

Student Loses Privacy Battle With NCSU, Professor

*Protest of personal test
leads to NCSU student's
rejection, trespass charge*

By SHANNON BLOSSER
Contributing Writer

RALEIGH
When the 2001 spring semester began at North Carolina State University, Robert Boren was a student looking forward to beginning his pursuit of a master's degree in education counseling. Little did Boren know, however, that one interaction with a professor would lead to his grades being altered on his application, his chances at graduate education crippled, his pleas for answers about those being ignored, and his being threatened with arrest for trespassing.

A nontraditional graduate student, Boren wanted to enter NCSU's education counseling master's program. Boren was taking courses in preparation for this program, including ECD 540: "gender issues in counseling," taught by Dr. Tracy Robinson. She was also in charge of the education counseling program.

Up close and personal

At the beginning of the semester, Robinson gave Boren and her other students in the Monday-evening course the class syllabus. A writing assignment was due at the start of the next class, she told the class. The assignment was a "personal narrative" to be worth 15 percent of each student's final grade. It required students to answer personal questions relating to their gender and sexuality.

The assignment began: "What is your gender? What is your sexual orientation? Who have you told about your sexual orientation?" Follow-up questions asked students to discuss societal discourses as well as common values to their sexual orientation.

Boren found some of the questions to be too personal, inquiring about private information he believed no professor, no matter the class, had any business asking. "This is the professor saying 'let me get in your business,'" Boren said.

Robinson, who now operates Robinson Counseling Services, an online counseling service based in North Carolina, did not respond to repeated requests for comment.



Carolina Journal photo by Jon Sanders

Poe Hall, where Boren was cited for trespassing, looms over North Carolina State University.

The meeting and the aftermath

Boren met Robinson in her office a few days before the assignment was due to discuss it. Boren described the meeting as inattentive to his concerns about the personal narrative. The meeting "couldn't have lasted

more than 10 minutes," Boren said.

"At our meeting, I began by calmly expressing my discomfort with Dr. Robinson's assignment," Boren wrote in his Web site, www.abuseofpoweratncstate.com. "I shared my view that it was inappropriate to require students to disclose their sexual identities in the context of

a graded assignment. I cited the very personal, private nature of the information, and made the case that such matters were often discussed only within relationships of trust. I pointed out to Dr. Robinson that I did not really know her."

Also during the meeting, Robinson and Boren discussed his academic future and the fact he intended to apply to the education counseling program. Boren recognized that Robinson held an important role in whether he would be accepted into the program.

"I assured her that I was not trying to ruffle any feathers, that I wanted to do well in her class and that I felt I needed to do 'A' work," Boren wrote. "I told her that I was aware she would play a role in whether or not I would be admitted into the program. She nodded that I was correct."

When to hold 'em, fold 'em

Nevertheless, Boren stuck by his objection to her assignment, and "at some later point Dr. Robinson ran out of patience and told me that the present situation reminded her of a song by Kenny Rogers," he said. "Looking me right in the eye and quoting, she cautioned me, 'You got to know when to hold'em, know when to fold'em.' She said it stern-faced, and I felt warned."

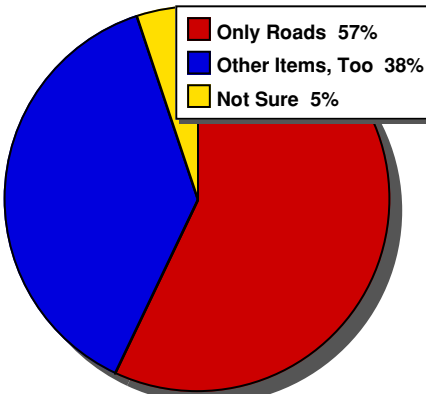
Boren said he asked Robinson what would happen if he chose not to answer the inappropriate questions. Robinson told him he'd fail the assignment, which would diminish his overall grade.

Boren said he left the meeting stunned and "feeling extremely ill-treated [and] even more convinced of the impropriety of" the assignment. On the advice of a friend, he phoned Dr. Amy Halberstadt, an NCSU psychology professor and a sexual harassment resolution officer.

Boren completed the assignment, which was graded as Robinson had told them, according to the nature of their answers and on her estimation of whether each student had given complete answers. Boren received one of the lowest grades in the class. One question asked, "On a scale of 0-10 (0 being complete comfort; 10 being total discomfort), indicate your comfort level with this assignment. Please discuss your response." In reply, Boren wrote a page and a half on his "misgivings surrounding this assign-

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% of N.C. Respondents in Oct. 2004 JLF Poll

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Calendar

Pipes to Discuss Single-Payer Health-Care System in March

On Wednesday, March 2, the John Locke Foundation will host a luncheon featuring Sally Pipes, president of the Pacific Research Institute, who will speak about America's health-care system.

Pipes is the chief executive officer of PRI, a San Francisco-based think tank founded in 1979. Prior to becoming president in 1991, she was assistant director of the Fraser Institute, based in Vancouver, Canada.

Pipes addresses national and international audiences on health care, women's issues, education, privatization, civil rights, and the economy. She has been interviewed on "20/20," "The Today Show," "Dateline," "Politically Incorrect," "The Dennis Miller Show," "Beyond the Beltway," "The Week in Review," and other prominent programs.

She has written regular columns for *Chief Executive*, *Investor's Business Daily*, and the *San Francisco Examiner*. Her opinion pieces have appeared in *The Washington Post*, *Financial Times of London*, *Los Angeles Times*, *San Francisco Chronicle*, *Sacramento Bee*, and *Orange County Register*.

A Canadian residing in the U.S., Pipes writes, speaks, and gives invited testimony at the national and state levels on key health-care issues facing America. Topics have included the false promise of a single-payer system as exists in Canada, pharmaceutical pricing, solving the problem of the uninsured, and strategies for consumer-driven health care.

Over the past year, she has participated in prominent debates and public forums, testified before five committees in the California Legislature, appeared on television programs, participated in talk radio shows nationwide, and written several dozen opin-



Pacific Research Institute's Sally Pipes

ion pieces on the issue of drug importation.

Pipes has held a variety of positions in both the private and public sectors. In British Columbia, the Ministry of Consumer and Corporate Affairs appointed her director and vice chairman of the Financial Institutions Commission. She also served on the Vancouver City Planning Commission.

Pipes serves on the board of the Independent Women's Forum, the national advisory board of Capital Research Center, the board of advisors of the San Francisco Lawyers Chapter of the Federalist Society, and the State Policy Network President's Advisory Council. She has served as a trustee of St. Luke's Hospital Foundation in San Francisco, as a commissioner on California's Commission on Transportation Investment (CTI), and as a governor of the Donner Canadian Foundation. She was a member of California Gov. Arnold Schwarz-

enegger's transition team in 2003.

Pipes is a member of the Mont Pelerin Society, National Association of Business Economists, and the Philadelphia Society. While in Canada, she was a member of the Canadian Association for Business Economics (president for two terms) and the Association of Professional Economists of B.C.

The cost of the luncheon is \$15 per person. The event will begin at noon at the Brownstone Hotel in Raleigh. For more information or to preregister, contact the Locke Foundation at (919)828-3876 or events@JohnLocke.org.

"Carolina Journal Radio"

The staff of *Carolina Journal* co-produces a weekly newsmagazine, "Carolina Journal Radio," which is syndicated on 20 radio stations across North Carolina. You can visit CarolinaJournal.com to locate an affiliate in your area. Also, subscriptions to a monthly CD containing selected episodes of the program are available by calling (919) 828-3876.

"The Locker Room"

Every weekday, and sometimes on the slow news days of Saturday and Sunday, staff and friends of the John Locke Foundation discuss breaking news on an Internet weblog called "The Locker Room." President John Hood and *Carolina Journal* writers and editors monitor political and cultural developments in North Carolina and across the nation, and write short commentaries throughout each day and post them on the website immediately. To get a free-market, conservative perspective on breaking news each day, visit "The Locker Room" at www.johnlocke.org/lockerroom. *CJ*

Problems Multiply After Run-In With Professor, Student Says

Continued From Page 1

ment." He wrote that allowing students to maintain personal privacy "would in no way hinder the instructor from challenging her students to examine these issues in their lives."

Boren also wrote that he could "envision non-heterosexual students still struggling with their identity feeling especially threatened by this assignment, and anguishing between lying about their orientation and revealing it before they are ready." He received no credit for this answer because he didn't use the 0-10 scale.

"I made my feelings known and got hammered for it," Boren wrote.

Throughout the semester, Boren said, he never missed a class, kept up with the reading, and saw his grades steadily improve. Nevertheless, he said, he continued to receive hostility from Robinson. She made remarks in class that seemed aimed at him. She singled him out "as the subject for what I experienced as an exercise in humiliation."

Once, he said, "she gave me points and then took them back on the mid-term exam." Later, she asked students to "think about a situation where you felt powerless," adding, "How about applying to get into graduate school and not getting in?"

Robinson made that remark April 16. By then Boren had been notified that his application to grad school had been turned down, and that Robinson had given a low evaluation on it. He also discovered that his overall grade-point average had been changed on his form. Robinson knew of Boren's failed application when she made the remark, because she had turned down a request from her department head, Dr. Stanley Baker, that she meet with him and Boren to discuss it.

Application and grievances

Boren's application for graduate school was rejected March 23, 2001, for the given reason that he was "[n]ot competitive with current applicant pool." Boren requested to review his application packet. What he saw angered him and prompted a question that NCSU administrators still refuse to completely answer.

Boren had completed his last two years of undergraduate study at NCSU with a 2.94 GPA and his overall GPA was 3.025. For his major, his GPA was 2.89. Inexplicably, however, on his application, the GPAs listed for both were the same: an even 2.50. Who changed his GPA? No one at NCSU will tell him.

According to documentation given to *Carolina Journal*, Boren received strong evaluations from those at NCSU who reviewed his application as well as recommendations from those who knew him. Boren also noticed the sample work that he submitted along with his application had not been seen. His letters of recommendation included one from a vice president at another university, and the following from a professor within the program, who wrote: "I've had Robert now in two classes. He received an A in Career [Counseling] and an A+ in Theories [and Techniques of Counseling]. With his permission," the professor wrote, "I will use Robert's Career case study paper as a model for future classes."

