking in residence halls and their outdoor breezeways. And again, earlier this year, they banned smoking in outdoor areas near medical school and throughout the health affairs campus buildings. Now, UNC-Chapel Hill officials are planning to prohibit smoking within 100 feet of any facility on or off the main campus. That won't leave much, except for athletic fields and large parking lots. The proposed policy effectively outlaws the designated smoking area. This latest likely encroachment on individuals' rights, which could take effect early in 2008, is a response to a law enacted by the General Assembly this summer that empowers localities to set up 100-foot non-smoking buffers. The UNC system will let individual campuses decide whether to join the ban.

• Lesbians, gays, bisexuals and trans-gendered individuals (LGBT) from across the state gathered on the Duke campus Oct. 3 to discuss the best ways to further their political agenda. The one-day strategy session was called the 2007 Equality Conference and Gala.

Along with keynote speeches, breakout sessions for brainstorming, and opportunities for networking, House Speaker Joe Hackney presented the first Equality North Carolina Award for Legislative Leadership to Rep. Rick Glazier. Featured guests also included Alabama Rep. Patricia Todd and Neil Giuliano, president of the Gay and Lesbian Alliance Against Defamation (GLAAD). CJ

Looking for balance

UNC-CH Wants Moeser Successor By June

By JAY SCHALIN
Contributing Editor

CHAPEL HILL

The resignation of UNC-Chapel Hill Chancellor James Moeser was not entirely unexpected. Seemingly within minutes of his announced retirement during his 2007 State of the University Address, a 19-member search committee for his replacement was formed, and a promise was made to have a successor by the time he leaves at the end of June 2008.

Moeser's replacement will have big shoes to fill, for the current chancellor left a large footprint on the Chapel Hill landscape.

Moeser's robust leadership was praised by students, officials, and the media, yet his years at the helm were not without controversy, and his vision for the future of the university was not shared by all.

Moeser's resignation gives UNC President Erskine Bowles and the Board of Governors a chance to consider whether the future of UNC-Chapel Hill will be to follow the path set by Moeser's administration or to move in a different direction. Moeser's administration was successful in a number of ways, but some of his policies might not be sustainable, and the critical issue of undergraduate education seemed of secondary importance.

Fund-raising is often a chancellor's first priority, and Moeser was a star, raising about \$2.2 billion during his seven years in office. While he was gifted at attracting contributions, he was equally quick to spend, committing the university to an aggressive building program totaling \$2.1 billion.

This building program is not just adding six million square feet to the main campus. The university is also contributing to the research campus at Kannapolis, orchestrated by entrepreneur David Murdock. Moeser has also promoted the Carolina North campus, an expansion of the Chapel Hill campus intended for research. The initial cost estimate of the infrastructure alone for the 900-acre tract is \$220 million. Trustees anticipate that the state will pick up most of the cost.

While the university's grants and contracts for research total \$610 million after doubling over the last decade, much of the income for research comes from government sources. In his resigna-



UNC-Chapel Hill Chancellor James Moeser

tion speech, Moeser said that National Institutes of Health funds, which have accounted for more than half of all research funding in recent years, were "drying up." The volatility of research funding suggests that over-reliance on research grants could make expansion a costly extravagance, with taxpayers footing the bill.

Moeser was the driving force behind UNC-CH's innovative Carolina Covenant scholarships, which assure that low-income students can complete their degrees debt-free, largely through federally funded work-study programs. The program has been copied by more than 40 universities. While Moeser received considerable acclaim for making a college education more accessible for some, he was also instrumental in an unsuccessful attempt to raise tuition for most students, with the goal of increasing faculty compensation.

More successful was his promotion of a state law that allows scholarship students from outside the state to pay only in-state tuition. This provides an enormous break for scholarship donors, shifting the extra costs onto taxpayers. A key lobbyist for this benefit was a well-funded political action committee, Citizens for Higher Education, one of whose members, Nelson Schwab, is now the head of the search committee that will seek Moeser's successor.

Moeser also gained the national spotlight for his approval of a controversial choice for the school's summer reading program. In 2002, with tensions still heightened by the World Trade Center catastrophe, the school required incoming freshmen to read *Approaching the Qu'ran: The Early Revelations*, by Michael Sells. This book, which featured selected

passages from the Muslim holy book, was considered overly sympathetic to Islam, as it omitted many passages from the Qu'ran that present a grimmer version of Islam. Offended students filed a lawsuit against the school. Undeterred, Moeser not only supported the choice of this book but led a classroom discussion of it.

Some heralded Moeser as a champion of academic freedom; others viewed his actions as supporting a rosy and unrealistic view of Islam that was inappropriate following the Sept. 11 destruction performed in the name of Islam.

The Qu'ran incident illustrates what is perhaps a more fundamental characteristic of Moeser's reign — his failure to challenge, or even acknowledge, what many see as an increasingly left-wing or radicalized faculty.

As many articles have illustrated, a number of UNC-Chapel Hill faculty disparage American society and its philosophical underpinnings. Some students even complain of being penalized for expressing conservative viewpoints.

No administrator can serve the needs of all constituencies equally. The selection committee has the opportunity to provide balance to the policies of the last seven years. This balance could be largely accomplished by choosing a new chancellor likely to put the educational experience of undergraduates and the concerns of taxpayers at the center of his or her strategic plans. CJ

Jay Shalin is a writer and researcher for the John William Pope Center for Higher Education Policy in Raleigh.

New report from Pope Center:

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Marx, Mao, and Mischief at UNC

By JAY SCHALIN
Contributing Editor

CLAIMS that professors use their classroom positions to indoctrinate rather than educate their students crop up frequently in today's polarized political climate.

A monthlong course taught at UNC-Chapel Hill by instructor Jason Moore in May 2007 called "Geographical Issues in the Developing World" appears to be a perfect example. Moore was contacted but declined to comment.

The course catalogue description indicates that "Geographical Issues" focuses on three themes.

Analysis

The first is about population trends, including growth, health, and migration patterns. The second concerns the sustenance of populations, including water supplies and the transition from self-sufficient communities to advanced market economies. The third involves issues concerning urbanization and poverty. There's no hint of any political orientation or agenda.

Once you read the syllabus, however, it becomes clear that the course is not about the study of geography as an objective social science. Instead, it seems intended to plant seeds of doubt about, or even hostility to, free markets, international trade, and the United States.

The revealing phrase in the syllabus is Moore's stated intention to teach the course from "one interpretation" only, without naming that interpretation. He suggests that the interpretation has "five themes." Not only is there no direct correspondence between the three themes in the catalogue and the five in the syllabus, but the two descriptions sound as though they're for different courses: one an objective course on geography and the other one an overtly political, interdisciplinary course mixing elements of history, economics, political theory, and geography.

First among these five themes is the concept that "national societies do not 'develop' but only become richer or poorer within the modern world system." This suggests that economic development is a zero-sum game, with wealthy nations taking an undue share at the expense of lesser nations.

Another theme is about inequality within countries, particularly the United States. This entails examining "the relations... that create wealth and poverty," including "imperialism, neoliberalism, capitalism."

The syllabus included a reading list of 40 selections, whereby Moore's "one

interpretation" is unmasked.

At least 22 of the 40 selections were written by individuals with connections to a publication called *Monthly Review*, including Moore himself. The publication's editorial slant is Marxist, with strong Maoist inclinations. Several contributors to the list of recommended readings in "Geographic Issues" served as the chief editors of the journal, including Harry Magdoff. Magdoff openly declared the publication's Maoist tendencies in an interview in the May 1999 issue: "Oh, there was a Maoist component. There's no question about it. There were things that Mao said that we felt were major contributions to Marxist theory and to understanding of the problems of the third world, to this day."

Moore assigned three of his own articles. In one, he alludes to the theme that dominates much of his work: "I show that Wallerstein's socio-ecological insights, coupled with Marx's ecological critique of capitalism, prove enormously

useful for rethinking environmental transformations in world-historical perspective."

"Oh, there was a Maoist component. There's no question about it."

Harry Magdoff
Monthly Review editor

Another contributor to Moore's reading list is Canadian author and activist Naomi Klein. Her speech "Reclaiming the Commons" appears to have little to do with the objective study of geography. "The local movements fighting privatization and deregulation need to link their campaigns into one global movement..." she implored her audience. "This movement we conjure goes by many names: anti-corporate, anti-capitalist, anti-free-trade, anti-imperialist."

Also of dubious value to geography students is the 1966 revolutionary manifesto, the "Black Panther Party Platform: What We Want and What We Believe," with its 10-point list of demands. Among the demands were: "We want an end to the robbery by capitalists of our Black Community...." "We want education for our people that exposes the true nature of this decadent American society...."

The preceding examples are representative of the ideas to which Moore exposed his class. It is unlikely that North Carolina's citizens desire this manner of indoctrination when they send their children away to be educated. It is also probable that students who sign up for geography courses are not seeking a philosophical makeover that will place them at odds with their families, friends, and future employers. CJ

Jay Schalin is a writer and researcher for the John William Pope Center for Higher Education Policy in Raleigh.

Commentary

Insights from the Past

Pondering what makes an educated citizen is as old as the ancient Greeks and as recent as the meeting of the University of UNC Board of Governors Oct. 11. Responding to a request by Board of Governors Chairman Jim Phillips, officials from three UNC campuses told the board how they updated their general education requirements. These are the courses that students take to develop the "whole person" (using the university's terminology).

Don't think that UNC campuses have a core or common curriculum to which all students are exposed, however. UNC-Chapel Hill students have 2,000 courses from which they can choose their "general" classes. At N. C. State students can adopt "thematic tracks" such as environmentalism or follow one of six interdisciplinary programs to meet the requirements. Fayetteville State is more focused on specific outcomes — what should graduates "know and be able to do."

These ways of developing the whole person might have merit, but they are a far cry from the tradition of liberal learning (an earlier term for "developing the whole person") that underlay the creation of the University of North Carolina and many other American universities.

One scholar who regrets the loss of traditional learning is Hillsdale College historian Richard Gamble. He has just compiled a 658-page collection of readings about what students should learn to become more complete citizens. Called *The Great Tradition*, the book starts with Plato and ends with Eric Voegelin, a 20th century political philosopher.

Gamble was inspired to write this book by teaching students in Great Books classes at Palm Beach Atlantic College. He observed that modern education teaches young people that the past is merely a prelude to a "modern" or "progressive" future. Ancient and medieval writers are neglected or disparaged because they view the "whole person" as having a soul that needs nurturing. Belief in the soul and reliance on heroic models to guide education were weakened by the rationalistic Enlightenment and, more recently, discarded by the

romantic self-actualization notions of progressive education.

What was lost amid this supposed progress was the idea that education should include the inculcation of virtue. Past thinkers engaged in lively conversations about how to teach virtue and ethics — and differed over how to teach them to unruly, passionate, and headstrong youth. Isocrates, an Athenian of the fourth century B.C., was dubious about the intellectual advances of his day, such as geometry and astronomy, but he said that "at any rate it keeps the young out of many other things which are

harmful."

These days, educators do not allow the "wisdom of the past to sit in judgment on our own prejudices and activities," Gamble says in *The Great Tradition*. Past writings are preserved only because they give "a prophetic glimpse of Bacon or Rousseau or Dewey." (Today's ethics classes in business schools represent a Johnny-come-lately effort to restore some of the education in virtue that was once pervasive.)

What is left, besides imparting a trendy set of beliefs without any firm grounding in the past, is vocational training. Today's colleges are now job-oriented, with majors from interior design to golf course management.

Gamble opposes this overriding emphasis on the "usefulness" of education — a theme that permeates the deliberations of the education establishment, whether at a Board of Governors meeting or in the UNC Tomorrow Commission's discussions of the future of the university. When asked about how to balance preparation for 21st century jobs with finding time for reading ancient works, Gamble says students will always learn their professions through on-the-job training.

The four years of college should be primarily about something grander, he said — not just how to work, but what kind of person to be. That is liberal learning, viewed through the wisdom of the ages. CJ

Jane S. Shaw is executive vice president of the John William Pope Center for Higher Education Policy.



Jane Shaw

Bats in the Belltower

A Victory for Free Speech

Freedom of speech has returned to Fayetteville State University, thanks to school officials' decision to drop an explicitly unconstitutional speech code. This change represents a victory for liberty, for students, and for the advocates of true liberalism on college campuses, which include the Pope Center for Higher Education Policy and the Foundation for Individual Rights in Education (FIRE).

In January 2006, the Pope Center and FIRE worked together to produce "The State of the First Amendment in the University of North Carolina System" (http://popecenter.org/inquiry_papers/article.html?id=1659), which looked at individual UNC policies in light of their constitutionality and found several lacking. Among them was Fayetteville State's Code of Student Conduct's definition of proscribed "racial harassment":

[V]erbal or physical behavior that stigmatizes or victimizes an individual on the basis of race and involves an express or implied threat to another person's academic pursuits or participation in activities sponsored by the University or organizations or groups related to the University. Such behavior may also create an intimidating, hostile or demeaning environment for such academic pursuits or participation.