Nevertheless, Boren's evaluation scores were 76, 69, and 60.5. The noticeably lowest score was from Robinson, and as Boren

noted, it was "low enough to single-handedly take me out of the running, especially given that it was her track of the program." Furthermore, Robinson had written in her evaluation that Boren "evidences some interpersonal and academic irregularities that are a source of concern." But when Robinson had written that, she had had only the one, 10-minute interpersonal exchange with Boren.

Boren suspected his application had been sabotaged because of his disagreement over the personal narrative assignment. He alerted NCSU officials about the discrepancy in his grades, but rather than investigate, they simply told Boren that he would not have been admitted into the program.

"Actually, they are agreeing with me," Boren said. "I wasn't going to get in anyways because I was sabotaged."

Boren said he decided to seek relief through the school's grievance process. He studied the policies and discussed the procedure with school officials. He wrote to Dr. Kathryn

Moore, dean of the NCSU School of Education, about his grievances against Robinson. He cited the personal narrative assignment, her attitude toward him in class, and the apparent sabotaging of his graduate school application.

Anona P. Smith, assistant director for student services, scheduled a meeting between Boren, Moore, Robert Sowell, dean of the Graduate School, and Jack Wheatley, associate dean of the College of Education. Robinson was not scheduled to attend. At that point, Boren was seeking an informal resolution to the situation.

The meeting took place with no real action from the school, other than holding a meeting between Wheatley and Robinson to discuss the assignment, so Boren sought a formal resolution. Smith, Wheatley, Moore, and Vice Provost for Equal Opportunity and Equity Joanne Woodward all told Boren that the process would not be timely, because Robinson would not be at NCSU during the summer and therefore not be available to meet for a hearing.

Boren later learned that Robinson had been teaching on campus that summer. He wrote Woodward and Smith that NCSU's summer session course listing showed Robinson teaching "cross-cultural counseling" in Poe Hall. He also wrote that, "I have more than lost confidence in the handling of this matter by the College of Education." Smith wrote back. "Dr. Robinson is teaching summer school this session; however she is not working for the College of Education but is employed by the McKimmon Center," which is part of NCSU.

Chancellor reviews grievance

In July 2001, Boren filed a separate grievance against Moore, Wheatley, and Smith for deliberately obstructing his rights under the Grievance Procedure for Students. Following NCSU policy, he sent it to Chancellor Marye Anne Fox.

Fox and Boren exchanged letters, but Fox seemed unconcerned by and unwilling to look into Boren's allegation of obstruction by the administrators. She proposed that the "only meaningful remedy" would be to instruct the College of Education "to give you a hearing as promptly as possible," a decision that would mean "there is no need to proceed with a grievance hearing against" Moore, Wheatley, and Smith.

Boren objected. This remedy, he wrote, "was to exempt the three deans from having to defend their actions, and send me back to rely on them for fair treatment." He wrote Fox that he considered her remedy inadequate. Fox responded by withdrawing Boren's grievance, saying he is unwilling to participate in "activities designed to address student grievances."

Carolina Journal sought comment from NCSU Legal Council David Drooz on specific aspects of Boren's grievance case against Robinson and NCSU officials, but Drooz refused to comment because of federal laws regarding student information.

The trespassing order

With no administrator willing to look into the alteration of his grades, Boren decided to seek answers on his own from the Education Department.

NCSU, however, disagreed. On Jan. 31, 2002, NCSU Chief of Police Thomas Younce told Boren that his presence in Poe was "disrupting the workplace" and "creat[ing] an atmosphere of concern among the employees." If Boren returned to Poe he would be arrested for trespassing, Younce said. The only way to avoid arrest, Younce told Boren, was for him first to report to the NCSU police and present proof that he had an appointment on campus approved by the dean.

Boren asked Younce who had complained and why and said he intended to appeal the trespassing order. "I can share with you that they consider your visits intimidating; your continued requests for the same information raise a concern in their minds; and that they were beginning to feel harassed," Younce wrote to Boren Feb. 18, 2002. "Whether you intended your actions to be intimidating or harassing or not, it was perceived to be by the staff." Younce responded that Boren's request for an appeal had been denied — even though Boren had not yet made the request.

In March 2002, even though Younce's reply gave the outcome the appearance of a fait accompli, Boren did appeal the trespassing order with David Rainer, associate vice chancellor for environmental health and public safety. Rainer upheld the trespassing order.

In May 2002, Boren learned from Associate General Counsel Eileen S. Goldgier that the complaining witness leading to Younce's trespassing order had been Younce himself. Boren hired a lawyer and appealed the NCSU decision in Wake County Superior Court.

In April of last year, Judge Stafford Bullock ruled that NCSU's decision to ban Boren from Poe Hall was wrong and reversed the decision. Bullock wrote that NCSU "acted in an arbitrary and capricious manner" in issuing the trespassing order.

The case continues

Since the trespassing charge was dismissed, Boren has still been unable to find out exactly what happened to his grades. He has continued his efforts through letters with the NCSU Board of Trustees, who informed him that it was not an issue for the trustees to consider. He even approached UNC President Molly Broad and others within the UNC system, to no avail. Boren is no longer in school and works in the Raleigh area. He has started a Web site, www.abuseofpoweratncstate, to address some of the issues that occurred because of his struggles with NCSU.

Boren said he is not sure what legal route he may take against NCSU. "I want them to be held accountable for their actions," he said.

Timeline of events

Robert Boren has battled with NCSU officials for four years over alleged professional misconduct by a professor and the mishandling of a grievance charge, which ultimately led to a trespassing order from the university that was dismissed in Wake County Superior Court last year.

Here is a timeline of the major events:

- Jan. 8, 2001: ECD 540: "gender issues in counseling" begins
- Jan. 17, 2001: Boren meets with Professor Robinson to discuss her homework assignment asking students about their sexual orientation. They also discuss Boren's application to NCSU's graduate education counseling program. Robinson is in charge of that program.
- Jan. 22, 2001: Due date of the "sexual orientation" assignment, worth 15 percent of the final grade.
- January 2001: Boren applies to graduate education counseling program.
- March 23, 2001: Boren's application denied. Boren later learns that his grades had been altered on his transcript and that Robinson had given him a negative evaluation.
- April 27, 2001: Boren notifies Dean Moore of his grievance against Robinson.
- May 9, 2001: Informal grievance meeting among Boren and Dean Moore, Dean Sowell, and Assistant Dean Wheatley. Robinson does not attend.
- May 17, 2001: Boren decides to seek a formal resolution of his grievance.
- July 2001: Boren is told that Robinson is off campus and cannot attend a grievance hearing until mid-August. Delay would prevent Boren from attending fall classes. Boren learns Robinson is teaching on campus. He files a grievance with then-Chancellor Marye Anne Fox over Moore, Wheatley, and Smith's obstruction. Fox instructs the College of Education to hear the grievance against Robinson but does nothing about the administrators. Boren objects to what he thinks an inadequate response. Fox withdraws Boren's grievance, saying he is unwilling to participate in "activities designed to address student grievances."
- Jan. 31, 2002: Boren warned for trespassing on campus. Thomas Younce, chief of police for NCSU, tells Boren he is "disrupting the workplace and has created an atmosphere of concern among the employees" and that, to avoid arrest, Boren must report to the NCSU police first with proof that he has an appointment on campus approved by the dean.
- February 2002: Boren asks Younce who complained about him. Younce says the staff perceived Boren's actions as intimidating and harassing.
- March 25, 2002: Boren appeals the trespassing order within NCSU's grievance process. The associate vice chancellor for environmental health and public safety upholds the order.
- May 11, 2002: Boren learns that the complaining witness cited by Younce was Younce himself.
- Oct. 23, 2002: Sowell writes Boren that, even with correct grades, he would not have entered the graduate school.
- April 23, 2004: Trespass order against Boren thrown out by Wake County Superior Court Judge Stafford Bullock.
- Spring 2004 to present: Boren has continued to write to NCSU trustees and University of North Carolina officials, including UNC President Molly Broad, seeking to learn who changed his grades and why it was done.



Robert Boren

Around the State

North Carolina's tax system is an incoherent hodgepodge of penalties and subsidies that unnecessarily infringes on personal liberty and causes the state to be much less prosperous than it otherwise could be, according to a new policy report released in January by the John Locke Foundation.

Dr. Roy Cordato, author of *Liberty and Economic Growth: Principles for Reforming North Carolina's Tax System*, says the state needs radical reform, and the two most important concerns for state lawmakers when designing tax policy should be to minimize the extent to which taxation intrudes on people's liberty and to maximize prosperity and economic growth. Cordato is the vice president for research at the foundation.

As a remedy, Cordato writes that policymakers should begin to change the tax system with an eye toward the following long-term goals:

- Replace the current income tax with a flat rate "consumed income tax."
- Abolish the corporate income tax, which is a hidden tax on workers, consumers, and shareholders.
- Eliminate all special tax breaks for new or existing businesses.
- Eliminate differential sales tax rates and special excise taxes.
- Eliminate the sales tax on business purchases

"Some types of taxation are more damaging to freedom and prosperity than others," Cordato wrote. "It is clear that our current system has been developed without any attention to this fact and without an understanding of how socially damaging a poorly designed tax system can be."

Because taxation inherently interferes with both personal freedom and economic decision-making, Cordato said, policy makers need to be vigilant about not only how much revenue is being generated but also how those revenues are collected. He said North Carolina's tax system rewards some activities and penalizes others by placing multiple layers of taxation on saving, investment, and entrepreneurship. The current system also relies on forms of taxation, the best example being the corporate income tax, that are completely hidden from those who pay.

While Cordato outlined some sweeping changes that would bring North Carolina's tax code into better conformity with freedom and prosperity goals, he said steps can be taken short of complete adoption of a traditional flat-tax, which would help move the state in the right direction. One way to eliminate the bias against saving and investment is to exempt interest from taxation.

"This is something that could be done in a piecemeal fashion by creating 'special niche,' tax-free savings and investment accounts for things like primary and secondary education, health care, home ownership, etc.," Cordato wrote.

"The idea would be to systematically move the tax code toward a more neutral stance."

He said the North Carolina General Assembly in 2005 has an opportunity to reduce the anti-productivity bias in the income tax by doing nothing, by allowing the top rate of 8.25 percent to fall back to 7.75 percent in July, as it is scheduled to do. *CJ*

Using state bonds, ENCNG is tunneling under Currituck Sound

Gas Pipeline Grows Despite Lack of Customers

By PAUL CHESSE

Associate Editor

RALEIGH

Eastern North Carolina Natural Gas is winding down its pipeline construction project in 14 northeastern counties with an ambitious crossing of Currituck Sound, a three-mile underground tunneling that parallels Wright Memorial Bridge.

But it is not clear how many customers exist on the Outer Banks who are eager to convert from their present energy suppliers to natural gas. The prospect of persuading hundreds of commercial consumers is enticing to the struggling gas utility start-up, which made burrowing 30 to 40 feet below the sound's floor worth the risk.

"What it may boil down to is, what kind of residential and commercial demand is there on the Outer Banks?" said Mark Stultz, director of public relations for the Natural Gas Supply Association, a trade group based in Washington, D.C. "Usually (infrastructure buildup) is not done unless there is some guarantee of return on investment."

Aggressive on Outer Banks

John Monaghan, general manager of ENCNG, said the company has aggressively pursued potential customers between Kitty Hawk and Nags Head, but he said he didn't know how many commitments the company had.

"I can't tell you the number," he said. "We have people calling on customers all the time now."

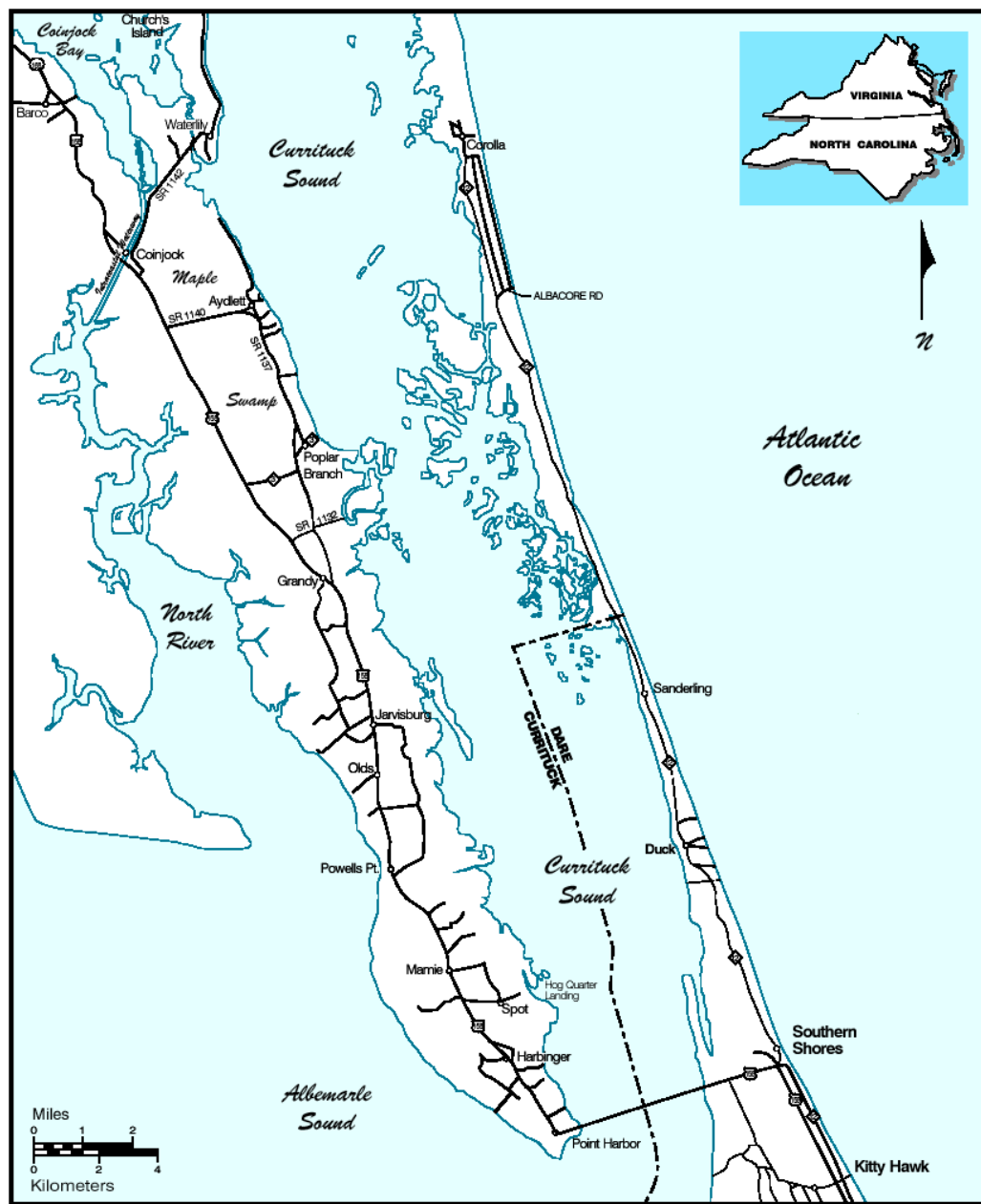
Giselle Rankin, a lawyer for the N.C. Utilities Commission Public Staff, a state agency that represents consumers in all utility rate cases before the commission, said many consumers in Dare County were "ambivalent" about natural-gas service as it was being considered in the late 1990s. Despite that, she said the Outer Banks "is one of the most (economically) feasible pieces" of the 14-county project.

Another constraint that ENCNG has as it deploys its 750-mile pipeline system is North Carolina's "use it or lose it" law, which requires a gas utility to provide service in all the counties where the Utilities Commission has granted to it franchise rights. ENCNG holds the rights to Dare County, where most of the Outer Banks lies, but the company has yet to reach any part of the county. The heavily developed tourist community on the state's barrier islands holds the most promise for gas demand in Dare County.

ENCNG was formed four years ago through an equal partnership between the Albemarle Pamlico Economic Development Corporation and Carolina Power & Light, now Progress Energy. ENCNG received \$188.3 million of \$200 million in voter-approved bond funds to construct a natural-gas pipeline through 14 northeast counties, where the population was too sparse to justify the project otherwise. Piedmont Natural Gas Co. purchased Progress Energy's gas interests, including ENCNG, two years ago, and committed \$22 million for pipeline construction.

Number of customers 'tiny'

The number of customers for natural gas in ENCNG's territory has not progressed as much as company officials had hoped. Monaghan said ENCNG has more than 800 customers in the northeast so far.



Dept. of Transportation Graphic

Eastern North Carolina Natural Gas's pipeline will parallel the three-mile long Wright Memorial Bridge, from the Currituck County mainland at Point Harbor to the Outer Banks.

"That's tiny by any standard," said Thomas Catlin, vice president of Maryland-based Exeter Associates, which provides economic and financial consulting services in the areas of public utility regulation.

According to some gas industry trade association officials, gas service infrastructure is usually not built unless new customers are able to pay for the new lines.

"That's usually how a distribution network is established," Stultz said. "There has to be a public service demand."

"The gist of what has happened there is you've got investments where they're not paying for themselves," Catlin said.

Taxpayers, customers to foot bill

Because of the lack of customers and projected operating losses that are expected for the foreseeable future, Piedmont Natural Gas wants to absorb ENCNG's customers into its statewide ratepayer base. If permitted by the Utilities Commission, a merger would mean that state taxpayers would foot the bill for paying the bonds and all of Piedmont's customers in the state would bear the burden of the northeast operational shortfall for years to come.

When the Utilities Commission originally approved ENCNG to receive the franchise and the bond funds in 2000 and 2001, members told the company it would be able to recuperate up to \$15 million in operations and maintenance losses over eight years in future rate reviews.

Typically, for established utilities, that is not permitted.

"It sounds like there's not enough sub-

sidized financing to pay for (operations) either," Catlin said.

Plans for a merger of ENCNG into Piedmont support the contention that those operational expense planning fell dramatically short.

At an APEC meeting in October company officials said, "Piedmont's ability to fund [ENCNG's] operations is limited." Minutes from a March 30, 2004 APEC board meeting state that the "current forecast shows ongoing operating loss(es)."

Circumstances beyond control

Piedmont and ENCNG officials blame the poor economy, the effects of the Sept. 11, 2001 terrorist attacks, and unusually high fuel prices as reasons for the lack of customers.

"It's a challenging environment out there," said David Trusty, a Piedmont spokesman. "There are a lot of things external to our control."

Rankin supported Trusty's contention. "A lot of that is beyond their control," she said. "It is not really their fault."

Rankin said market studies in 1999 and 2000 did not exaggerate the number of expected customers or gas consumption. But she could not predict whether the Public Staff would support or oppose a "roll-in" rate case for ENCNG into Piedmont.

Even though operating losses were becoming unmanageable, Monaghan said there was no consideration given to slowing pipeline construction.

"The bonds were provided to build the project," he said.

"They can't use the bond money for operational costs," Rankin said.

About \$146 million of the \$188.3 million in bond funds has been paid to ENCNG so far. *CJ*

Separation of powers at the heart of the issue

Easley and Basnight Fight Over Currituck County Airport Land

By DON CARRINGTON

Associate Publisher

RALEIGH

Gov. Mike Easley and state Senate President Pro Tem Marc Basnight are locked in a fight over a small airport in Currituck County.

The fight involves all three branches of government — the legislature that makes laws; the governor, who executes the laws; and the judicial branch, which has been asked to settle a lawsuit filed by Currituck County. The case is scheduled for Feb. 8, but sources expect the losing side to appeal.

The 2004 state budget bill contained a provision that said, “The State of North Carolina shall convey to Currituck County, for consideration of one dollar (\$1.00), title to the land on which the Currituck County airport is situated.” Currituck County has been leasing a site from the state since 1972 for \$1 per year. The lease was to continue through the year 2028, but Currituck officials want to actually own the land so they could sell or lease some of it to private businesses. The lease documents describe the site as “400 acres, more or less,” and containing the Currituck County Airport.

Basnight, D-Dare, contends that the state was to transfer all the contiguous state-owned land around the airport, a 531-acre tract, to Currituck County for \$1. He and Rep. Bill Owens, D-Pasquotank, inserted the land transfer into the 2004 state budget bill.

On Dec. 1, 2004, Easley quietly deeded the county 205 acres including the runway and land intended for proposed commercial development. He offered to sell the remaining 326 acres to the county for \$1 million. Currituck County officials claim they were shortchanged and filed a lawsuit seeking to force Easley to transfer the entire tract.

The actual size of the airport site remains unclear, since it has been described in various documents as 160 acres, 205 acres, 400 acres, and 531 acres.