As the Pope Center and FIRE showed, such a policy relied on vague, imprecise language entirely too dependent upon interpretation, nor did it even require that the behavior be deemed threatening by a reasonable individual.

FSU should have known better, according to the report, because a speech code at the University of Michigan, featuring the same wording used by FSU, had already been struck down in federal court in 1989.

Granted, that decision — *Doe v. University of Michigan*, 721 F. Supp. 852 (E.D. Mich. 1989) — would not be legally binding on FSU, but it did indicate how the courts would likely have viewed FSU's code had it been challenged. When FIRE named FSU's policy its "speech code of the month" in January 2007, it included several quotes from the 1989 decision:

• "It is not clear what kind of

conduct would constitute a 'threat' to an individual's academic efforts."

• "Moreover, it is clear that the fact that a statement may victimize or stigmatize an individual does not, in and of itself, strip it of protection under the accepted First Amendment tests."

• "The terms of the Policy were so vague that its enforcement would violate the due process clause."



Jon Sanders

Enforcing a vague speech code is no small matter on a university campus, where the interpretation of threats can be heavily politicized.

Consider a current case that FIRE is working on.

At Hamline University in Minnesota, shortly after the Virginia Tech massacre, university administrators sent e-mail messages to the entire campus community discussing the tragedy.

A student, Troy Scheffler, responded by saying university officials should "reconsider [their] ban on conceal carry law abiding gun owners" in order to protect students from being defenseless before a Columbine-inspired killer, noting, as many commentators and even Virginia Tech students had said, that VT had had a gun ban in place at the time of the massacre.

For that, Scheffler was suspended and told to undergo a psychological examination before returning.

That was at a university whose policies explicitly guaranteed that students were "free to examine and discuss all questions of interest to them and to express opinions publicly or privately!"

The new code at FSU bans true harassment (which is not protected speech), defining racial harassment as "verbal or physical behavior on the basis of race that is so severe, pervasive, and objectively offensive that it bars the victim's access to an educational opportunity or benefit or alters the conditions of the victim's employment and creates an abusive working environment."

Congratulations to FSU for doing the right thing. CJ

Jon Sanders is research editor for the John Locke Foundation.

UNC System One Step Closer To New Admission Standards

By JANE S. SHAW
Contributing Editor

RALEIGH

The University of North Carolina moved a step closer to setting systemwide minimum admission standards at the Board of Governors meeting Oct. 11.

Speaking at a policy session, Harold Martin, senior vice president for academic affairs, proposed to the board the following minimum criteria for entering freshmen in 2013: a 2.5 grade point average in high school and a minimum SAT score of 800 (out of 1600 total) or ACT score of 17 (out of 35).

Today, although each university campus sets its own admission standards, there is no statewide requirement, and some campuses in the UNC system have none. If approved by the Board of Governors in January, initial standards would start in the fall of 2009 with a 2.0 GPA and 700 SAT or 15 ACT, and increase incrementally until the 2013 levels are achieved. Martin added that the chancellor would always have the right to waive requirements for a maximum of 1 percent of students.

The initial impact on applicants might be small. If the 2013 standards were in place today, said Martin, only 675 of the freshmen applicants for entrance in the fall of 2006, out of a total of more than 77,000 applicants, would have been refused admission.

Martin's presentation evoked questions and spirited commentary. For example, the audience perceived a seeming anomaly in statistics gathered by the UNC General Administration on graduation rates: Students having less than a C average in high school, but an SAT score of at least 700, performed better in college than those with a C average or just slightly above, also with SAT scores greater than 700. Martin explained that one reason is that many students in the lowest category are athletes who get special academic guidance and support.

UNC President Erskine Bowles stressed that the minimum standards would be "a plus for the university and a plus for the kids." They would initially affect the institutions that do not now have a minimum admission standard. These schools are primarily historically black colleges that have low graduation rates. They have been designated "focused growth campuses" because they have received special incentives to increase enrollment.

Bowles said that before he arrived the Board of Governors had "opened the doors" to unqualified students. "But they didn't get support, and they flunked out," he said, adding that it was "a really bad deal" for both the students and taxpayers.

Bowles also indicated that the minimum standard would direct more high school graduates to community colleges instead of four-year institutions. He promised, as he has implied before, that at the next legislative session he will support additional funding for community colleges.

The effects on the students who might fail to meet the proposed standards were also explored.

UNC President Erskine Bowles stressed that the minimum standards would be "a plus for the university and a plus for the kids."

Charlie Nelms, the new chancellor of North Carolina Central University, which will institute a minimum standard starting

next fall, said that in his experience people do meet standards once they learn what they are. He also noted that "the best predictor of future success is a student's grade in algebra." Patricia A. Sullivan, chancellor of UNC-Greensboro, indicated that admission officers at Greensboro can predict how well a student will do often simply by knowing which high school the student graduated from.

Their comments led to a discussion of how high schools' performance in preparing students for college is measured. When a governor asked whether the federal No Child Left Behind law is improving high school preparation, Bowles said the information would be easily obtained by comparing the results of NCLB tests with information available about the performance of high school graduates.

Martin said that the UNC General Administration tracks every high school graduate in the state who attends a UNC campus. He also noted that the university sends this information annually to every school district in the state. Thus, the school districts know exactly how well they are preparing their graduates for UNC.

The fact that this rich source of assessment information is not widely publicized induced observations of surprise by the governors. One said that it should be labeled a "secret," in order to stir up publicity about it. CJ

Jane S. Shaw is the executive vice president of the John William Pope Center for Higher Education Policy in Raleigh.

Opinion

A Conservative Student's Rude Awakening at UNC-Chapel Hill

By ALYN BERRY

CHAPEL HILL

Like most prospective college students, I expected to "find myself" in college. I didn't have a clear idea of what that meant at the time, but having been politically active in high school, I wanted college to challenge my principles and make me defend them. I hoped I would take classes with professors who would make me re-examine my perspective on the world.

I went to the University of North Carolina at Chapel Hill. Although UNC is highly respected in this state and others, many native North Carolinians jokingly insist that Chapel Hill is not a part of our state. Some call it the "People's Republic of Chapel Hill," poking fun at this college town's liberal reputation. Despite this, I packed my bags and moved my life just an hour down the road — but a world away.

I was able to accept my liberal roommate from San Francisco, the protests in "the Pit," and the homeless men on Franklin Street. What bothered me was what was happening in the classroom. My ideas were not being "challenged" as I had imagined; instead, they were being attacked head-on.

My first semester at UNC, I took a history course in which I was asked to write weekly short papers comparing our readings with current events and sometimes offering policy suggestions. Week after week, I was discouraged when I would get back my grades: C, C+, D+, and so they went. I always did my readings and worked hard on my papers, and I couldn't fig-

ure out why I was earning such poor grades. As a mere freshman, I concluded that college must have been more difficult than I'd imagined and that I was simply not working hard enough.

One day after class, a fellow classmate approached me in the elevator; she said, as I recall it, "From our class discussions, I get the feeling that we have some of the same ideas. You know, conservative ideas. How are your grades on these papers? Mine are terrible. Do you think our low grades have something to do with being a conservative?" I hadn't ever considered that I was being punished for my conservatism because up until that point in my life, everyone had always encouraged me to freely explore ideas and come to my own conclusions.

My classmate had sparked my curiosity, so I went home and looked over my papers. To my amazement, nearly every even remotely conservative statement I had made in my papers was covered in red. My ideas about free markets, deregulation, and individualism had all been crossed out, circled, or struck through. These marks were rarely accompanied by



In academia, conservative ideas are presumed to be untrue until you prove them, while liberal ideas are presumed to be true until disproven.

words, but occasionally my graduate student instructor would scribble "that's not really true" on my paper. It didn't bother me that my instructor disagreed with me — he's certainly entitled to his own

beliefs — but it did bother me that my grades reflected our ideological disagreements.

I knew better than to go to office hours and accuse my instructor of ideological discrimination. Instead, I experimented. My papers in the next few weeks were bad, but the grades were good. Instead of offering serious solutions to problems such as poverty, education, and the environment, I

personally attacked President Bush and bashed the "greedy conservatives" in Congress. My shift from analytical, yet conservative, papers to rash and political ones earned me B's and even a couple of A's, instead of the C's I had been getting. This change was both shocking and disheartening. I realized that college, which is often thought to be a place of free inquiry, was going to be much more restrictive than I had thought.

That history course was the most extreme example of classroom

bias that I experienced in my three years at Carolina (I graduated a year early), but there were countless essays, papers, and exams where my conservative ideas were under severe scrutiny. A noticeably higher standard was applied to conservative ideas than to liberal ones. In academia, conservative ideas are presumed to be untrue until you prove them, while liberal ideas are presumed to be true until disproven. In most cases, the grade differences would be small, maybe a B-plus instead of an A-minus. You can't reasonably argue with a professor for such a small difference in grades, and most students don't. This difference may seem insignificant, but these slightly lower grades accumulate over the course of a semester, or even a college career.

It is still entirely possible for a student with conservative views to do well at UNC, but it is definitely more difficult to have your ideas graded on their merits, not on the opinion of the professor. While I truly believe most professors have no agenda, their personal beliefs do affect the difference between that B-plus and an A-minus. By no means do I blame every bad grade I got at UNC on liberal professors. Admittedly, most of them were my fault — but some of them were not. CJ

Alyn Berry, a 2007 graduate of the University of North Carolina at Chapel Hill, lives in Kernersville. Before graduating, she served as an intern at the John Locke Foundation. This article was published in The Chapel Hill Herald on Aug. 21, 2007.

North Carolinians for Home Education

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Town and County

Durham reclaimed water

Durham County is aiming to establish a separate water distribution system for water industrial and irrigation uses. The idea is to take treated wastewater that would otherwise be discharged back into Jordan Lake and instead sell it at a lower cost for uses that don't require potable water. Such water is referred to as being "reclaimed" or "reused."

As an additional benefit, a reclaimed water system reduces phosphorous and nitrogen discharges, which are associated with algae growth.

"In a time of drought, this provides opportunity for significant conservation," Ellen Reckhow, chairwoman of the Durham County Commissioners, said to the Durham *Herald-Sun*. "We're cooperating with some other jurisdictions, and this is a really exciting project."

The other jurisdictions are Wake County and Cary, which have already committed to a reclaimed water system. The three localities are determining how to share the construction and operating costs associated with operating a linked system.

Durham County could start selling reclaimed water as early as next year.

"We've had conversations with several potential customers," Durham County Engineer Glen Whisler said. "Possibly there's more interest than we can meet the demand for."

Franklin water policy

Franklin County is facing different issues with its water system, *The News & Observer* of Raleigh reports. It's struggling with having too few paying water customers. To address the problem, the county has banned additional neighborhoods from connecting to the system until next summer.

Franklin County's water and sewer system actually produces little of its own drinking water. Instead, the county buys water from nearby towns and resells it. The system has spent heavily in recent years on infrastructure improvements to allow it to serve a greater area.

The problem for the county is that its heavy spending hasn't triggered a proportionate increase in revenue. It has authorized a number of residential developments to connect to its system that haven't been built as fast as anticipated. The county has only 2,500 customers to finance \$19 million in debt issued to upgrade the system. CJ

Courts Clarify Traffic-Stop Constitutionality

By MICHAEL LOWREY

Associate Editor

RALEIGH

The state's second highest court has held that a traffic stop based upon an officer's mistaken belief that someone is speeding is unconstitutional and that evidence of other crimes obtained during the stop cannot be admitted as evidence at trial.

The ruling comes in a case from Hyde County and is one of two cases the N.C. Court of Appeals recently decided challenging the constitutionality of traffic stops.

Deputy Matthew Shane Bryan spotted a sports utility vehicle going around a curve on Ocracoke Island at about 30 mph. Believing that the speed limit was 20 mph on that stretch of road, the officer pulled the vehicle over. Bryan issued the driver, William McLamb, a warning ticket for speeding and arrested him for driving while impaired.

At trial, McLamb moved to suppress the results of the stop, arguing that Bryan had no legal basis for pulling him over. Critically, though Bryan thought the speed limit was 20, it really was 55. After Judge William C. Griffin, Jr. ruled in McLamb's favor, the state brought the case before the Court of Appeals.

"The question presented for our review is whether a mistaken belief by a law enforcement officer that a defendant has violated the speed limit can constitutionally support a stop of the vehicle," Judge Sanford Steelman said for the Court of Appeals. The appeals court held that it could not.