The airport history is also murky. An airport study commissioned by Currituck County officials in 2000 said that the airstrip was constructed by the federal government during World War II, abandoned after the war, and offered to Currituck County for \$1, provided the county maintain the airport and surrounding property. That account then claims that the county declined the offer because it could not afford the upkeep, and that the state took over the facility. Several news sources have repeated a similar history.

While the federal government may have used the facility, research by *Carolina Journal* indicates a different history. The original tract of about 1,300 acres was purchased by the state in 1942 from a Dr. H. S. Willey and wife Mary for \$10,350. A map that accompanied the deed indicated that a portion of an existing landing strip was part of that property. Since the property has apparently never changed owners as an airport, Easley may have some wiggle room in defining what makes up the airport.

Illegal deed?

While the issue is not specifically mentioned in the Currituck County complaint, some think that Easley may have violated state law when he transferred the 205 acres, because the Council of State had not approved the transaction. “The deed appears contrary to the statute. Going through the Council of State appears to be the sole mechanism for transferring land,” Currituck County attorney John Morrison said.



Carolina Journal photo by DON CARRINGTON

An aerial view shows the general layout of the Currituck County airport.

According to the state laws covering the transfer of real property, every proposed conveyance of state land, including conveyance by gift, shall be submitted to the governor and Council of State for their approval. The council is made up of the nine independently elected state officeholders — the lieutenant governor, state treasurer, state auditor, commissioner of labor, attorney general, secretary of state, commissioner of insurance, superintendent of public instruction, and commissioner of agriculture. The governor and the council meet monthly to approve state real estate matters and perform certain other statutory duties.

Labor Commissioner Cherie Berry said that she wrote Easley on Sept. 23 and asked him to put the airport matter on the agenda for the Oct. 5 council meeting, but she never received a response. She doesn’t understand how the governor could take action outside the law. “To transfer land without Council of State approval does not appear to be legal,” she said.

Currituck’s position

Currituck’s complaint was filed Dec. 7 in Wake County Superior Court. The case was assigned to Judge Howard E. Manning, Jr. The complaint seeks a declaratory judgment and asks the court to issue a writ of mandamus. The declaratory judgment involves a restatement of the facts, the relevant laws, and a clarification of the issues where the parties disagree.

A petition for writ of mandamus is essentially a request by Currituck County for the court to compel Easley and the Council of State members to perform their official duties — to properly convey the entire 531-acre tract to Currituck County after the required approval of the Council of State.

Manning issued an order Dec. 14 that requires Easley and the Council of State members to appear before him and show cause as to why a writ of mandamus should not be issued requiring them to transfer the entire tract.

Easley’s defense

CJ has asked the governor’s office for any documentation from the attorney general concerning the legality of the deed, and for any comments on the issue. Easley spokeswoman Cari Boyce said they had no documents and she offered no other comments.

When asked how the governor had de-

termined the correct acreage, another Easley spokeswoman, Sheri Johnson, responded to the *Elizabeth City Daily Advance*. “We don’t comment on pending litigation,” the paper reported Jan. 5.

A day earlier an Associated Press reporter got Easley to talk about the issue. According to the news service story, Easley said the legislation wasn’t clear and officials in his administration decided the law required only the property on which the actual airport is situated. The governor also

said he made the decision based on another provision in the state budget requiring the state to sell \$40 million in surplus property to help balance the state budget. “So you’re sitting here trying to figure out exactly what they intended. You would assume that they intended to be restrictive, so you can meet the other obligations within that same document,” Easley said.

But the acreage Easley deeded to the county in December contains more than the official airport layout plan on file with the Federal Aviation Administration. That plan was prepared for and approved by Currituck County in November 2000. The airport acreage is not listed on the set of drawings, but CJ calculated the acreage from that drawing to be about 160 acres. News reports have said that Easley offered Currituck County 160 acres in November 2004.

Easley has yet to explain how the legislation that he has since labeled as “restrictive” gave him the authority to transfer an additional 45 acres for industrial sites.

As far as not sending the 205-acre deed through the Council of State, Easley told the AP that “the attorney general said they didn’t need to because (the sale) was in the legislation. So I just signed the deed.”

Former State Supreme Court Chief Justice Burley B. Mitchell Jr., now in private practice, is representing Easley. Attorney General Roy Cooper will represent the Council of State members. Currituck County has hired the Poyner & Spruill law firm to join Morrison.

CJ

The Locker Room

The John Locke Foundation Blog

Just Go Right In. . .

*To the Best Place on the Web
For No-Holds-Barred Commentary
On State and National Affairs*

“**The Locker Room**” is a daily blog of insights, news links, debates, crosstalk — and more than a few jokes — from the staff, fellows, and scholars of the John Locke Foundation.

Here’s some of what you missed if you weren’t among the many thousands of North Carolinians who took a visit to “**The Locker Room**” last month to see what was going on:

- Quotes from old Cary Grant movies.
- N.C. State students calling their prof a “hardcore hippy.”
- Libertarians arguing for *and* against school choice.
- Why labor unions hate merit pay.
- Lessons about taxes from the ancient Sumerians.
- Boxing gloves and body armor for cockfighting.
- Martin Luther, Blogger Extraordinaire.
- Sport-utility vehicles and Oscar the Grouch.
- Global warming causes global cooling, “scientists” say.
- A town that may ban leaf blowers (hint: it’s got a college).
- Why someone needs to clip Britt Cobb’s fingernails.
- Mozilla vs. the PC Monster, without subtitles.
- President Bush’s call for global freedom — and a dissent.
- “Varroa Destructor” and other cool names for bee predators.

Now You Have the Key to Locke:
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National News In Brief

Bush urges better schools

President Bush has begun a second-term drive that he said would improve the American high school, urging the same testing and consequences he used to shake up earlier grades.

In his first major education speech since winning re-election, Bush touted his plan to require annual testing in math and reading for students in ninth, 10th, and 11th grades.

Schools would have to give a national test to 12th-graders at least every other year, Knight Ridder Newspapers reported.

About half of the states already require some type of testing for seniors before they can graduate. Bush's proposal would add tests only for those states whose current tests fall short of his plan.

Improving high schools has suddenly become a talked-about topic, with calls of alarm from the president, the nation's governors, employers, and college professors. The reason: Many high school students are not ready for college or work after they graduate, if they get that far.

Ex-principal fears gang

A former Charlotte-Mecklenburg high school principal, charged with falsely claiming he was assaulted on campus, now fears he's the target of a gang after someone set fire to his yard, his lawyer said, *The Charlotte Observer* reports.

Someone set the fire in the front yard of the home of Michael Faulkner in York County, S.C. Faulkner told police he saw the letters "DEI" on fire in the yard, which he interpreted as a gang-related saying of "Destroy Everything In sight."

Reid James, Faulkner's lawyer, said his client's family was "scared to death" and that he had advised Faulkner to buy a shotgun.

James said he told Faulkner that the suspicious fire could be a prank. But the defense lawyer also said it might be retaliation for Faulkner's outspokenness about gang activities at Waddell High School in south Charlotte.

Faulkner was indicted in early January by a grand jury on a felony obstruction charge after reporting in November 2003 that he was attacked while confronting three Latino men painting graffiti on campus.

Faulkner resigned as principal a month later.

Teachers for astronomy classes

Educators are responding to the state's recent decision to remove astronomy as a physical science requirement in Cabarrus County Schools, the *Independent Tribune* reports.

Most educators are upset about the mid-year decision, but some question the state's declaration that astronomy is not a physical science requirement.

Joe Heafner, astronomy and physics instructor at Catawba Valley Community College in Hickory, said if the state bans astronomy courses from the physical science arena it should also ban physics courses.

Bill Tucci, section chief of math and science at the Department of Public Instruction, said DPI does not dispute that astronomy falls under physical science.

CJ

Educational Management Organizations

Investment analysts compare opportunities of EMOs to HMOs 25 years ago

By KAREN WELSH

Contributing Editor

RALEIGH

It's time for medical HMOs to step aside, because the educational market, with an estimated \$350 billion potential value, is ready to let EMOs make their debut.

Writer Barbara Miner of the *Multinational Monitor* reported EMOs, or Educational Management Organizations, is the term Wall Street is using for private companies wishing to manage public schools. "Proponents of privatization say that if you like HMOs, as many on Wall Street do, you'll love EMOs," she wrote. "The industry's backers are fond of comparing public education to the health-care industry of 25 years ago, before the nationwide ascendancy of HMOs."

The time has come, said Mary Tanner, former managing director of Lehman Brothers. "Education today, like health care 30 years ago, is a vast, highly localized industry ripe for change," she said at an educational industry conference. "The emergence of HMOs and hospital management companies created enormous opportunities for investors. We believe the same pattern will occur in education."

One only needs to look at the current economic indicators to see this is true, said Roslyn Mickelson, professor of sociology at the University of North Carolina at Charlotte. "There is a growing venture capital industry in anticipation of the privatization of education," she said. "People in the securities industry see the trend and they are lining people up."

Charters in North Carolina

The concept of privatization is not new to North Carolina. The state's charter school laws have allowed for-profit companies to operate publicly funded schools.

At one point, privatization was also in mainstream public schools. An article by Ron Hasson in the *Goldboro News-Argus* said the Wayne County Public Schools gave Edison Schools Inc., a nationwide for-profit school management company, a five-year contract in the late 1990s.

Although the company received accolades for its performance; bringing innovation, creativity, and higher test scores to the district's most struggling schools, the school board unanimously voted to rescind the contract after three years, citing rising costs as the main factor. "I was an early supporter of the Edison project," Board Member George Moyer reportedly said. "But at the time, we were told this would be a wash: We wouldn't spend any more at the schools than we already were."

Hasson also said Superintendent Steve Taylor thought that an ongoing clash with the state assistance team brought in to help the low-performing schools in the district was also a factor. Taylor told the reporter this "caused a hardship for the school staff to live up to two sets of standards that were, at times, incompatible."

Many naysayers thought this setback, along with several others across the country for Edison Schools Inc. would spell the end of privatization. Edison Schools is one of the largest for-profit organizations, serving 157 schools and 250,000 public school students in more than 20 states. Edison was able to rebound, however, and the company

showed its first profit in 2004. This will probably rejuvenate the issue, Jack Clegg, CEO of Nobel Learning Communities, once told *Business Week*. "If Edison makes it," he said, "it will open the floodgates."

Milton Friedman, a senior research fellow at the Hoover Institution and winner of the 1976 Nobel Prize in Economics said only good can come from privatization. "Our elementary and secondary educational system needs to be radically restructured," he wrote in an editorial for the *Washington Post*. "Such a reconstruction can be achieved only by privatizing a major segment of the educational system, by enabling a private, for-profit industry to develop that will provide a wide variety of learning opportunities and offer effective competition to public schools."