Last year, the N.C. Supreme Court ruled in *State v. Ivey* on whether failing to use a turn signal was enough to allow for a traffic stop. It held:

In examining the legality of a traffic stop, the proper inquiry is not the subjective reasoning of the officer, but whether the objective facts support a finding that probable cause existed to stop the defendant. Probable cause exists when there is a fair probability or substantial chance a crime has been committed and that the defendant committed it. Thus, the United States and North Carolina Constitutions require an officer who makes a seizure on the basis of a perceived traffic violation to have probable cause to believe the driver's actions violated a motor vehicle law.

Finding that the failure to use a turn signal in that case did not violate the law, the Supreme Court ruled that the officer in *Ivey* did not have probable cause to conduct the stop, and thus the stop violated the Fourth Amendment of the U.S. Constitution and that evidence obtained must be suppressed.

A number of federal appeals courts have come to the same conclusion. The Fifth Circuit, for example, has held that "[I]f officers are allowed to stop vehicles based upon their subjective belief that traffic laws have been violated even where no such violation has, in fact, oc-



After a recent ruling by the N.C. Supreme Court, police need to be sure a motorist is speeding before pulling them over for exceeding the speed limit. (File photo)

curred, the potential for abuse of traffic infractions as pretext for effecting stops seems boundless and the costs to privacy rights excessive."

The N.C. Court of Appeals was persuaded by the logic of these rulings.

"Based upon Whren, Ivey, and the reasoning of the many cases cited from the Federal Courts of Appeals, we conclude that the legal justification for Deputy Bryan's stop of defendant's vehicle was not objectively reasonable," Steelman wrote. "Whether the legal justification for Deputy Bryan's traffic stop was subjectively reasonable is irrelevant."

"Because the legal justification for this traffic stop was not objectively reasonable, we hold that the stop violated defendant's Fourth Amendment rights."

A different three-judge panel of the Court of Appeals ruled Oct. 2 in another case concerning the constitutionality of a traffic stop.

On the evening of Feb. 2, 2005, Greenville Police Department patrol officers Lascalette and Webb discussed the possibility of setting up a "driver's license checkpoint" at about 2:30 a.m. on Firetower Road. As Lascalette testified in court, he "didn't think it was a very effective spot, but it served the purpose — it kept us gainfully employed."

While Webb and a third officer handled the checkpoint proper, Lascalette positioned his car to chase down vehicles that tried to evade the checkpoint. One possible way to do so was to turn on to a side road 400 to 500 yards from the checkpoint called Dudley's Grant Drive.

When a car driven by Shannon Haislip turned onto Dudley's Grant, Lascalette proceeded to stop it. Lascalette arrested Haislip for driving while impaired.

At trial, Haislip said he sought to contest the constitutionality of the checkpoint plan. Superior Court Judge

William C. Griffin, Jr. ruled, however, that she couldn't do so because she had not been stopped at the actual checkpoint.

Haislip challenged Griffin's ruling and her DWI conviction before the N.C. Court of Appeals.

"In this case, according to his undisputed testimony, Lascalette stopped Defendant 'pursuant to . . . the checkpoint plan,' not 'in light of and pursuant to the totality of the circumstances,'" Judge Linda Stephens wrote for the appeals court.

"He did not stop her because she turned across the center turn lane, because of how she drove down Dudley's Grant, or because of the manner in which she exited her vehicle. He stopped her based on the systematic plan of the checkpoint. It necessarily follows, and we so hold, that when a defendant is stopped pursuant to a checkpoint plan, a defendant has standing to challenge the constitutionality of the plan by which she was 'snared.'"

In reaching this conclusion, the appeals court specifically rejected the state's argument that a N.C. Supreme Court decision in 2004 should control the outcome of the case. In *State v. Mitchell*, the high court held "that it is error to analyze the stop and arrest of someone eluding a checkpoint in terms of the legality of the checkpoint." The Court of Appeals noted that *Mitchell* was a case about a driver running through a roadblock.

The appeals court sent the case back to Superior Court for a determination of the constitutionality of the checkpoint.

N.C. Court of Appeals rulings are controlling interpretations of state law that the state's trial courts are obligated to follow unless overruled by the N.C. Supreme Court or U.S. Supreme Court.

The cases are *State v. McLamb* (06-1319) and *State v. Haislip* (06-1488). CJ

Water an Emotional Subject, Especially During Its Scarcity

By SAM A. HIEB
Contributing Editor

GREENSBORO

Water is a very emotional subject for a lot of people," N.C. Department of Environment and Natural Resources section chief Tom Fransen said in July. A battle brewing in Guilford County over water, land, and suburban development confirms Fransen's words.

County commissioners in December are scheduled to hear a controversial rezoning request by Bluegreen Development Corp. to build a 700-home golf course development on 700 acres adjacent to the Haw River State Park. One issue is the development's plans to draw 100,000 gallons of water per day from the Haw River. Another issue is that the development would limit expansion of the park.

Commissioners were scheduled to hear the case in October, but Bluegreen requested a delay. In the meantime, the company has begun negotiating with the state on a possible purchase of the property at a fair market value of \$12.4 million.

Jill Lucas, public information officer with the N.C. Department of Administration, which is overseeing the negotiations, confirmed that a deal is in the works but that she couldn't comment otherwise.

If anything, the delay provides more time for citizens and environmental groups against the development to further influence county commissioners. On the surface, public opinion appears to be against the development, which is to be named Patriot's Landing. *The Triad Business Journal* has editorialized against the development, while the *News & Record* of Greensboro has published several editorials and letters to the editor opposed to it.

Opponents have also started a Web site, Citizens for Haw River State Park, to aid their cause, while two influential Greensboro blogs, "A Little Urbanity" and EdCone.com have spoken out in support of the state park.

Reidsville officials also have spoken out against the development. In September, Mayor James Festerman wrote a letter to both Guilford and Rockingham county commissioners outlining the city's opposition.

Reidsville disposes its wastewater into the river, and significant withdrawals, especially in the face of the drought, "could have a devastating and costly

effect on Reidsville's wastewater treatment plant operations," Festerman wrote.

Bluegreen, a Florida-based development company, is being represented by lawyer Henry Isaacson, who said state regulations will protect the environment surrounding the development and the park. Officials with DENR did not know of any water permits for which Bluegreen had applied.

But considering the expense involved in applying for permits, not to mention the expense Bluegreen has already incurred in preparing for the development, the company appears confident the state will sign off.

As for the land adjacent to the park, Bluegreen has offered up a 100-acre buffer on the park's northern side as well as a 50-acre buffer on its eastern side.

Randal O'Toole, a scholar with the Cato Institute who specializes in land-use issues, said in an e-mail message that "50 acres really isn't much — a 50-acre square is 1,475 feet on each side. But why do they need a buffer anyway? What did they think was going to happen to the land? That it would be open space forever?"

If the state is unable to broker a deal for the land, it will ultimately come down to Guilford County commissioners, who have supported other developments. They've recently approved two projects despite passionate protests from residents claiming such developments would harm their health and their quality of life.

In April, commissioners approved a sports complex proposed by former NFL star Ricky Proehl after nearby residents complained that the increased noise, traffic, and light pollution would disturb their neighborhood and lower the value of their property.

Earlier this summer, Sharpe Brothers Co. proposed an asphalt plant across Interstate 85 from a residential neighborhood.

Residents presented studies showing emissions from the plant and increased truck traffic would pose grave danger. A member from an environmental group presented a study showing that residents downwind from a Salisbury asphalt plant suffered greater incidents of illness and death as a result.

After hearing residents emotionally state their case, commissioners voted, 9-2, to allow the asphalt plant. Isaacson represented Sharpe Bros. CJ



Commentary

Stop Wasteful Spending

In all likelihood this column will generate some gratuitous hate mail. Whenever arguments are posed counter to the "growth doesn't pay for itself" religious movement, anger erupts. Nonetheless, those arguments need to be made because the public's acceptance of annual tax increases "for the children" has withered.

Researchers at the John Locke Foundation have been studying many county budgets as the state geared up for numerous potential sales and land transfer tax ballot initiatives. In almost every instance, it was found that taxes at the local level are growing faster than inflation and population growth combined. The short version of this is that spending is growing faster than incomes across the state.

Currently, more than two dozen counties have pushed for new sales taxes or land transfer taxes even though they are gaining at least \$500,000 in new revenue from the state as the "hold harmless" component of the Medicaid relief bill.

Having watched several local municipal debates this season, I was struck by the preponderance of candidates who previously had begged for growth and supported tax increases due to lack of growth now explaining that new taxes were needed to pay for growth. With new developments comes the need for new schools, law enforcement, fire protection, roads and water system capacity. Yes, those needs do come, more quickly in some areas than others, but it is always over time.

Looking forward we rarely look at what happens to tax money used to pay off old debt from the previous sewer, school or road bonds. When that debt is paid, municipal officials tend to find other places to use the money that has little to do with growth and then lament that they need more money. Thus the seven-cent tax increase you had to pay for the new middle school or sewer system 20 years ago has now been paid off with no tax relief.

A percentage of those new homes will go to existing homeowners moving into better homes. Thus the growth isn't always staggering, it's moderate and occurs over time.

Interestingly, that growth is not unlike the way bonds were designed to work. You don't have to pay for the new school immediately. You finance it over time so that the growth in the tax base helps to pay off the bond. As the new students come into the system and their families begin to pay taxes, the tax base grows and the tax impact gets

spread across a larger section of the community.

The same occurs with other aspects of local government like fire and police protection. The 1,000 new home development doesn't have 1,000 new homes for years. As such, police and fire protection needs grow only as the community grows and the tax base to pay them

grows as well.

The real problem is that local governments are rarely held to account for their wasteful spending as it's simply more popular to lament that growth doesn't pay for itself even as equestrian centers, senior centers, pools, golf courses, civic/convention centers and a myriad of nonessential government projects are funded and millions are given away in economic incentives and donations to local charities.

In addition, local governments rarely look into getting more bang for the tax dollar by competitively sourcing what they do. Being responsible with taxpayer money has become the refuge of the unpopular conservative on the town or county board. Asking tough questions and being frugal isn't nearly as popular as saying we should preserve more open space (government-owned open space) or that a new walking trail would certainly be nice.

In truth, it's probably a blessing that we don't get all the government we pay for, but we should at least be asking serious questions when people try to tell us that growth doesn't pay for itself.

People should stand toe to toe and have leaders explain how spending tax money faster than both inflation and population growth isn't enough. CJ

Chad Adams is the director of the Center for Local Innovation, vice president for development for the John Locke Foundation, and a former vice chairman of the Lee County Board of Commissioners.



Chad Adams

Local Innovation Bulletin Board

Transit Delusion and Reality

Transit spending has been wasteful and has failed to reduce traffic, says Wendell Cox, a visiting fellow of the Heritage Foundation. The money instead should have been used to increase road construction.

The diversion of federal road user fees to nonhighway projects began in 1982. Since that time, annual transit expenditures have doubled, after adjusting for inflation.

Fair value would have been for transit ridership to double, but today annual miles of travel by transit are only 25 percent higher than in 1982. Spending on transit by all levels of government is at least \$15 billion more per year than in 1982, more than twice the amount being diverted at the federal level from fuel taxes paid by motorists.

In every one of the nation's urban areas with a population of more than one million, where more than 90 percent of transit ridership occurs, road use increased per capita and by no less than one-third. Peak-period traffic congestion rose by 250 percent.

This paltry performance does not mean that transit does not have a role. Transit does an efficient job of getting people to the largest downtown areas in the nation.

The problem is that, on average, 90 percent of jobs are not situated downtown.

Those 90 percent of employees are spread over an area more than 500 times as large as downtowns. The only real way to reduce traffic congestion is to provide more roadway capacity. It's either that, or watch traffic congestion worsen and suffer the economic losses.

The menu police of L.A.

Fast-food restaurants in Los Angeles might soon have their privileges revoked, if Councilwoman Jan Perry's proposal to put a two-year moratorium on new fast-food restaurants in her district becomes law, says ABC News.

But the plan to ban new fast-food restaurants in parts of the city is getting mixed reviews. One of the concerns is the potential negative economic effect. According to McDonald's franchisee Lindsay Hughes,



McDonald's alone creates more than 38,660 jobs and about \$752.4 million in spending in Los Angeles County. In addition, the business makes a contribution of \$20 million in taxes and licenses.

Others see the move as an intrusive regulatory move without any boundary to the limits of government controls. "When you start restricting one type of business, what's next?" said Kearsten Shepherd of the California Restaurant Association.

The call that can save a life

Reluctance to call 911 could make the difference between life and death for a victim of a heart attack, *The Wall Street Journal* says.

Gender differences in calling for rescue services emerged in a recent Minneapolis Heart Institute study. According to its authors, 37 percent of men from rural communities arrived at a hospital in an ambulance, compared with 49 percent of rural women.

Urban men and women called 911 in equal percentages — 65 percent.