Loss of local control

In the article, Friedman blamed the centralization of school districts, away from local community control, for the demise of the educational system.

"About 90 percent of our kids now go to so-called public schools, which are really not public at all but simply private fiefs primarily of the administrators and the union

officials," he said. "I believe that the only way to make a major improvement in our educational system is through privatization to the point at which a substantial fraction of all educational services is rendered to individuals by private enterprises. Nothing else

will destroy or even greatly weaken the power of the current educational establishment — a necessary pre-condition for radical improvement in our educational system. And nothing else will provide the public schools with the competition that will force them to improve in order to hold their clientele."

Friedman also said school vouchers are an effective way to bring a transition from a government to market system. He said support for free choice of schools has been growing rapidly and will sweep the country like a wildfire, and nothing can hold it back.

Walter C. Farrell, professor and associate director at the Urban Investment Strategies Center in the Kenan Institute at the University of North Carolina, Chapel Hill, disagrees. "Vouchers and other privatization initiatives are little more than a modern day 'medicine show', claiming to be elixirs for the educational success of poor, mostly ethnic minority public schoolchildren," he said. "Some politicians and other school privatization proponents focus on these 'snake oil' remedies as the solution to the complex problems of urban education



Students at National Heritage Academy in Grand Rapids, Mich., get instruction at a school computer.

rather than addressing the challenges of under-funded and socially-overburdened public schools, and large classes that prevent teachers from giving the appropriate attention to those students in need of individualized instruction."

Many opponents to privatization go beyond Farrell's statement, believing the entire movement to be a "right-wing conspiracy." The People for the American Way reported that the underfunded No Child Left Behind Act affects the ability of schools, districts, and states to meet the educational improvement goals established by the Bush administration and is setting up schools for failure. The organization also said millions of dollars in educational funds are being diverted to private, pro-voucher advocacy groups.

Writer Steven Miller said the No Child Left Behind Act has rigid goals, which amounts to deliberate sabotage. "The purpose of NCLB is to set up public schools for privatization," he wrote for the *People's Tribune*. "Once schools start failing, privatization will be raised as the only possible option. Privatizers already claim that 'business' and the 'free market' can do a better job of educating children, can do it cheaper and can make a profit by keeping the difference. They actually expect us to believe that the future will become better and more stable if we end public education."

Carl Harris, associate superintendent of Instructional Services for Durham Public Schools said the lean toward for-profit public schools has provided a wakeup call to educators.

"Privatization did point out that parents will go to whatever extremes necessary to afford their children a good education," he said. "I think the whole issue of quality education is something every parent wants for their child."

Harris said educators need to accept the role of creating changes to the educational system. "Public schools are beefing up their response to No Child Left Behind with a focus on local communities becoming involved," he said.

"There is now a bigger push in public schools that offers many diverse programs for kids. It's not something that public schools are ignoring. We are meeting the needs of all our kids and parents and challenging kids to be successful. We need to stay focused and true to that."

CJ

*What Works Best in Education***Middle-School Students Grade Teachers**

By PAIGE HOLLAND HAMP

Contributing Editor

Thousands of dollars are spent each year evaluating and training teachers. The goal is to improve teaching methods so students learn better and achieve more. Opinions about which program to use, the best curriculum, and learning styles dominate these reports. Teachers, principals, business leaders, legislators, and parents spend hours in meetings working on solutions to improve how young people learn.

When American students rank close to the bottom internationally, we should spend significant time and energy to fix the problem. Perhaps, though, we are making it more complicated than it needs to be. After talking with a group of middle-school students from Daniels and Wake Forest Rolesville Middle schools, the answer is really much more simple. Good teachers respect their students, are competent, and — they make learning fun.

Respect, caring go a long way

From these students' perspective, the No. 1 requirement for being a good teacher is to be genuinely respecting and caring about your students. "I think when teachers care about us and are respectful of us as people, it makes us more relaxed and able to learn," eighth-grader Natalie Parker said. "Some teachers spend all their time yelling and some are just mean. I can't learn when I'm afraid of the teacher."

Brittany Williams agrees. "When teachers spend the whole period telling us what is wrong with our work and never seeing the good, it doesn't make you feel like you can or want to learn," she said.

Taking the time to share their own life experiences with the students, asking them about their interests and hobbies and understanding that no one is perfect are some of the ways these young people know a teacher cares about them.

Natalie, Brittany as well as another classmate, Emma, all think their Algebra teacher, Brendan Williamson, is one of the best teachers they have ever had. Mrs. Williamson, who teaches at Wake Forest Rolesville Middle School, obviously respects and enjoys her students.

"Ms. Williamson is great. She doesn't scream and yell at us," Emma said. "If we do something wrong, she talks to us in a polite manner, and asks us to correct our behavior." Her students know she really likes teaching, and they admire how energetic she is and how she is always willing to help.

Wanted: competent teachers

Competence was another key trait students identified in good teachers. Tom Bolton, an eighth-grade social studies teacher is someone the students think really knows his stuff. When asked to describe a competent teacher, Joey Pacquette said: "You can tell when a teacher really knows their subject. Like Mr. Bolton, they can talk for hours without notes and share stories and ideas that make it so interesting."

Another sign of competence the students identified was the ability to clearly explain the subject matter to students. "Ms. Williamson really knows how to present the information," Natalie said. "She is very clear and explains things in a way that we can all understand."

Emma admits that math has not been her favorite subject in the past, but Williamson makes it easy to learn. "Mrs. Williamson is always eager to teach us, which makes us excited to learn. She also doesn't mind going back through a problem if we get stuck," Emma said. "She also never makes us feel stupid. She is confident that her students can learn no matter what."



Emma Holland and Brittany Williams volunteer at a school event.

Students want to have a little fun

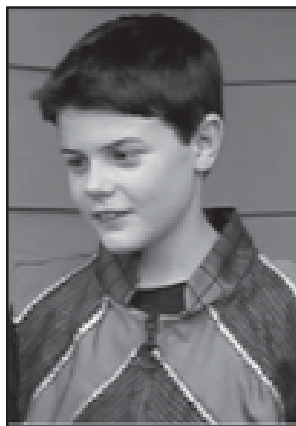
In the wake of all the standardized testing it seems that many teachers have forgotten that you won't create any lifelong learners if you don't make it fun. Teachers who spend entire periods reading to the students from books or giving endless notes not only make education boring but also difficult for their students to learn or retain information. These young people think any subject can be fun, even vocabulary, if teachers make an effort.

"Ms. (Barbara) Shuch has this really fun vocabulary game that makes it easy to remember my words," Conner Gonet, a student at Daniels, said.

"If I just had to write a list and look up the words I wouldn't remember nearly as much."

Bolton also scores big in the fun department. Lorena Millian really enjoys her social studies class because Bolton makes it exciting.

"I don't learn very well when teachers spend the whole class reading out of a book," Lorena said. "Mr. Bolton is really funny and makes lots of jokes, which helps you remember the things he is teaching you about."



Joey Pacquette

Active learning works best

All of the students agreed that they retain much more information when a teacher engaged them in active instead of passive learning. If they were to design what happened in the classroom they would have lots of hands-on work, and not so much bookwork. They would also nix the busy work and excessive note-taking, which they find boring. "When I get bored I don't focus," Lorena said.

Emma agrees. "If we spend all period copying notes everyday it gets monotonous and you really aren't absorbing the information," she said. "But if we do a cool experiment, work in groups or

do role-playing it is amazing how much I can remember." It is remarkable how much students can learn if they look for answers in the right places. Not only are these solutions simple, they are also very inexpensive. Respect and fun are free, but we must find teachers who understand they are critical to students' education experience. Competence requires hiring teachers who are experts in their subject areas, which might mean revamping college teaching programs.

**Misplaced Priorities
Slow School Progress**

The controversy surrounding the Charlotte-Mecklenburg Schools' assignment plan continues to mount. As I reported in January's column, the Swann Fellowship (representative of the Swann plaintiffs during their landmark court case), is calling for an end to the CMS choice program, advocating instead for a mandated assignment plan. To support their view, the Swann Fellowship recently reported data on each Charlotte-Mecklenburg elementary school in their weekly education journal. Not surprisingly, the data revealed that schools with higher poverty levels had poorer performance, less-experienced teachers, higher teacher turnover, and more student attrition.

While the data are uncontested, interpretations for what caused it vary greatly. The Swann Fellowship blames the plight of high-poverty schools on the current parental choice assignment plan. I disagree. I believe that the choice plan revealed what already existed, starkly identifying failing schools, and highlighting the vast achievement gap between poor, minority students and their more financially privileged peers.

It's no great secret that schools with higher poverty rates tend to have lower achievement scores. CMS is no exception. Due to CMS' parental choice plan, parents were able to apply for high-performing schools, leaving poorer schools under capacity, with less-experienced teachers, and higher teacher turnover. Is anyone surprised that families and teachers do not stick around when schools perform poorly?

When I was first elected to CMS' Board in 1995, I requested reading scores based on a student's residence (not school). I was greatly disturbed to learn that only 30 percent of urban children were reading on grade level. Over the past 10 years, CMS has become poorer and more racially isolated. Yet, overall student achievement is increasing. Since 2002 — the beginning of the parental choice plan — 83 percent of all CMS elementary schools have increased in academic achievement. Currently, more schools have 95-plus percent of students performing at grade level than in 2002. Of the 14 schools with achievement trending downward, 11 declined less than 11 percentage points, while only three schools have declined significantly. Clearly, the system is performing much better than it did in 1995.

The problem with the logic of groups like the Swann Fellowship is that parents will exercise choice, no matter what. If they are unhappy with their mandated assignment, parents will not look to a school board to tell them what to do. If they have means, they will choose to homeschool, enroll a child at a private school, or relocate to a higher-performing school district. The reality is that high-poverty, low-performing schools will always struggle to attract students and qualified teachers.

So, what can be done to turn these schools around? We ought to pay teachers based on merit, with teacher salaries reflecting the challenges within the school, not some archaic pay plan in Raleigh. Until such flexibility comes, the local supplement should be used to reward instructors who go to challenging neighborhoods. Ultimately, each school needs to isolate and address whatever factors hinder student achievement. Consider the practices of a charter school located in a rough Miami neighborhood. Children come to school without sufficient rest, so the schedule is adapted to meet their specific needs: the school day begins with sleeping, followed by food, discussion of the latest neighborhood crises, and then academics.