Rural patients were treated six minutes sooner if they called 911. Patients from urban areas got their arteries opened 18 minutes faster when they called an ambulance, as opposed to driving.

Whatever the gender, the bigger issue is that only about half of people who suffered a heart attack decided to call 911, and that can have important consequences not only for survival, but also for long-term health.

Up to 5 percent of patients go into cardiac arrest en route to the hospital. If not revived within two minutes, odds of survival plummet. The faster a clot is cleared, the quicker blood supply is restored to the heart muscle. Faster treatment minimizes permanent damage, which can lead to chronic heart failure.

Heart experts and public-health officials have long been stymied in efforts to get people to pick up the phone instead of their car keys when experiencing symptoms such as chest pain, sweating, and shortness of breath.

Conventional wisdom is that people balk at calling 911 because they're in denial. CJ

From Cherokee to Currituck**Double Taxation for Police**

Residents of the Mecklenburg County neighborhood of Shannamara are paying property taxes twice for police protection. Under N.C. law there doesn't seem to be much the residents can do about it, *The Charlotte Observer* reports.

Most of Mecklenburg County is part of Charlotte or another municipality. The portions that aren't, however, are in a special service district that pays for police protection from the Charlotte-Mecklenburg Police Department.

In December, the town of Stallings annexed one such previously unincorporated area, the Shannamara neighborhood. With annexation came municipal police protection and associated taxes, prorated to the end of the fiscal year, June 30. Shannamara property owners had already paid for CMPD police protection for the entire fiscal year. Mecklenburg County officials contend their tax was legal — and residents are not due any refund.

"No, we cannot legally refund the Mecklenburg County police tax," Mecklenburg Tax Assessor Garrett Alexander said. "It's just one of those things, I think."

Mecklenburg County officials note that the issue is Stallings' fault, as it chose to annex the neighborhood during the middle of the July 1-June 30 fiscal year. North Carolina law allows annexations to become effective at any time during the year, though most annexations occur at the beginning of a fiscal year.

Double taxation for services has occurred before. In the 1980s, the General Assembly passed legislation that allowed for the pro-rating of fire protection charges under similar circumstances. The legislature did not extend the provision to cover taxes for police protection, however.

"Unfortunately, they're just stuck," said David Lawrence, a public law and government professor at UNC-Chapel Hill. "Maybe this would be an impetus to get something similar (passed) for police."

Parking ticket challenge

A lawyer is challenging how Greensboro collects parking ticket revenue. If the state's appellate courts uphold a district court judge ruling in the lawyer's favor, the case could have serious implications for localities across the state, the *Greensboro News & Record* reports.

This past summer, Greensboro

sued Kevin Morse, who had managed to rack up \$2,300 in parking tickets in 2004 and 2005. At trial, Morse argued that the city had waited too long to bring its lawsuit seeking to collect. State law gives localities one year to sue after assessing a late fee unless a city adopts a different limit when it writes its parking regulations. Greensboro did not do so.

City attorneys argued unsuccessfully at trial that the unpaid tickets amounted to a debt from an implied contract, and that as a result a three-year time frame should apply. Judge Margaret Sharpe rejected the city's arguments. The city is planning to challenge her ruling before the N.C. Court of Appeals.

The case has implications beyond just parking tickets, as the same section of state law also covers civil penalties from building or fire code violations, noise violations, and illegal water use violations.

A decision by the N.C. Court of Appeals would be a binding interpretation of state law, applicable throughout the state.

Inlet-hazard area concerns

A major new concern is emerging for beach property owners. The state is currently reviewing how it determines inlet-hazard areas, the *Wilmington Star-News* reports.

Much larger hazard areas are likely in the future, which will affect where and to what degree people are allowed to build or rebuild.

"If you look at problem areas along our coast from severe erosion and sandbags to threatened homes and infrastructure, you will find the vast majority are associated with inlets," said Courtney Hackney, chairman of the N.C. Coastal Resources Commission and a biologist at the University of North Carolina-Wilmington. "But what we hadn't been able to do until recently is get the science to the point where we were comfortable defining those new inlet-hazard zones."

Larger inlet-hazard areas probably will be required. Possible regulations associated with enlarged inlet-hazard zones include greater setback requirements and size limits on structures. The rules might make it impossible to rebuild in certain areas if a major storm should strike the area.

Final regulations are still months from being approved and would come after several rounds of public hearings. CJ



Forced-Annexation Residents Question Golf Course

By KAREN WELSH
Contributing Editor

LEXINGTON

The grass isn't always greener on the other side of the hill, leaving residents in Sapona angry over the forced annexation they are trying to overturn with neighboring Lexington.

At the center of the conflict is the Lexington Golf Club, a municipal golf course that has lost more than \$1 million in the past seven years and was renovated in 2003 at an additional cost of \$1.9 million.

Sapona resident Keith Bost said the city, with a population less than 20,000, doesn't have the tax base to handle the debt, so city officials are forcing annexation on adjacent communities to help pay for their mistakes.

"Lexington picked a fight when they started to annex us," he said. "They are pleading poverty as their need to annex us, yet they just did a big golf course renovation. This is a vanity project, and if they have enough money for their vanity projects then they don't need to annex."

The mayor of Lexington, Richard Thomas, and members of the city council own land on the golf course, Bost said, and the renovations raised their land values. "(The mayor and council) say they renovated the golf course for the good of the people," he said. "They will deny it, but their property values went up as a result."

Lexington Assistant City Manager Alan Carson denied that city officials live on the golf course.

"We don't have a single council member or the mayor that lived on the golf course at the time of the renovations, nor at the present time who live on the golf course," he said. "One council member lives in the area and a few live



A page from from the Lexington Golf Club's Web site touts expensive renovations and shows the green fees per round at the subsidized public course.

in the vicinity, but not one of these people live on the golf course."

Bost said that if Lexington was in financial trouble, the officials should have sold the golf course instead of trying to take over his community.

"They need to quit asking the residents of Sapona to sacrifice, sacrifice, and sacrifice," he said. "We have not been asked if we want to be annexed. We are being told we will be annexed. We don't want to be a part of Lexington city and we never did. The city has more negative characteristics for us than benefits, and yet we will be forced to pay for the very things we do not want, including a golf course that most of us will never use."

Michael Sanera, research director and local government analyst for the John Locke Foundation, agrees.

"Selling the golf course seems to be the better option because it would benefit Lexington taxpayers in three ways," Sanera wrote in a recent report. "First, the city would gain funds from the sale that could be used for essential

services, such as hiring more police officers and filling potholes.

"Next, the city budget would be increased by nearly \$190,000 per year because the city would no longer have to cover the golf course's operating deficit. That contribution to the city budget would be even greater if the last two years' average loss of \$400,000 became a trend.

"Finally, by transferring the land to the private sector, the land would be returned to the tax rolls and the new owners would pay taxes, boosting the city budget and perhaps preventing a future tax increase." Although the Lexington City general fund is paying a mortgage of more than \$200,000 annually for the golf course renovations, Carson said play on the course has steadily increased and the projected earnings are on target.

He also said that even though the golf course has lost money in the past, he defends the actions of city officials to renovate the course, which was origi-

nally built in the 1940s, because it was outdated and was not originally built to PGA standards.

"The 70-year-old greens affected play and there was a decline in attendance," he said. "It was outdated and was not originally built to PGA standards. As a result, the attendance began to go down, and it cost the city money."

He said a citizen's action group was organized in 2001 to determine the fate of the Lexington Golf Club, and it decided that the course would be rebuilt with better greens and an assortment of tee boxes for all players, including women, children, and senior citizens.

However, now that the renovations are complete, Carson said the golf course is starting to make money and is moving along on a projected target of gains. He said that the course has a high PGA rating and that it is attracting more golfers and tournament play from outside the community. That translates to more money being spent at shops and restaurants within the city, he said. "Outside players are becoming our staple," he said. "They are helping to fill the void."

Carson said rebuilding the golf course was done with foresight and, once the debt is paid off, the city is certain to reap the financial benefits for years to come. "Looking back on it now, I can't pick on anything that should have been done any differently," he said. "Really, I have no reservations."

Bost said he's not satisfied with the actions of Lexington officials. "It wouldn't be so bad if the Lexington City Council wasn't wasting their money on things like the golf course," he said. "I believe they feel the tax money is there to support them and their spending habits.

They don't have any ethics." CJ

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Elizabeth City	WGAI	AM 560	Saturdays	6:00 AM
Fayetteville	WFNC	AM 640	Saturdays	1:00 PM
Gastonia/Charlotte	WZRH	AM 960	Saturdays	2:00 PM
Goldsboro	WGBR	AM 1150	Saturdays	6:00 PM
Greenville/Washington	WDLX	AM 930	Saturdays	10:00 AM
Hendersonville	WHKP	AM 1450	Sundays	6:00 PM
Jacksonville	WJNC	AM 1240	Sundays	7:00 PM
Newport/New Bern	WTKF	FM 107.3	Sundays	7:00 PM
Salisbury	WSTP	AM 1490	Saturdays	11:00 AM
Siler City	WNCA	AM 1570	Sundays	6:00 AM
Southern Pines	WEEB	AM 990	Wednesdays	8:00 AM
Whiteville	WTXY	AM 1540	Tuesdays	10:00 AM
Wilmington	WAAV	AM 980	Saturdays	1:00 PM
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From the Liberty Library

• Countless busybodies across the nation are rolling up their sleeves to do the work of straightening out your life, according to *Denver Post* columnist David Harsanyi. Certain Massachusetts towns have banned school-yard tag. San Francisco has passed laws regulating the amount of water you should use in dog bowls.

The mayor of New York City has french fries and doughnuts in his sights. In some parts of California, smoking is prohibited — outside. The government, under pressure from the nanny minority, is twisting the public's arm into obedience, Harsanyi writes in *Nanny State*. Playground police, food fascists, anti-porn crusaders — whether they're legislating morality or wellbeing — nannies are popping up all over America. Learn more on the Web at www.randomhouse.com/broadway.

• Look at the polls today and you might think President Bush is a failure. The media is relentlessly hostile to him. His party lost both houses of Congress in the 2006 election. And yet his presidency could be one of the most important in modern times.

George W. Bush not only faced an unprecedented attack on the American homeland, but he also responded with an ambitious effort to remake the world. *Washington Examiner* White House reporter Bill Sammon, in his new book *The Evangelical President*, offers a snapshot of the Bush administration from winter 2005 to summer 2007. See www.regnery.com for more information.

• *My Grandfather's Son* is the story of Supreme Court Justice Clarence Thomas, told in his own words. Thomas was born in rural Georgia in 1948, into a life marked by poverty. His parents divorced when Thomas was still a baby, and his father away, leaving his mother to raise him and his brother and sister on the \$10 a week she earned as a maid. At age 7, Thomas and his 6-year-old brother were sent to live with his mother's father and her stepmother in Savannah. It was a move that changed Thomas's life.

His grandfather raised the family in the years of Jim Crow. Thomas witnessed his grandparents' steadfastness despite injustices. His own quiet ambition would propel him to Holy Cross and Yale Law School, and eventually, despite a bitter, highly contested public confirmation, to the highest court in the land. Learn more at www.harpercollins.com. CJ

Book review**Corsi: U.S.'s National Sovereignty in Danger**

• Jerome R. Corsi: *The Late Great USA: The Coming Merger with Mexico and Canada*; WND Books; 2007; 241 pp; \$25.95 hardcover

By DAVID N. BASS

Contributing Editor

RALEIGH

Given the erosion of sovereignty and increasing emphasis on globalization in the West, the question is worth asking: Could a governmental structure similar to the European Union be in store for North America? Backed by copious amounts of research, Jerome Corsi argues the answer to that question is yes in *The Late Great USA: The Coming Merger with Mexico and Canada*.

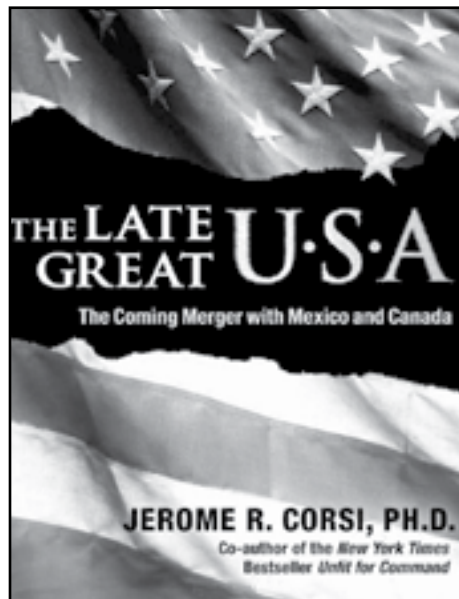
The EU was born out of hopes that a unified Europe would foster economic strength and end warfare that has plagued the continent for centuries. The movement progressed incrementally, beginning directly after World War II and culminating with the acceptance of the Euro among most member-nations in 2002. Today, the EU comprises more than 25 nations, with more countries vying to join. National sovereignty and political power are subordinated to decrees from the real seats of power in Brussels and Luxembourg.

The EU is clearly European socialism gone wild, but Corsi sees powerful forces pushing for a similar unification of the nations of North America — Mexico, the United States, and Canada — into one economic unit with shared borders and currency.

"Our national sovereignty is in danger of being compromised in favor of an emerging regional government, designed of the elite, by the elite, and for the elite, who are working to achieve global ambitions in the pursuit of wealth and power for themselves," Corsi writes.

Does that sound far-fetched? It might be if Corsi did not back up his assertions with hard facts. Although Corsi's writing style can be a bit cumbersome, his message is clear: U.S. sovereignty could soon go the way of the dodo. Most readers might be tempted to write off *The Late Great USA* as the product of conspiracists who believe in contrails and black helicopters. But Corsi does not make wild accusations or indulge in idle speculation. His book is factually based, making the premise all the more chilling.

One of Corsi's most startling revelations is the correlation between the rise of the EU during the second half of the 20th century and a similar "stealth revolution" taking place in America. Europe began to unite economically with the establishment of the European Coal and Steel Community in 1951. Likewise, Corsi contends that agreements such as NAFTA and the Security and Prosperity Partnership, created in 2005, put the



"Our national sovereignty is in danger of being compromised in favor of an emerging regional government, designed of the elite, by the elite, and for the elite, who are working to achieve global ambitions in the pursuit of wealth and power for themselves."

Jerome R. Corsi
In *The Late Great USA*

United States on a similar path.

Corsi finds the SPP particularly troubling. The agreement was sold as a way to improve trade among the nations of North America, strengthen security, and increase economic vitality, but Corsi writes that it is a dangerous step toward eliminating borders and national sovereignty. Many of the reasons given to justify the EU are the same ones being used by policymakers to justify the SPP and, perhaps one day, the North American Union.

Corsi spends a fascinating chapter discussing the Trans-Texas Corridor, or NAFTA superhighway, which is planned to be four football fields wide and stretch from the Mexican border in Texas to the Canadian border north of Duluth, Minn. The first segment of the corridor, paralleling Interstate 35 through Texas, is already under construction.

To Corsi, one of the most significant threats a corridor of this nature poses is granting China greater access to the United States. Corsi spends a good portion of his book discussing the trade

threat from China. He argues that "free trade" agreements such as NAFTA have not been fair trade agreements and have decidedly favored Chinese imports.

"With the advent of super corridors, the Chinese will circumvent expensive U.S. labor unions by shipping their goods to Mexico, which will then travel by truck to the rest of North America," Corsi writes. He says China is heavily investing in Mexican ports in order to bring containers into the United States along the NAFTA superhighway.

But what about news reports touting China as an emerging empire of capitalism, sharing Western values of free enterprise? Don't these changes make China a worthy, or at least tolerable, trading partner? Not so, according to Corsi. "That China has combined profit with communism does not mean that human rights are suddenly being honored for its citizens," Corsi says. "Religious and political persecutions occur in China on a daily basis, even if the government keeps them from the eye of the media."

Regardless of where one stands on so-called free trade, how can the United States legitimately condemn the human rights abuses in China while at the same time engaging in trade with China? That is Corsi's main point.

Economically, Corsi sees the distinct possibility of a unified currency similar to the Euro cropping up as part of a potential North American Union. He says policymakers are attempting to "wire" economic events such that a collapse in the value of the dollar would make Americans more willing to accept a common currency known as the Amero. Just as Americans were willing to forego some civil liberties after the Sept. 11 terrorist attacks, so also Corsi says "unanticipated crises can cause otherwise unimaginable changes in national policy."

One of the most unsettling aspects of the North American Union is that many so-called conservatives appear unwilling to stand in its way. The same Bush administration that ran on a platform of limited government in 2000 now appears to be pushing strongly for arrangements that might inevitably lead to an EU-like system in North America. The most significant opposition seems to be in Congress, but even there voices of dissent appear less fervent.

If you're inclined to dismiss the idea of a North American Union as conspiracy theory hype, *The Late Great USA* is definitely worth a read. Is *The Late Great USA* prophetic of a future North American Union? That remains to be seen. But steps are certainly being taken in that direction, and it's important for Americans to be aware before it's too late. CJ

What is History? Not as Easy a Question to Answer as You'd Think

Ever notice how the seemingly simplest questions are the most difficult to answer? For instance, it's difficult to answer, "What is good?" or "What is America?"

Recently, I traveled to Belmont Abbey College to answer the question "What is history?" and to stress the importance of the discipline. Far from being a mere timeline of events or one fact after another, I argued, history is much more.

I believe the quotes below will help illustrate that point.

"History is a certain kind of memory, organized and supported by evidence."
— John Lukacs

"The past is the only thing we know. The present is no more than an illusion, a moment that is already past . . . And what we know about the future is nothing else than the projection of our past knowl-

edge into it." — John Lukacs

"He who does not know what happened before he was born will remain perpetually a child." — Cicero

"History is a great drama beginning and ending in the mind of God." — St. Thomas Aquinas

"History is humanity's knowledge of itself. . . . Like John the Baptist it is not the light but sent to bear witness to the light." — Johann Gustav Droysen

"History is the selection of those threads of causes or antecedents that we are interested in." — Justice Oliver Wendell Holmes

"History is the projection of ideology into the past." — Unknown

"The socialist crusader interprets the conduct of others according to his own idea of History Because he proclaims the universal truth of a single view of History, he reserves the right to interpret the past as he pleases." — Raymond Aron

"History is lies agreed upon." — Napoleon I

"As values change, so does one's

evaluation of the past and one's impression of long-gone actors. New myths replace the old." — Evan S. Connell

"All modern wars start in the history classroom." — Unknown

"To develop and perfect and arm conscience is the great achievement of history." — Lord Acton

"Nothing capable of being memorized is history." — R. G. Collingwood

"Life is not simple, and therefore history, which is past life, is not simple." — David Shannon

"We can be almost certain of being wrong about the future, if we are wrong about the past." — G. K. Chesterton

"To converse with historians is to keep good company; many of them were excellent men, and those who were not, have taken care to appear such in their writings." — Lord Bolingbroke

"History does not repeat itself. Historians just repeat one another." — Max Beerbohm

"History demands sympathy for those we do not love, and detachment from

those we do." — Lord Acton

"If you would understand anything, observe its beginning and its development." — Aristotle

"The deepest, the only theme of human history, compared to which all others are of subordinate importance, is the conflict of skepticism and faith." — Johann Wolfgang von Goethe

"While the mediocre European is obsessed with history, the mediocre American is ignorant of it." — H. L. Mencken

"The real problem in America is not so much what people don't know but rather what they think they know that just ain't so." — Will Rogers

"History in general only informs us what bad government is." — Thomas Jefferson

"It is everlastingly true that on the whole the best guide to the future is to be found in a proper understanding of the lessons of the past." — Warren G. Harding CJ

Troy Kickler is director of the North Carolina History Project (<http://www.northcarolinahistory.org>)



Dr. Troy Kickler

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Short Takes on Culture

'Nutcracker' Not to be Missed

• "The Nutcracker"
Carolina Ballet, Raleigh
www.carolinaballet.com

Every year the Carolina Ballet performs Tchaikovsky's "Nutcracker" at the Progress Energy Center in Raleigh and Memorial Hall in Chapel Hill. Despite having seen it numerous times, I never tire of the holiday classic; the performance seems better each year. It just isn't Christmas without "The Nutcracker."

In Tchaikovsky's holiday staple, Clara receives a toy nutcracker at a Christmas party, who then comes alive to defeat the evil Mouse King. Then Clara and the Nutcracker Prince travel to a land where snowflakes, flowers, and truffles greet them and fairy queens dance in welcome. The ballet is an interpretation of E.T.A. Hoffman's story *The Nutcracker and the Mouse King*, written in 1816. Carolina Ballet's interpretation, imaginative sets, and whimsical characters make "The Nutcracker" come alive.

The ticket prices, from \$10 for UNC students at Memorial Hall to \$100 for a Golden Circle evening performance at Progress Energy Center, range to fit every budget. Every seat affords an excellent view in Memorial Hall's small venue. And even last-row tickets in the larger Progress Energy Center are well worth the price.

In past years, the Carolina Ballet has updated the sets, costumes, and staging of the performance each time to keep the performance fresh for repeat audiences. If you haven't yet seen the Carolina Ballet's "Nutcracker," get your tickets now – it's a must-see for the Christmas season.

— JENNA ASHLEY
ROBINSON

• "The Nativity Story"
New Line Home Video
Directed by Catherine Hardwicke

Despite recording less-than-expected earnings at the box office, "The Nativity Story" presents a heart-warming telling of the humble events that led to the birth of the Christ child. In a day when Christmas is often bogged down by secularism and consumerism, the film brings viewers back to the focus of the holiday—a birth over two millennia ago that changed the world forever.

Amid the growing number of Christian-themed films, including "The Passion of the Christ" in 2004 and the first installment in "The Chronicles of Narnia" series in 2005, "Nativity" stands up admirably. While altering and adding some

details to the Christmas story of Matthew and Luke's Gospels, the movie stays true to the original meaning of Christmas. The humility and wonder of Christ's birth in the lowly manger is a beautiful climax to the film and contrasts nicely with the opulence and pride of King Herod, showing the difference between heavenly values and earthly ones.

The characters are beautifully represented and remain true to the Biblical account. Joseph especially stands out as a God-fearing man, unafraid to take on the responsibility thrust upon him—a truly refreshing depiction of manhood wholly lacking from many of Hollywood's other recent offerings.

"Nativity" is not a high-cost blockbuster, but a film driven by the wonder and beauty of the Christmas story. It's a story for any time of the year—not just December—and is definitely for the entire family.

— DAVID BASS

• "Harry Potter & the Order of the Phoenix"
Warner Bros. Home Video (Dec. 11)
Directed by David Yates

The movie version of *Harry Potter and the Order of the Phoenix* condenses J.K. Rowling's longest title in the seven-book series into two hours and 18 minutes of action, romance, and magic. And, surprisingly, it does it well.

After returning for his fifth year at Hogwart's School of Witchcraft and Wizardry, Harry Potter (Daniel Radcliffe) discovers that much of the wizarding world, including the Ministry of Magic, is in denial about Lord Voldemort's (Ralph Fiennes) return. Harry and his friends create a secret student group to protect themselves when an authoritarian bureaucrat (Imelda Staunton) slowly seizes power at Hogwart's. The movie, and the book, is named for The Order of the Phoenix, a group sworn to fight the Dark Lord with the help of Harry's fugitive godfather, Sirius Black (Gary Oldman).

There are necessarily some omissions in the movie; there's no Quidditch, and several excellent scenes in the book are foregone to advance the plot more quickly. But these omissions concentrate the story to its essentials; and it is more powerful for what's left out.

In fact, this is the best of the Harry Potter movies so far. For Potter fans and Muggles alike, this movie is a "must-see."

— JENNA ASHLEY
ROBINSON CJ

Book review

Unions in America — Good or Bad?

• Edited by James T. Bennett and Bruce E. Kaufman: *What Do Unions Do? — A Twenty-Year Perspective*; Transaction; 2007; 653 pp; \$39.95

By GEORGE C. LEEF
Contributing Editor

RALEIGH

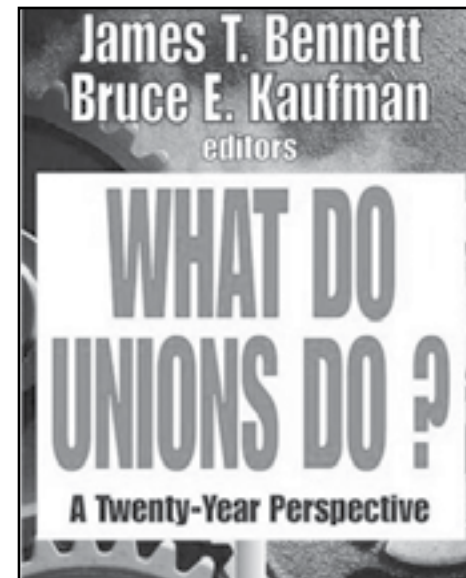
The founder and CEO of Whole Foods, John Mackey, whose company is widely touted as among the best to work for in America, was recently quoted in *The Wall Street Journal* as saying, "The union is like having herpes. It doesn't kill you, but it's unpleasant and inconvenient." ("Mack the Nice," Aug. 2, 2007) That is one, well-informed view of what unions do — they get in the way of business efficiency.