We should not be in the business of excusing poor performance based on demographics. Schools need to learn to work with the students they are given. How do we get there? I believe genuine success for all school systems will result from a combination of parental choice, school leadership with the flexibility to get the job done, and individual schools that make strong academic gains. We should accept no less. Our students, especially those coming from economically disadvantaged homes, deserve better.

Lindalyn
Kakadelis

More Education Briefs

Districts seek summer leniency

State education leaders expect to be swamped by requests from school districts asking to be excused from a new law that prevents schools from beginning their fall terms before Aug. 25, according to *The News & Observer* of Raleigh.

Districts with a history of weather closings can get an exemption if they want one. Sixteen of the 28 systems that qualified for the exemption are seeking it.

Nearly all of the 16 systems seeking a waiver are in the mountains. Granville and Vance counties, north of Wake, are the only ones in central North Carolina planning early openings under the weather exemption.

In adopting the calendar law last year, the legislature allowed exceptions for schools that frequently must close because of bad weather, for year-round schools and for special educational programs that the calendar restrictions would compromise.

Four small districts in Eastern North Carolina — Beaufort, Martin, Perquimans and Scotland counties — also are asking the State Board of Education for permission to begin earlier. The four districts don't have weather concerns, but their leaders say they need an exemption to better serve high school students.

The state board could vote on the requests in February. The Department of Public Instruction is recommending approval for 25 of 77 schools statewide that have sought a waiver.

School applications changed

To make their admissions process fairer, Hillsborough Elementary School officials are changing the way parents apply to send their children to the popular year-round school, according to the *Herald Sun* of Durham.

Instead of standing in long lines to enroll their children, parents will now have to mail forms to the Orange County Schools' central office. Officials have also eliminated an essay portion of the application, saying it discouraged some parents — such as those who don't speak English well — from applying.

Now, the application process will be more "fair and equitable, so that everyone who is interested will have an equal shot," district Superintendent Shirley Carraway said.

The decision grew out of a discussion between Carraway and the school board, which has spent years pondering whether, and how, it to expand the district's year-round programs.

Hillsborough Elementary is the district's only year-round school, following the board's vote last spring to close a similar program for students at Stanback Middle School.

At the same time it simplifies the application process, the district is looking at ways to draw more minority students to Hillsborough Elementary.

Although more than 50 children are on the school's waiting list of, none of the school's current students are Hispanic, according to the N.C. Department of Public Instruction. Of the 396 students who attend class there, 18 percent are black. *CJ*

Policies, politics at play

Gifted Education: No Playing of Favorites

By MAXIMILIAN LONGLEY

Contributing Editor

DURHAM

The Program for International Student Assessment at the Organization for Economic Cooperation and Development recently released the results of a test given to 15-year old students all over the world to evaluate their ability to apply mathematical knowledge to real-world problems. American students came behind 25 countries and ahead of only eight. Even the most advanced American students compared unfavorably with their peers in other countries. These results underline the importance of providing appropriate education to the most gifted students. What policies does North Carolina have for gifted education?

Gifted legislation, local effects

The General Assembly codified current state-level policy on gifted education in 1996. A report, prepared in response to the urging of the Assembly, had called for "model sites" to try out approaches to gifted education. The State Board of Education had set up such model sites in 1994, and the new legislation of gifted education was a response to the experience with these sites.

According to the law enacted by the Assembly, each local school board must develop a plan for teaching students who are "academically or intellectually gifted." The specific contents of the plan are up to the local board, so long as it meets certain basic standards, such as training teachers in the needs of gifted students. If parents think that their child was wrongfully denied a gifted classification, or that the local school board's gifted-education plan has been improperly implemented with regard to their child, they can demand that an administrative law judge decide the case. The judge's decision is final.

According to information available on the Genius Denied Web site, there were 139,041 students identified as gifted in the 2000-2001 school year. A total of about \$45.4 million was spent in that year on gifted education, out of an overall education budget of \$9.67 billion.

While state law mandates that local school boards develop policies on gifted education, the boards have a broad range of discretion as to what form of gifted education to make available. Surveys conducted in 2000 by Elissa Brown, a graduate student at the College of William and Mary, asked the heads of the various gifted programs in North Carolina to assess the impact of the gifted-education laws. In general, respondents, in Brown's summary, said the role of gifted-education specialists, after the 1996 legislation, "mov[ed] away from direct services to gifted learners and towards supporting the classroom teacher as a resource or consultant."

At the same time, the surveys revealed differences in the kind of education offered to gifted students, depending on their grade level. Gifted students in kindergarten through third grade were generally kept in the regular classroom. In the fourth and fifth grades, while generally kept in regular classrooms, gifted-education specialists who served as consultants to the regular teachers supposedly helped gifted students. The sixth through 12th grades tended to use ability grouping. In the ninth through 12th grades, the most widely used program aimed at gifted students was Advanced Placement, in which students take college-level courses in high school.

Respondents to Brown's surveys thought that change in gifted programs did



not come solely from local initiative, but was most affected by state policy. In addition to the 1996 law, there was the ABC education accountability initiative and the statewide tests. Gifted programs, as Brown summarized the responses, were "compromised and overshadowed" by statewide mandates governing general education.

Debate over gifted education

One of the leading egalitarian critics of gifted education is Mara Sapon-Shevin, professor of Inclusive Education at Syracuse University's Teaching and Leadership Department. In her work, especially her 1994 book *Playing Favorites: Gifted Education and the Disruption of Community*, Sapon-Shevin said gifted programs tend to benefit white, affluent children, thereby reinforcing social inequality. Sapon-Shevin in particular was critical of "enrichment" programs (sometimes called "pull-out" programs) that provide additional instruction to gifted students above and beyond what is in the regular curriculum. She argued that all students, whether classified as gifted or not, should have "enrichment."

Some boosters of gifted education share criticism of "enrichment or pull-out" programs. Jan and Bob Davidson of the Davidson Institute for Talent Development, which seeks to assist gifted students, indicted gifted education in the United States. In their book *Genius Denied*, the Davidsons summarize their overall experience with gifted programs: "Gifted education is largely haphazard, ineffective, and underfunded; it is more style than substance and rarely provides what gifted kids truly need: work that challenges them to the extent of their abilities in an environment with other kids who love to learn."

The Davidsons said all "pull-out" programs, giving gifted students some "enrichment" on top of the regular curriculum, are academically dubious, don't meet the needs of gifted students, and tend to be the result of educators trying to pacify parents of gifted students.

James J. Gallagher, senior scientist at the Frank Porter Graham Child Development Center at the University of North Carolina at Chapel Hill, and a leading expert in gifted education, replied in 1996 to the criticisms of Sapon-Shevin and others. Gallagher said that the critics were, in effect, holding gifted children hostage to broader plans of social change.

Reiterating her concerns in 2003, Sapon-Shevin replied directly to Gallagher. She acknowledged that "simply eliminating gifted programs won't bring about social justice or educational equity. But — and this is a large but — raising that possibility

can force the hands of those with privilege and power. I proudly embrace Gallagher's... accusation that I am arguing for political and economic changes in society as much as, or as a basis for, educational change. To do otherwise is, to me, naive and self-defeating." Sapon-Shevin suggested that, instead of gifted programs, schools should implement "curricular and pedagogical reforms such as whole language, portfolio assessment, a focus on multiple intelligences, thematic instruction, or multilevel teaching."

In 2003, Gallagher partially agreed with the egalitarian critique so far as certain types of gifted-education programs are concerned. Gallagher distinguished between educational policies that are "uniquely appropriate" for gifted students and programs that are a good idea for all students, gifted or not. In an article published in the 2003 edition of the *International Handbook of Giftedness and Talent*, Gallagher lists "enrichment" among the activities that would benefit all students. He also lists "[i]nquiry, discovery, problem solving, and creativity." "Acceleration" and "ability grouping" are among the programs that are specially suited for gifted students.

James H. Borland, an education professor at Columbia University's Teacher's College, heads the gifted-education graduate program. In an essay entitled *The Death of Giftedness*, a contribution to a book he himself edited called *Rethinking Gifted Education* (in which Gallagher's 2003 essay, cited above, was also included), calls for a "paradigm shift" in the gifted-education field. Borland calls for abolishing the categories of "gifted" and "learning disabled." Instead, he advocates "making differentiated curriculum and instruction the norm for all students," apparently by letting students advance in any subject based on their mastery of that subject, regardless of their age.

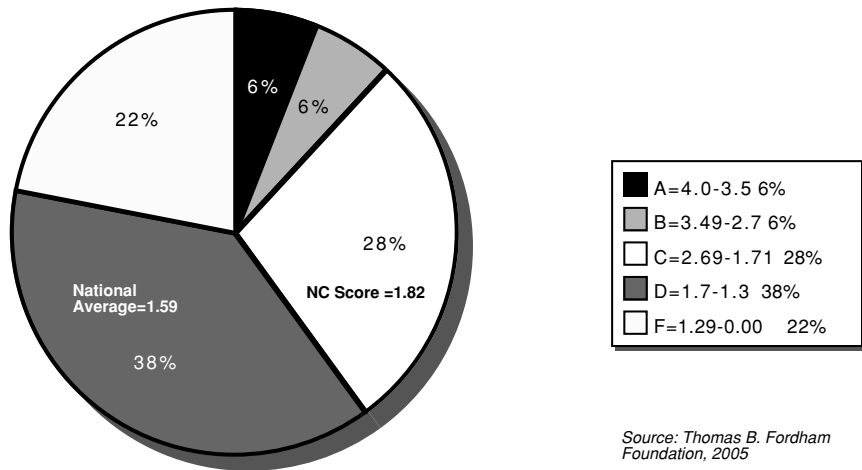
NCSSM: an all-gifted school

One of North Carolina's distinctive contributions to gifted education is the North Carolina School of Science and Mathematics, authorized by the legislature in 1978 and opened in 1980. NCSSM is one of the country's earliest residential high schools for academically gifted students. NCSSM is a residential high school for 11th and 12th graders. It is "an affiliated school of The University of North Carolina," and graduates who go to study at a UNC campus are entitled to a full tuition grant.