Unions certainly have other effects besides that, and economists have long debated what they are and their significance. In 1984, two Harvard professors, Richard Freeman and James Medoff, published a book, *What Do Unions Do?* The essence of the authors' analysis is that unions have two main effects. One is their "monopoly face," which is what most economists have traditionally focused on. That is, unions attempt to secure and exploit their positions as monopoly sellers of labor, thereby driving up the cost of labor. Freeman and Medoff concluded, as have most other economists, that the monopoly face of unionization is negative, a drag on the nation's output.

The authors also concluded, however, that unions have another face, what they called the "response/voice" face. This is the effect unions have on workers and management through their efforts at smoothing out workplace disputes and reducing labor turnover. Freeman and Medoff say the response/voice face was strongly positive for the economy, actually outweighing the negative impact of unions' monopoly effects. *What Do Unions Do?* went so far as to contend that the United States would benefit from an increase in unionization.

Naturally, those ideas were greeted warmly in union and leftist circles. The book was greatly discussed back in the mid-1980s and to this day remains one of the most frequently cited works in labor law and economics. Recognizing the continuing importance of *What Do Unions Do?*, in 2004-05 professor James T. Bennett of George Mason University devoted six issues of the journal he edits, the *Journal of Labor Research*, to a symposium on the book.

The book under review is a compilation of the 20 papers that were published. It is a hefty volume with widely differing points of view. Most of the writers are academics, but papers from a business manager and a union advocate are included. Appropriately, Freeman is given the last word. The discussion is learned, civil, and difficult



to summarize in a short space. Indeed, several pages could be written on each of the chapters.

I have never been able to see how the nation could derive any net good from institutions that are as suffused with coercion as are American labor unions, and although several of the papers attempt to cast them in a favorable light, on the whole *What Do Unions Do?* reinforces my negative view. Owing to favorable legislation in the 1930s, labor unions have unique, quasi-governmental powers not enjoyed by any other private institution. It is an unfortunate gap in the book that not one of the writers devotes attention to the fact that labor unions are immeasurably aided in their formation and longevity by laws that restrict the rights of both employers and workers who prefer not to deal with them.

Unions supposedly exist to assist workers in obtaining better pay and working conditions, but because federal law impedes employer opposition to them (for example, by making it illegal to promise or give any benefit in exchange for the defeat of a unionization drive) and makes it difficult for dissident workers to avoid accepting and paying for union services they don't want, union officials are placed in a powerful position.

They have monopolies and, just as public choice theory predicts, they exploit that status. Some of the benefits go to union members in compensation above free market levels, but union officials themselves capture much of the benefit. Unions are not voluntary associations and use their considerable clout in ways that push the country toward central planning. How can that be beneficial?

One of the arguments advanced by Freeman and Medoff is that unionization promotes efficiency because by giving workers "voice," it reduces turnover. That contention comes in for

Continued as "Authors Attempt," Page 23

Authors Attempt to Demystify Function of Unions in U.S.

Continued from Page 22

serious criticism in several of the papers, however. While it is apparently true that unionized companies enjoy lower turnover, Kaufman observes that the optimal level of labor turnover is not zero. If the presence of a union makes it harder for a firm to discipline or fire slackers, it might do far more harm than good in this regard. When one reflects on the extraordinary difficulty that big-city school districts have in terminating bad teachers, it's easy to doubt Freeman's and Medoff's rosy conclusion.

Another argument for the benefit of unions is that unionized workers are more satisfied and perform better than supposedly "voiceless" nonunion workers. Several of the authors take issue with that notion. On the one hand, surveys of worker satisfaction do not unambiguously show that unionized workers are necessarily more satisfied; on the other, it is clear that companies that adopt human resource policies designed to be responsive to employee concerns can have satisfied and productive workforces.

That is to say, union representation is neither a necessary nor a sufficient condition for contented workers. Moreover, there could be even more "voice" for nonunion workers if it weren't for a provision in the National Labor Relations Act of 1935 prohibiting management from establishing or assisting any "labor organization." This New Deal relic was designed to wipe out competition for worker loyalty in the form of company unions, and it has been interpreted as outlawing company quality circles or other means of fostering cooperation.

A bill that passed Congress would have amended that section of the law, but President Clinton vetoed it at the

insistence of Big Labor. One thing unions do very well is to use government to prevent competition.

That brings up another aspect of the "voice" argument, namely that unions give workers voice in the political arena. Freeman and Medoff saw that as another benefit. Some of the authors note that Big Labor hasn't been nearly as successful as its political opponents want people to think it is. That's correct, but they miss the crucial point. What is heard in the political arena is the voice of labor union officials. It is a mistake to assume that what union officials want necessarily coincides with what the rank-and-file workers want. Most of the legislation favored by the union brass is either of no interest to, or in some cases clearly harmful to, the average worker.

Unions have, for example, pushed hard for a "single-payer" national health-care system. That reflects the socialistic mindset that predominates among union officials. If a "single-payer" system were ever to come to pass, the manifold inefficiencies of such a scheme would be detrimental to most of the workers they claim to represent. Or consider the temporarily defeated Employee Free Choice Act, a bill that would make it easier for unions to dragoon more workers into their ranks by dropping the requirement of a secret ballot election before a union can be certified by the National Labor Relations Board.

Secret ballot elections would be re-

Unions have, for example, pushed hard for a "single-payer" national health-care system. That reflects the socialistic mindset that predominates among union officials.

placed with a "card check" procedure in which unionization is decreed once a majority of the workers sign cards attesting to their desire for union representation. That's a very unreliable procedure fraught with opportunities for misinformation and intimidation, but the point to observe here is

that it does nothing for workers who are currently in unions. Their dues money funded a lavish lobbying campaign for a bill that wouldn't benefit them. I wish that one of the essays had clearly come to grips with the fact that the objectives of union bosses are often different from the objectives of the workers whose money they spend.

While on the subject of the political activities of unions, it's important to mention that their decline in the private sector probably has much to do with the success they've had in getting Congress to enact pro-labor legislation. Several of the writers note that the demand for union representation is decreased to the extent that workers think that workplace problems such as safety have been dealt with by the government.

Union leader Samuel Gompers said unions should not seek legislation that would undermine their strongest selling points, but his advice was forgotten when, for example, the bill establishing the Occupational Safety and Health Administration came along. So another of the things unions do is to turn reflexively to politics, foisting off on the

government functions they might have performed better themselves.

Turning briefly to the other side of the coin, Freeman and Medoff concluded that while unionization had some negative impact on firm profitability, the bite came mostly out of "excess" profits rather than the returns needed to keep firms in business. That is questionable, but in any event, the effect of unionization on profits tends to retard capital investment.

Professor Barry Hirsch finds that on average, unionized companies are 10 to 20 percent less profitable than are nonunion firms. Intelligent investors want to put their money where it will earn them the most and naturally avoid companies and industries where unionization is apt to siphon away some unknown percentage of their return. If private-sector unionism had not shrunk from its mid-1950s high of 35 percent to less than 8 percent today, but instead had increased (as union advocates want), the U.S. economy would now look like the fading nations of "old Europe," repelling both investment capital and creative individuals.

Freeman and Medoff attempted to provide a rationale for reviving the declining union movement, but that rationale wasn't persuasive when it was first put forth in 1984 and, as much of the argumentation in the current volume shows, it is even less so today.

The United States is overdue for a rethinking of its authoritarian labor relations law. When that time comes, *What Do Unions Do?* (the new volume, not the old one) will have a role to play in shaping the debate. CJ

The Pope Center's George Leef (georgeleef@aol.com) is also book review editor of *The Freeman*.

BOOKS AUTHORED BY JLF STAFFERS



By John Hood
President of the
John Locke Foundation

Selling the Dream Why Advertising is Good Business



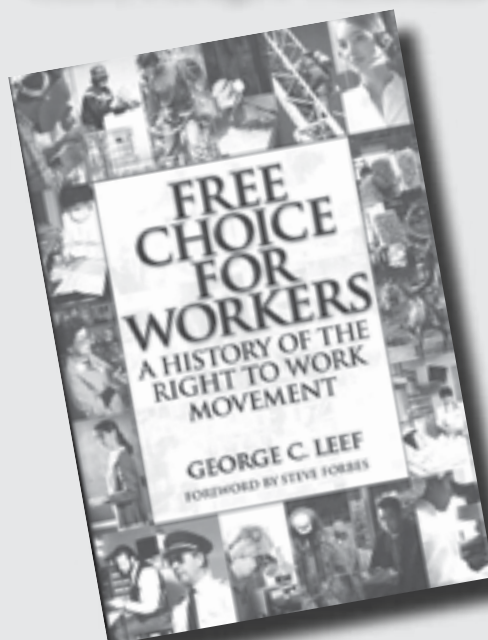
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Choice
April 2006

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Free Choice for Workers:

A History of the Right to Work Movement



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Commentary

Climate Change's Gaping Holes

North Carolina's Climate Action Plan Advisory Group is going through the motions to address global warming, but identical processes in other states prove that the effort has been a sham and a waste of time.

CAPAG is guided by a Harrisburg, Pa.-based consultancy called the Center for Climate Strategies. CCS collects funding from several wealthy leftist foundations that expect their money to produce policies that will increase energy costs and diminish individual property rights through "smart growth" initiatives. Among CCS's backers are the Rockefeller Brothers Fund and the Z.

Smith Reynolds Foundation, who have given tens of thousands of dollars to influence how states address global warming. North Carolina pays less than one-fourth of what it costs for CCS to direct the CAPAG process, because the special eco-interests foot the bill. Think there's a fixed outcome?

The game is controlled from beginning to end. CCS lobbies state executive branches and their environmental bureaucracies to start a climate-change policy development, with the creation of a "stakeholder" (really, political appointees and special interests) panel to rubberstamp CCS's priorities.

From there CCS is in command: from running meetings to writing the minutes and all reports and presentations; from presenting all options for greenhouse gas reduction to setting all voting procedures for the commission.

CCS likes to give the impression that all of CAPAG's decisions are objective because, hey, they invite everybody to the table. But the result is that groupthink rules, while CCS and CAPAG ignore serious analysis of the effect on temperature or on North Carolina's economy.

Think I'm exaggerating? The John Locke Foundation recently asked the Beacon Hill Institute, a nationally respected think tank run by the economics department of Suffolk University in Massachusetts, to evaluate the findings that CCS always produces for their state-clients. Their verdict wasn't pretty.

"The Center for Climate

Strategies fails to do one of the most basic calculations included in any responsible cost-benefit study: It does not quantify both benefits and costs in dollar terms so that they can be compared," Beacon Hill reported. "CCS asks us to believe that there really is a free lunch in their recommendations, and that implementing their policies would actually not have any net cost, despite the fact that private, self-interested individuals are not grasping these opportunities on their own."



Paul
Chesser

One way Beacon Hill illustrates CCS's ludicrous methodology is in its estimation of job creation. The group considers jobs a benefit rather than what they really are: a cost (someone has to pay the laborers, right?). Yet even if jobs were a benefit, CCS inconsistently calculates which economic activities do or do not produce them. For example, when CCS evaluates a policy option to "reduce need for electric generation facilities," it does not account for the certain diminishment in employment that would be associated with such a move.

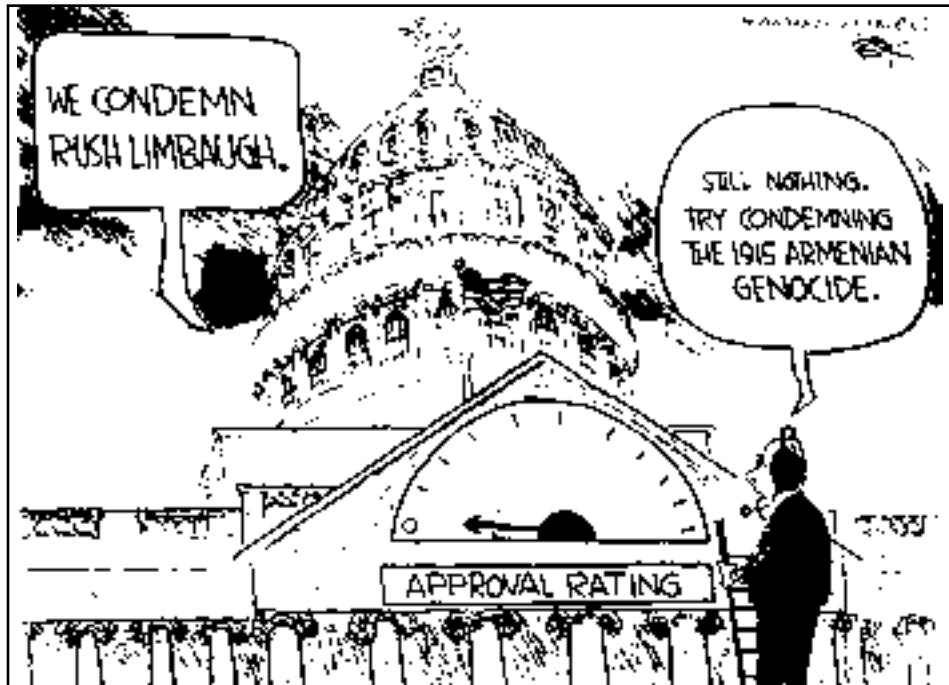
"Presumably this would cost jobs, yet CCS does not acknowledge this or attempt to weigh it against jobs created in clean energy," Beacon Hill wrote.

CCS stacks almost all its faux "analysis" in favor of jobs gains and minimal costs, in order to move its agenda forward. CCS is able to do so quickly and quietly, avoiding media attention, until higher energy taxes and property rights infringements suddenly appear, to the shock of citizens and consumers.

What will these recommendations do to North Carolina's economy? How much more will low-income families have to pay on their power bills? And how, even if the whole world adopted CCS's policies — would temperatures be lowered (or raised?) because of them?

CCS can't tell you. N.C. citizens, unless they get answers soon, won't find out it's costing them enormously until after it's too late to reverse course. CJ

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Editorial

Most Water Policies All Wet

Lawns are brown, cars are unwashed, and the prospect is small that the extreme drought that most of North Carolina finds itself under will end before the spring. Water conservation is very much the watchword of the moment.

Unfortunately, water policy in North Carolina is pretty much all wet, with local governments pursuing a hodge-podge of typically not particularly well-thought-out strategies.

And let's be clear: It's not just about how much rain has — or hasn't — fallen this year. The issue extends well beyond the current drought.

Water plays an important role for local governments in both their economic development and budgeting strategies. The ability to support growth — more businesses and people coming to an area — is entirely dependant upon the ability to supply the necessary water. Where there is no water available, or the water and sewer system is inadequate to serve additional customers, there can be no growth. And that's been the case recently, even aside from the drought, in a number of places, including Wilmington and Union County.

It's also why the proposed interbasin transfer of water from the Catawba River to serve the fast-growing cities of Concord and Kannapolis has struck such a nerve.

Then there's the financial side of the equation. Many localities are counting upon revenues from their water and sewer systems to help balance their budgets. From that comes a desire by many localities to sell as much water as possible, and use water as a job-creation tool.

An August survey by *The Charlotte Observer* showed that nearly a third of water systems in the Charlotte region offered bulk discounts for big users of water. Further north, Winston-Salem

abolished its own system of discounts for heavier water users only in October.

When the rains don't come, the weaknesses of the system become apparent. While each water system's policies are different, Raleigh Mayor Charles Meeker nicely summarized the general aim of most system's water conservation policies: "What I would like to avoid is people losing their jobs."

And exactly that view is the problem. A water conservation plan that aims to prevent job losses is also a water conservation policy that by definition can't look to industrial or business users as a place to meaningfully reduce short-term water consumption. That includes industries that use a lot of water.

It's also sends mixed signals, inherently undermining the goal of limiting water consumption. One the one hand, the government is communicating that water is scarce and certain common uses like watering lawns and washing cars are restricted or banned. At the same time, car dealerships can still wash cars.

That every water system has different restrictions doesn't help matters either. What's more, most systems aren't using a powerful tool to promote conservation: the market. Specifically, prices. Nothing communicates more effectively that something is scarce than a higher price. Higher prices encourage people and businesses to prioritize uses, and, yes, reduce consumption. Here the Orange Water and Sewer Authority has the right idea, by doubling the price of water under stricter Stage Two water restrictions.

North Carolina's population is projected to increase from 9 million to 12.3 million by 2030. Those extra people plus the necessarily associated added jobs will place further demands on water supplies. To meet those needs, a lot smarter water policies are necessary. CJ

Stephens' Ruling Correct

Death penalty opponents want to circumvent legal process

Does the future of capital punishment in North Carolina hinge on a semantic distinction? Judging by recent events, you might think so. But the issue is actually far more substantive, both in legal and moral terms.

Since last year, there has been a moratorium on executions. The moratorium wasn't the result of death-penalty foes prevailing in the court of representative government — the General Assembly has for years declined to approve a moratorium bill. And North Carolina's moratorium wasn't the result of death-penalty foes prevailing in the court of law.

Instead, North Carolina's death-penalty moratorium was the de facto result of intervention by an unelected body, the N.C. Medical Board, that derives its authority to regulate the practice of medicine from the state. While state law requires that a doctor be present at each lethal injection, the board announced that it would consider any such doctor to be in violation of medical ethics and subject to discipline.

The state sued. Last month, it won in trial court. Wake Superior Court Donald Stephens ruled that the Medical Board did not have the authority to

threaten disciplinary action against the doctors in question, both because state law supercedes the ruling of a licensing board and because the matter was not within the proper jurisdiction of the board in the first place.

Two words from Stephens' decision have stoked controversy: "medical event." The judge ruled that while doctors present at executions could well be expected to perform "medical tasks" such as alleviating "unnecessary and excessive pain" and "pronouncing death," the execution of the criminal itself was not a "medical event." Thus when the board ruled that a doctor cannot ethically take a life, and thus can't comply with the law's requirement that a physician be present, it was in error, Stephens wrote. State law does not require, nor does current practice involve, a doctor executing a criminal. That act is performed by law-enforcement personnel.

Death-penalty foes have excoriated, and sometimes ridiculed, Stephens' decision. They have been banking on a flimsy technicality to achieve a policy result they could not achieve through proper democratic and legal channels. Judge Stephens called them on it. They're angry, but they're wrong. CJ

Capitalism's Obit Premature

Productivity and profit are what spur economic progress

Whenever you hear someone complain that "we" don't "make" anything anymore, free feel to guffaw. Both in North Carolina and the nation as a whole, manufacturing continues to be a strong, productive component of a growing economy. We continue to produce all sorts of goods for sale — including, it seems, high-grade economic malarkey.

Many people believe that manufacturing is shrinking because employment in some manufacturing sectors is shrinking. That's a telling misuse of the data. Businesses do not exist to create jobs. They exist to create goods and services to sell to consumers, generating a return on investment. Purchasing resources and labor is a means to the end. Just as you don't evaluate the success or failure of a basketball team on the basis of the size of the payroll, but on wins and losses, it is similarly foolish to evaluate the manufacturing sector on the basis of employment.

When manufacturers learn to make more product per dollar invested or hour spent, the resulting productivity gain is good news. It is inevitably associated with some combination of lower prices for consumers, higher compensation for workers, and better returns for investors (who aren't just coupon-clipping fat cats but include average families saving for

education, housing, and retirement). Productivity gains do, indeed, sometimes lead to manufacturers reducing their payrolls, but basic economics tells us that the money saved will create job opportunities elsewhere. To worry that companies will start manufacturing more product than a newly unemployed proletariat can buy is to jump in a time machine and regress to the late 19th century, when Luddites, Marxists, Progressives, and other misguided souls warned of capitalism's impending implosion.

Yes, former manufacturing workers often find themselves looking for new employment in the service sector. But we are not simply talking fast food and retail. The service sector includes a variety of high-skill, increasingly well-compensated positions in fields such as health care, personal services, and the financial sector.

Many of these jobs do not require a four-year degree, contrary to popular myth (perpetuated, it may shock you to learn, by the institutions who market four-year degrees).

Economically speaking at least, we're not going to hell in a hand-basket. Indeed, consumers have more real income with which to fill their shopping baskets when manufacturers learn to make more with less. That's the way real economic progress occurs. CJ

Commentary

Hey, Kids, Let's Put On a Show!

The state's Division of Air Quality has just made a big show of releasing a plan for how North Carolina can combat global warming. Rather than discuss in detail the 56 recommendations, some of which would impose substantial cost on consumers and taxpayers, here's a time-saving summary courtesy of your friendly neighborhood snide-r-man:

They want to put on a show.

I used to argue that climate-change alarmism was a religion. It's certainly not science. It's not subject to normal rules of evidence and respectful debate. To most of its adherents, the notion that humanity is endangering the survival of the planet by burning fossil fuels isn't just a hypothesis to be tested or a risk to be assessed. It must be true. The stakes have to be earth-shattering, or in this case earth-melting. Otherwise, policymakers and the general public will never be willing to embrace the massive changes in lifestyle that environmental activists have been pining for since the 1960s.

But as the debate has developed, I find that my choice of analogy isn't a precise fit. Even the most passionate alarmists have come to realize that regulations with a real prospect of significantly altering the future climate would be so draconian that no elected government on the planet would be willing to adopt them. If the movement were truly religious in nature, such practical impediments wouldn't matter. But they do.

That's why I'm shifting the analogy somewhat. Climate-change alarmism isn't religion. It's community theater.

Consider the proposed North Carolina policies. Set aside for a moment the entire debate about the extent, causes, and effects of global warming. Believe it or not, you don't have to have a strong view about these issues one way or the other to see the state Division of Air Quality's plan as the plot synopsis of a cheesy morality play.

Its advocates admit that if North Carolina adopts all the proposed recommendations, there will be no discernible effect on the global climate. Furthermore, because the North Carolina proposals are based on the original Kyoto protocols target from the early 1990s, it's important to understand that its advocates admit if the United States

as a whole met the Kyoto emission target, it would also have no discernible effect on the global climate.

Finally, even if one could imagine that every party to the Kyoto Protocols were to meet their original emissions-reduction targets, advocates admit that the resulting effect on the global climate by the end of the century would be so small as to be barely detectable by current measurement technologies.

It's all pain, no gain.

If the debate on climate change were about making sound public policy, North Carolina regulators and activists wouldn't be bothering to release the new recommendations. They'd be laughed out of the state capital (which, given the extent of frivolity there, would be saying a lot). But the climate-change debate isn't about analyzing costs and benefits. It's about putting on a show to make people feel guilty.

I have a counterproposal. Instead of enacting any of the senseless rules, taxes, and spending programs contemplated by the Division of Air Quality, let's create a new program called the North Carolina Environmental Arts Council. Give it several million dollars to spend. Allow community theaters across North Carolina to apply for grants to produce climate-change morality plays in partnership with environmental groups. The more excessive the dramatic license the better — Indian spirit guides, self-flagellation with a cat-of-nine-tails, sackcloth, burlap bags, the works.

Finally, make it a condition for renewing a driver's license that every North Carolinian see at least one morality-play performance. For each person who runs away screaming at intermission, we'll have one fewer driver on our congested highways and one more potential transit customer. Environmentalists will gain a massive audience to which they can express their outrage. Theater folks will get a chance to pitch their upcoming productions of "Camelot" and "The Mousetrap." And taxpayers will lose only a fraction of the incomes they would have lost to wrong-headed environmental legislation.

Everybody wins. CJ



John Hood

Hood is president of the John Locke Foundation and publisher of CarolinaJournal.com.

Editorial Briefs

Lose the insurance mandates

The main barrier to health insurance for people in the United States is that it is unaffordable. The affordability issue can be tracked to benefits required of all state-regulated health insurance policies, says Philip J. McGinnis, who has lobbied for small-business health plans.

Small-business plans would essentially exempt business owners with limited numbers of employees from state regulation of mandated benefits — similar to self-insured policies offered to major employers such as DuPont, Chrysler, and General Motors, under the Employee Retirement Income Security Act.

According to the National Center for Policy Analysis, there were only seven state-mandated benefits in 1965, while today there are nearly 1,000. While many mandates cover basic providers and services, others require coverage for such nonmedical expenses as hairpieces, treatment for drug and alcohol abuse, and pastoral and marriage counseling. Overall, 12 of the most common mandates can increase the cost of insurance by as much as 30 percent.

The Center predicted about 10 years ago that the real threat behind Congress' newfound interest in mandating health insurance benefits is incremental rather than immediate. One or two federal mandates might not increase the cost of health insurance significantly, but, as in the states, once the door is open, every special interest will hurry through to besiege the legislature. As a result, health insurance will cost more, employers and individuals will cancel more policies, and Congress will face a growing uninsured "crisis" — a crisis largely of its own making.

An inconvenient fact about wood

Despite the anti-forestry scare tactics of celebrity movies, trees are the most powerful concentrators of carbon on Earth, Dr. Patrick Moore, cofounder of Greenpeace and chairman and chief scientist of Greenspirit Strategies Ltd., says in the *Vancouver Sun*.

Rather than cutting fewer trees and using less wood, environmentalists ought to promote the growth of more trees and the use of more wood. Although old trees contain huge amounts of carbon, their rate of sequestration has slowed to a near halt. A young tree, although it contains little fixed carbon, pulls carbon dioxide from the atmosphere at a much faster rate.

When a tree rots or burns, the carbon contained in the wood is released back to the atmosphere. Since combustion releases carbon, active forest management, such as removing dead trees and clearing debris from the forest floor, will be imperative in reducing the number and intensity of fires.