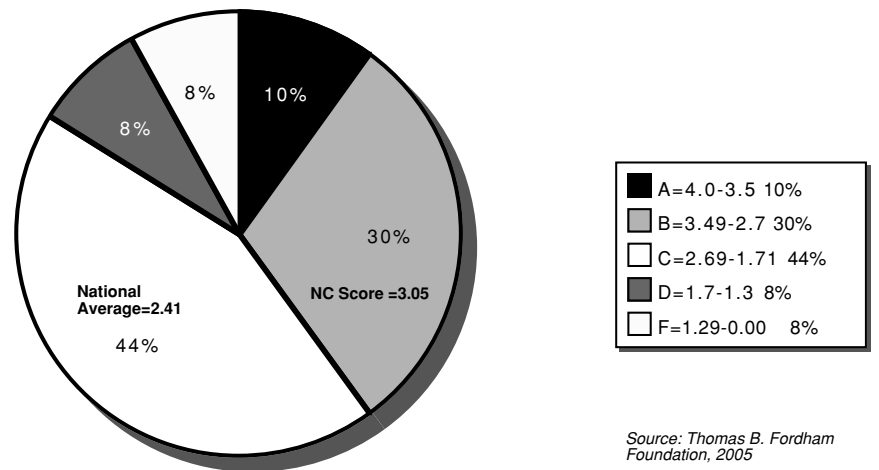
Carol O'Dell, a teacher at NCSSM who heads the faculty council, has circulated data purporting to show a 35-point decline in the average SAT scores of graduates, even though the average remains the highest of the state's high schools. She has also questioned the adoption of a trimester system at NCSSM. O'Dell's teaching contract was terminated by the school administration as of the next school year. A letter explaining her termination cited, among other charges, her circulation of "data protected by confidentiality laws and school policies." O'Dell is appealing her dismissal, and if she persists in her appeal, her case will ultimately reach the school's Board of Trustees.

Dr. Myra Halpin, a chemistry teacher at NCSSM, has had occasion to talk to education professionals throughout North Carolina, and the "biggest criticism" she hears of NCSSM is from high-school administrators who fear that losing their top students to NCSSM will cause their own schools to have a lower average score on tests, a concern Halpin deems unfounded because only a few students from any given school will end up going to NCSSM. *CJ*

Grading the States on K-12 Math Curriculum & Teaching



Grading the States on K-12 English Curriculum & Teaching



N.C. gets a B in English, but rates a C in math teaching and curriculum

No Child Left Behind More Effective In English Than in Math

By KAREN PALASEK

Assistant Editor

Two recent nationwide studies have examined curriculum and teaching practices in K-12 English and math, and find that even the best states often come up short. The companion studies, "The State of State Math Standards" and "The State of State English Standards," were both sponsored by the Thomas B. Fordham educational research Foundation.

The new studies should give educators, parents, and policymakers an idea about whether and how well the federal No Child Left Behind law is pushing states in the direction of more effective practices and higher student achievement. An earlier Fordham Foundation report from 2000 provides the basis for comparison.

These new English and math studies were conducted by independent scholars in each field. They tried to identify what is different, as well as what is the same, about schools and teaching since the introduction of the No Child Left Behind law.

Each state in the study earns an overall grade based on criteria that mark improvement or stagnation in educational progress. Iowa, which has no statewide standards, did not participate in either study. Idaho had no year 2000 data for English. Rankings and grades, then, reflect information gathered from 49 states plus the District of Columbia.

For North Carolina, the reports are generally positive, but less encouraging when we consider that the national rankings of 12th in English and 13th in math are relative

to many states with truly dismal reports. David Klein's "Math Standards" summarizes state reports under the subhead "Glum Results." According to Klein, who is a professor of mathematics at California State University, Northridge, "the essential finding of this study is that the overwhelming majority of states today have sorely inadequate math standards. Their average grade is a high D—" English was better, with a national average grade of C.

Since NCLB: success in English

Even where there is significant progress, most states are nowhere near the standard of excellence that federal education officials hope to achieve. Only 10 percent of states earned A's in English; six percent earned A's from Fordham in math.

North Carolina earned a B in English teaching practices and curriculum, but earned only a C in math teaching and practice, according to Fordham.

The North Carolina B in English placed it on a Fordham Foundation "honor roll" of only 20 states that earned an A or a B in that subject. The C in math for North Carolina is well above the national average grade of D, but a "big decline" compared to 2000. North Carolina scores were higher than the national scores in both subjects.

Reformers now know that efforts to improve math and English have been far

more successful in English than in math. "Overall, they do a far better job of addressing listening, reading, and writing skills and strategies than five years earlier," the authors state.

The progress in English does not extend all the way through the K-12 years, however. High school curriculum and texts in English are seriously lacking in first-rate literary content, and students may never be exposed to examples of good literature, especially dramatic literature, in their high school years, the authors report. "More than half of states do not even acknowledge American literature in their standards..." they note. And only four have identified enough specific content to constitute a "good high-school literature curriculum." The reason: NCLB has focused predominantly on grades three to eight until this point.

"Strong on skills, weak on content," was the theme of The Fordham report on English. In addition, researchers complained of "unteachable standards," such as this one from Connecticut: "discuss, analyze, and evaluate how characters deal with the diversity of human experience and conflict."

"Unteachable standards let everyone off the hook, especially university faculty involved with teacher preparation," the authors conclude.

North Carolina suffered a "big decline" in its math grade, dropping from an A in

2000 and 1998 to a C in 2005. Duke University President Richard Broadhead, himself an English professor, lamented the effects of an inadequate K-12 preparation in math and science among American college students. In a recent *News & Observer* of Raleigh interview, Broadhead said, "American students don't measure up in those fields to students in some Asian countries — largely because they aren't interested."

The new Fordham Foundation report suggests that students simply aren't prepared to succeed in higher math and science. The biggest fault in mathematics teaching, said Klein and the research team, is far too little emphasis on learning fractions, paper-and-pencil calculations, functions, division, quadratics, and derivation of formulas.

By contrast, students use calculators too early, and rely far too much on patterns, "manipulatives," estimation, and probability. The authors note, "the attention given to patterns in state standards verges on the obsessive."

The antidote must start early. Students must memorize basic number facts early, spend more time with fractions, multistep problem solving, and mathematical reasoning before they attempt calculus.

Although the recommended antidotes do not include specific changes for math teachers, "State of State Math" suggests replacing the authors of low-quality math standards with mathematics professionals, "people who thoroughly understand the subject of mathematics." These suggestions emphasize the importance of subject-area mastery for teachers.

CJ

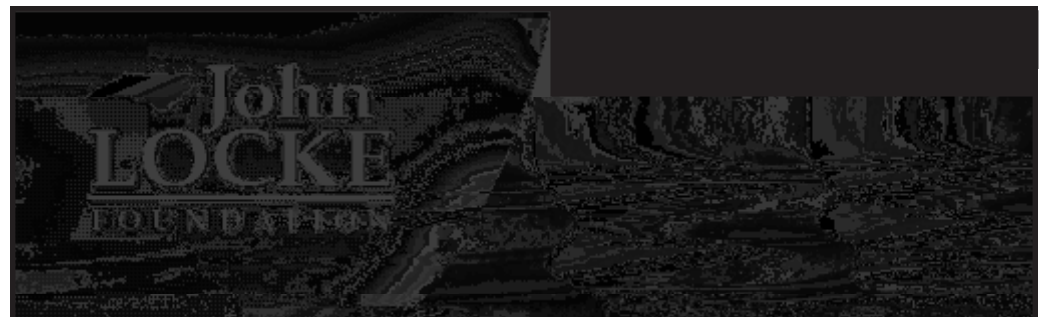


Today's Study Questions:

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- Should Parents Have More Choice of Schools?
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Bats in the Belltower**Who's being nickel and dimed?**

The University of North Carolina at Chapel Hill interrupted its appeals for more state cash (you know, because the university is *cut to the bone with only the essentials left to cut*) long enough to announce it had finally hired someone to fill a brand-new administrative position.

Among other places, the announcement was carried in *The Chronicle of Higher Education's* "Comings and Goings" section in December.

"Emil J. Kang, former president and executive director of the Detroit Symphony Orchestra, has been named the first executive director for the arts at the University of North Carolina at Chapel Hill," the *Chronicle* reported. "Mr. Kang, 36, will be in charge of creating a comprehensive performing-arts program just as the university is renovating and expanding three of its performing-arts venues. His salary will be \$170,000."

The announcement was, to use a nifty academic-sounding term, deconstructed at The Locker Room (www.johnlocke.org/lockerroom), the blog of the John Locke Foundation.

In his post, Jon Sanders, a policy analyst for the Pope Center for Higher Education Policy, made a nod to a notorious UNC-CH Summer Reading Program selection — Barbara Ehrenreich's *Nickel and Dimed: On (Not)Bill Fletcher Getting By in America*. Sanders noted that "\$170,000 for a brand-new administrative position at UNC works out — if you try to split the distribution as equally as possible — into: One million, one hundred thirty-three thousand, three hundred and thirty-three (1,133,333) each of Nickels & Dimes, plus one extra nickel."

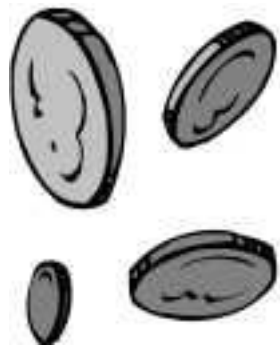
Pope Center Director George C. Leef found "another way (whether it's more hostile or mocking, I'm not quite sure) of looking at the cost of the Arts Director salary at Chapel Hill."

Noting that "On the average, North Carolina taxpayers pay \$843 dollars in state income tax," Leef extrapolated. "That means that almost 202 taxpayers will devote their whole income tax liability to paying for the new director."

Drop and give me twenty

Shortly after announcing the selection for new UNC-CH post of arts director, UNC-CH's news service put out the following factoid: "the North Carolina General Assembly's appropriation per in-state student at Carolina is \$17,132."

According to Leef's eminently useful technique of examining UNC expenditures, then, it takes more than 20 N.C. taxpayers to put just one student from N.C. into UNC-Chapel Hill. *cj*



Enforcement of Title IX Still Harming Men's Teams, Sparking Another Lawsuit

By SHANNON BLOSSER

Contributing Writer

CHAPEL HILL

For more than 30 years, Title IX of the Education Amendments has been heralded as the reason for the increase in the number of women's athletic programs across the country and providing opportunities for women such as soccer star Mia Hamm, alumna of the University of North Carolina at Chapel Hill, to compete on the college level.