Environmentalists should promote greater use of wood, not less. Using wood sends a signal to the marketplace to grow more trees and to produce more wood, Moore said. That means using less concrete, steel, and plastic — heavy carbon emitters through their production. Trees are the only abundant, biodegradable, and renewable global resource. CJ

NEWS ITEM: FORMER COMMANDER CALLS U.S. POLITICAL LEADERS INCOMPETENT:



What is a Recession, and Are We in One?

The dreaded "r" word — "recession" to economists — is being uttered more frequently today in the media. Some think we're already in a recession, some think we're about to go into a recession, while others think a recession is still unlikely. For the average non-economist, this is all a bit confusing and concerning. While most people might not know what the technical definition of a recession is, they do know one thing: It's probably not good.

Recessions are not new; they are part of the on-going business cycle. Business cycles are the irregular ups and downs in the economy that have been with us as long as we have had the tools to measure commercial activity. There are two main parts to each business cycle. Expansions occur when economic activity, particularly the production of goods and services, is increasing. Recessions occur when the production of goods and services is decreasing. Expansions are steps forward in the economy, while recessions are steps backward.

We've had 10 combinations of expansions and recessions since World War II, and fortunately the "steps forward" during expansions have greatly exceeded the "steps backward" of recessions. One of the great achievements of the past 20 years has been that expansions have become longer and recessions have gotten milder.

Why do recessions occur? That's one of the biggest questions of all time in the economics profession. Economists agree there are at least two factors that can ignite a recession. One is a large increase in the price of some key input in the economy. Oil would be the best example, and big jumps in oil prices certainly contributed to several recessions, particularly those in the 1970s.

A second, more subtle, way that recessions can begin is as a reaction to some excess built up in the economy. The excess manifests itself as a significant price increase in some market. Ultimately, the price increase can't be sustained, and when investors

realize this, the price falls, wealth evaporates, and the declines can push the overall economy into a downturn. The excesses developed in the technology sector in the late 1990s led to the recession of the early 2000s.

Now back to today. Numerous economists have upped their odds of a recession happening because they see not one, but both, of the recession-causing factors present. Oil prices have risen to an all-time high of near \$80 a barrel. And the apparent past excesses developed in one market, residential housing, are having adverse effects through lower house prices (in some markets), more foreclosures, cutbacks in the construction industry, tighter credit standards, and an uncertain stock market.

So certainly a reader of the economic tea leaves could come to the conclusion that a recession is here, or near. The timing would also be right. It's been almost six years since the end of the last recession, and this is longer than the average post-World War II expansion.

But there's another possibility. This is that the economy avoids a recession but slips into a period of slow growth, of less than 1 percent, during the upcoming months. Then, when much of the housing market excesses have been eliminated and we've adapted to today's oil prices, more normal growth, 3 percent to 4 percent annually returns.

This less-draconic scenario is actually the one favored by the majority of economists. But here's a sobering fact about economic forecasts: They're very difficult to make because the most recent aggregate business statistics are usually several months old. Thus, projections for future months have to largely be made in the dark about current conditions. This casts a shadow over any fearless forecast! CJ

Michael
Walden

Michael L. Walden is a William Neal Reynolds distinguished professor at North Carolina State University and an adjunct scholar of the John Locke Foundation.

Road-Funding Bill Needed More Legislative Discussion

North Carolina has the second-largest state-maintained highway system in the nation. To maintain the system, user-related funds such as motor fuel taxes and state motor vehicle license and registration fees are used to pay for roads. But all that might change soon.

The General Assembly approved a significant new law in the final hours of the 2007 session (Session Law 2007-428; Senate Bill 1513), which allows counties to pay for public streets, highways, and bridges. The bill will significantly change the way transportation needs are met and paid for in our state. It gives counties eminent-domain powers and allows them to use their revenue for construction, reconstruction, improvement, and maintenance of roads in the state highway system. But just like during the Jim Black era, the bill passed into law with little debate and little oversight. The final version of a complicated bill was presented to the Assembly in the final hours of the



Becki Gray

session. Yet, with virtually no one noticing, the responsibility for building roads in North Carolina shifted from the state to the counties.

North Carolina's Department of Transportation has a long history of problems, from bid-rigging scandals to flawed paving of a long stretch of Interstate 40 that required repaving within two years, from delays over I-485 around Charlotte to refusal to release a \$3.5 million report commissioned to study department inefficiencies and waste, and of course, the \$277,000 ferry that was never used. In short, DOT has a long record of producing controversies and little in the way of maintaining and building roads. Unmet transportation needs are expected to cost \$65 billion over the next 20 years.

Beginning in 1908, with the invention of the automobile, wealthier urban counties built roads by assessing a county road tax. In 1915, the State Highway Commission was established, and in 1921 the state assumed fiscal responsibility for roads by issuing bonds to be paid from a new gasoline tax. Soon after, North Carolina became known as the Good Roads State. In 1931, following the Depression, local governments faced bankruptcy. The Assembly, in an ef-

fort to centralize state government, assumed control of the roads and has held control of construction and maintenance for all these years with funding still coming from gasoline and use taxes.

If the money currently going to the DOT was re-directed to the counties to build and maintain roads, we might see a better system. But what will most likely happen is that DOT will continue to receive just as much state funding and yet still be riddled with inefficiencies and wasteful spending, while counties will raise taxes for additional revenue to take care of transportation needs that DOT will not and has not addressed. Where will the counties get the money to build roads?

Counties get their revenue from a portion of sales tax, various fees, and primarily from property taxes. During debate surrounding the local tax referendum held Nov. 6 in 27 counties, claims were made that the counties do not have revenue to meet their current needs. If they assume part of the responsibility for roads, they will claim that they must raise taxes to pay for roads. Unless the tax structure is revamped, the burden will fall primarily on property owners, the same folks who are paying for school construc-

tion costs.

Is the state merely shifting its responsibility to the counties? When the state agreed to take back the counties' share of the Medicaid burden this year, it enacted a swap whereby the counties wouldn't have to pay for Medicaid but they also would have to relinquish one-half cent in sales tax back to the state. There was no effort to make Medicaid more cost-effective and efficient, just a shift in who pays for it. If the counties want more money for school construction, or now, for roads, the state authorized them to raise taxes, either with additional sales tax or a land transfer tax.

The decision to allow counties to pay for roads is worthy of public discussion and legislative debate with a full disclosure of where the revenue will come from. Full discussion of what role the counties are going to play in transportation should come after a full discussion of how to most effectively address the transportation needs facing our state, including how to clean up DOT. Simply pushing the responsibility to the counties and expecting taxpayers to pick up the tab is not the prudent path to good roads in North Carolina. CJ

Becki Gray is director of the State Policy Resource Center.

The Summer of Love: Did the '60s Change the World?

In case you missed it, this is the 40th anniversary of the Summer of Love, the counter culture's coming of age.

The History Channel, MTV, classic rock stations, NPR, *Rolling Stone* magazine and many of the elite news media outlets have waxed poetic about the good old days of the 1960s.

Revisionism abounds from the left, when they take a narcissistic, nostalgic look at the Haight-Ashbury District of San Francisco and the consequences of the culture of sex, drugs and rock 'n' roll. One could argue that we still live with these consequences today.

The clarion call to kids from across the country was a song written by musician Scott McKenzie in 1967. One of the verses went, "If you're going to San Francisco...be sure to wear some flowers in your hair...For those who come to San Francisco...summer-time will be a love-in there."

LSD guru-drug pusher Timothy Leary called on the nation's youth to

"turn on, tune in, and drop out.

An estimated 100,000 young people heeded McKenzie's and Leary's calls and headed to the "new garden of Eden," San Francisco.

Fueled by the hallucinogen LSD, methamphetamine, and other mind-altering drugs, the disenchanting of the Baby Boom generation set up shop in Haight-Ashbury and set out to change consciousness and establishment guidelines on sex, drugs, religion, and race relations.

One need only dig up an old high school or college yearbook from that era to see the peripheral impact the "hippy culture" had on the youth of that time, their clothes, and the length of a young man's hair.

But more important, the '60s generation of the progressive left saw themselves as pioneers charting a course for a new world.

Many of the radical left's so-called leaders complained that the World War II generation had made a mess of things, particularly when the Vietnam War went sour. They wanted the United States out of Vietnam.

Sloganeering became the mantra. It was a time for "flower power" and to "give peace a chance." Things were "very heavy man," and everyone was

encouraged to "tell it like it is." And lest we forget, "never trust anyone over 30." Peace symbols were the bumper sticker of the day.

The true believers on the left, many of whom today hold tenured professorships on college campuses, credit the heady times of the '60s for producing the mainstreaming of the gay rights movement, environmentalism, and the women rights movement.

But it was also a time — as David Horowitz and Peter Collier, coauthors of *Destructive Generation — Second Thoughts about The Sixties*, correctly point out that "when the 'System,' that collection of values that provided guidelines for societies as well as individuals was assaulted and mauled."

The year 1967 also marked the beginning of rage in America. Antiwar protests swept across college campuses that summer and deadly and destructive race riots broke out in Detroit and Newark, N.J.

It became common in some circles to believe that America was presumed guilty and untrustworthy. Does that sound familiar?

Contamination of the '60s is still with us. Today we are still a nation of special interests — splinter groups

and political correctness. We have made progress in race relations, but we are still failing the inner city.

As former Speaker of the U.S. House Newt Gingrich often points out, the Detroit Public School System graduates only 22 percent of its entering freshmen on time and fails to serve 78 percent of the young people of the city.

Black males in Detroit in their 20s who have dropped out of school have a 60 percent chance of going to jail and 73 percent chance of being unemployed. How tragic.

Meanwhile, the social experiment of "free love" has been a disaster, creating a culture where out-of-wedlock births are at an all time high. The specter of the experience in Vietnam still haunts our foreign policy and the scourge of drugs continues to ruin lives.

Did the Summer of Love and the phenomenon of the '60s revolution change the world? Yes, without question, but on the whole, not for the better. CJ

Marc Rotterman is a senior fellow of the John Locke Foundation.

Easley Creates 'Excellence in Perpetuity' Program (a *CJ* parody)

By JOHN RADFORD
Contributing Editor

RALEIGH

Gov. Mike Easley says he will revive the Governor's Community of Excellence program started by Gov. Jim Hunt in 1982, but in a manner that won't require annual community inspections.

The key to the new program — dubbed EIP, or Excellence in Perpetuity — is a seven-letter package of stick-on letters that the Governor's Office will send to each Community of Excellence whose signs have been stalled out since the state quit renewing the honor.

A successful pilot project was recently completed in the coastal community of Beaufort (see accompanying photo), and Easley said his office is ready to take the program statewide.

The Department of Commerce managed Hunt's original 1982 program, which was limited to any city with a population of less than 15,000.

To qualify, a community had to fill out a lengthy application and demonstrate each year to a team of Commerce inspectors that it was ready for new industry.

Each city had to show it had available industrial sites with adequate water and sewer capacity. Each had to



have a team of dedicated community volunteers, a scrapbook with interesting historical information, plus a slide show showcasing beautiful homes and well-kept business establishments.

Cities were told that the competition for an award was tough. "In reality, every city that applied received the award. It was a political ploy by Hunt," a former economic developer who served as a member of an inspection team told *Carolina Journal*.

When a community won an award, the Department of Transportation erected signs on all major highways at the city limits showing the years that the city was honored as a Community

of Excellence.

However, the program lapsed into dormancy after Hunt left office in 1985. Republican Gov. Jim Martin, Hunt's successor, ignored the feel-good program during his eight years in office, and when Hunt returned as governor for another eight years in 1993 he did the same.

The result was hundreds of North Carolina communities with some pretty beat-up looking signs saying they were last named Communities of Excellence more than 20 years ago.

When Easley became governor in 2001 he saw many of these forlorn signs on his many trips to the coast, at least the ones in which he did not travel by

helicopter.

"The signs imply the community was excellent for a few years and then all of the sudden fell into some kind of bad state. This has been bugging me for years," Easley said. "It's got to be bad for their self-esteem."

So, instead of all the bureaucratic red tape required during Hunt's tenure, Easley and his budget advisor, Dan Gerlach, came up with an easy — and inexpensive — way for a city to self-certify.

The city council merely needs to send the governor a letter proclaiming that its community will be excellent in perpetuity.

After receiving the letter the governor's office will then send the community a packet of stick-on letters that spell "FOREVER." City officials are then free to apply the letters.

"We thought this was very sensible and cost-effective approach to continuing this most important program," said Gerlach. "This way the governor can continue honoring Communities of Excellence without actually having to do anything."

City officials seeking the "Excellence in Perpetuity" designation may contact Gerlach at (919) 733-4240 for further information. *CJ*

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