But while Title IX has provided more opportunities in athletics for women, it has done the opposite for men. A federal guideline intended to prevent discrimination among the sexes in education has done just the opposite in college athletics. Title IX requirements have been used as the reasoning behind cutting athletic opportunities for men, while at the same time increasing opportunities for women.

Substantially proportionate

It has all been done because of the "substantially proportionate" test — one aspect of a three-pronged test used by the Education Department's Office of Civil Rights to determine whether a school is in compliance with Title IX regulations. Under that prong, the OCR considers a school in compliance with Title IX if the male-female ratio of its student-athletes is similar to the male-female ratio of its enrollment.

The other two prongs are the "history and continuing practice" prong, whereby a school demonstrates that it has a history and continuing practice of expanding athletic programs to the underrepresented gender, and the "fully and effectively" prong, whereby the school shows that it is fully and effectively meeting the athletic interests and abilities of the underrepresented gender.

To be considered by the OCR as in compliance with Title IX, a school needs to satisfy only one of those three prongs.

The problem is, as Gerald Reynolds, assistant secretary for civil rights, wrote in 2003 in a "Further Clarification" of the OCR's Title IX enforcement, the OCR let it be known it favored the "substantially proportionate" test as the only "safe harbor" standard to meet to avoid further OCR scrutiny.

"'Open to All': Title IX at Thirty," a 2003 report by the Secretary of Education's Commission on Opportunity in Athletics, said, "If a school claims it is in compliance under one of the other tests, the Office will scrutinize that claim more carefully since compliance under either of these parts is not a safe harbor."

Reynolds wrote that the OCR had given schools the erroneous belief "that they must take measures to ensure strict proportionality between the sexes. In fact, each of the three prongs of the test is an equally sufficient means of complying with Title IX, and no one prong is favored."

Reynolds added that "OCR encourages schools to take advantage of its flexibility, and to consider which of the three prongs best suits their individual situations... Each of the prongs is thus a valid, alternative way for schools to comply with Title IX."

New Title IX lawsuit

Eric Pearson, executive director of the College Sports Council, a coalition of coaches, parents, and former athletes, and Mike Moyer, executive director of the National Wrestling Coaches Association, have seen firsthand how college administrators

In other athletics news: NCAA rules to require college sports programs to graduate at least 50 percent of its student-athletes

A new NCAA rule would require college sports programs to graduate 50 percent of their athletes or face scholarship reductions.

The new rule was approved during the recent NCAA Division I Board of Directors Meeting in Texas. The program creates an Academic Performance Rate that programs would have to achieve to avoid the scholarship reduction and other penalties. Currently, the score is set at 925 or the equivalent of a 50 percent graduation rate. The score will be adjusted annually to ensure it equals the 50 percent equivalent.

According to the NCAA, 51.2 percent of all Division 1 schools have at least one program below the 925 score. Sports most affected are football, men's basketball, and baseball.

Scholarship reductions, which last for one year, could begin in 2005-06 or 2006-07. The maximum amount of scholarships that can be reduced is 10 percent, which for football would be nine and basketball two.

The NCAA created a "Graduation Success Rate" formula to examine the

number of student-athletes, including transfer students that graduate. Federal graduation rates, which will be used to calculate the Academic Performance Rate, do not include transfer students.

"The penalties are strong, and they will hold teams accountable and lead to increased academic success for student-athletes," NCAA President Miles Brand said.

The NCAA also discussed historical penalties in connection to the new graduation rule. Those would take effect in 2006.

Under current discussions, the first year a team's graduation rate fell below the 50 percent level, it would receive a warning letter from the NCAA. A second year of violations could lead to the NCAA implementing recruiting and financial aid limitations against the team. After the third year, the NCAA would review the team's Graduation Success Rate and consider ruling the team ineligible for the postseason. Following the fourth year a team would lose its NCAA membership.

— Shannon Blosser

used the proportionality test to cut men's teams, such as track and field and wrestling.

The College Sports Council recently filed a lawsuit against the Government Accountability Office for what it believes were inaccuracies in a 2001 GAO report on Title IX. The lawsuit alleges that the report did not correctly account for decreases in men's teams.

NCAA statistics show that men's cross country leads the list of the most dropped programs in the last 15 years — 183 programs cut. Indoor track (180), golf (178), tennis (171), rowing (132), outdoor track (126), swimming (125), and wrestling (121) are other men's programs that have been cut mainly because of the way Title IX is enforced, Pearson said.

"We do support Title IX," Pearson said. "We think there is good reason to keep Title IX. It can continue to protect women. We want to change it so that it doesn't harm men. Proportionality doesn't help women."

Pearson, a former wrestling coach at Princeton, said that in some cases men and women athletes train together. When a male sport is cut due to proportionality, the women's program that compliments the cut program is left without the training assistance.

"I've talked to women's coaches and asked them what is important to them," Pearson said. "What they care about is fair access to facilities and equivalent funding for their teams, travel budgets and recruiting budgets — the reasonable things that the men's teams are getting."

"In general, especially the women's sports that have a male equivalent, they want to see some reasonable reform," Pearson said.

Of the male sports that have been cut over the years due to proportionality, wrestling has received the largest attention. Pearson said that is because wrestlers and the wrestling community are the most organized. The NWCA has sued the Department of Education over Title IX enforcement, a case that is on appeal to the Supreme Court after lower courts dismissed

the case saying the NWCA does not have standing.

Moyer said he understands proportionality is not the lone reason for the decline in wrestling program over the years, but it is a large factor. In the past five years, 19 wrestling programs have been added. Some schools will not add wrestling programs because of football, which has a large number of male athletes, Moyer said.

"As long as this quota system is in place, it's a tall order," Moyer said.

Marquette University, Moyer said, is the poster child for what he believes is wrong with Title IX implementation. The wrestling program was self-supporting for seven years, while the school would pay for incidental costs. The program was cut because Marquette did not meet the quota that the proportionality prong required.

"How did that decision benefit women?" Moyer asked. "It does everything that Title IX is supposed to prevent."

In his 2003 "Clarification," Reynolds wrote, "OCR hereby clarifies that nothing in Title IX requires the cutting or reduction of teams in order to demonstrate compliance with Title IX, and that the elimination of teams is a disfavored practice."

Though the battle to reform Title IX legislation has been largely concentrated on college athletics, Pearson said the struggle could soon to turn to high school sports where administrators are using roster management and proportionality to cap opportunities for men.

According to Pearson, there are 3.9 million male athletes in high schools across the country, compared to 2.8 million female athletes.

"If you want to get proportionate, you have to eliminate 1 million high school male athletes," Pearson said.

For now, Pearson and Moyer said they will continue to fight for Title IX reform, the end of the proportionality requirement, and equal access for both genders.

"Our ultimate goal is to find a more faithful interpretation that helps women without hurting men," Moyer said. *cj*

Two Years After Landmark Court Ruling, Issue of Race Preferences Continue to Roil

By JON SANDERS

Assistant Editor

RALEIGH

In June 2003, the U.S. Supreme Court heard two cases concerning racial preferences in Michigan higher education, *Gratz v. Bollinger* (on preferences used by the University of Michigan) and *Grutter v. Bollinger* (on preferences used by its law school). The court ruled against outright racial preferences in admissions while it ruled in favor of considering race in admissions so long as it is used as only one of "pertinent elements of diversity."

But the court appeared to suggest that the constitutionality of considering race in admissions will sunset after 25 years have passed. The majority opinion held that, "We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today."

Given the court's failure to clarify the constitutionality of racial preferences, the issue continues to roil nationwide. The University of Georgia, which has a race-neutral admissions process in accordance with an appeals court ruling, is now considering returning to racial preferences.

In Michigan, lawyers filed a class-action lawsuit on behalf of thousands of white and Asian applicants who had been rejected by the University of Michigan while it was using the race-preference system that the court struck down. Also, a civil rights initiative has gathered enough votes to place a referendum on the ballot that, if approved, would end race and gender preferences in that state.

The American Association of Law Schools hotly debated race preferences at its winter meeting when a professor presented a study finding that preferences in law schools harmed black students. University of California at Los Angeles law professor Richard H. Sander opened a raucous debate when he presented his research, which was published in January in the *Stanford Law Review*. Sander found that race preferences brought in black students into schools in which they were more likely than their peers to struggle academically, causing them to drop out at higher rates or graduate with less hopes of passing the bar exam. Sander's presentation attracted so much attention that a larger room had to be found to hold the crowd.

As *The Chronicle of Higher Education* has reported, the Education Department's Office of Civil Rights is involved in preference-related complaints in several states, including North Carolina. The OCR recently negotiated a settlement with Wisconsin officials to open a state scholarship program to all students, as opposed to only minorities. The OCR had investigated the program following a complaint about discrimination in the program filed in 2001. Because the scholarship program excluded certain applicants according to race, it appeared to Wisconsin Department of Public Instruction lawyers to violate part of the court's ruling in the Michigan cases, and Wisconsin chose to negotiate a settlement with the OCR rather than fight the complaint.

The OCR also has opened an investigation into allegations that the University of Virginia discriminates against white applicants in admissions. Similar complaints have been lodged with the OCR against Virginia's law school, the law school of the College of William and Mary, the University of Maryland's School of Medicine, and North Carolina State University.

Race-conscious system may return to Georgia

Since fall 2002, the University of Georgia has not used race and other nonacademic factors in its admissions process. The other factors are place of residence, socioeconomic status, and legacy status (whether an applicant's relative attended Georgia). At present, applications at UGA are weighed according to high-school grades in 16 core courses and standardized-test scores, with grades being given twice the weight of scores. Specially skilled applicants with aptitudes in such areas as art, music, computing, and athletics receive exceptions.

The university dropped use of those factors after the U.S. Court of Appeals for the 11th Circuit issued a ruling that struck down the university's use of race as one of the factors it considered in deciding among applicants.

In announcing the new admissions process, UGA President Michael F. Adams said the university may, given more time to review the decision, alter its admissions process

for future classes, "considering such attributes as leadership potential, student activities, socioeconomic background, and demonstrated academic achievement."

UGA officials put efforts instead in recruiting minority students, under such initiatives as trying to reach them earlier in high school and holding admissions receptions in different regions in the state. For some exceptional students, UGA also waived application fees.

The court's ruling in *Grutter*, however, renewed interest in Georgia in returning to the use of race in the admissions process. Officials formed a Freshman Admissions Task Force to investigate the proposal. Recently, however, task force members had to announce that they could not solidify a plan to return to race-conscious admissions in time for the fall 2005 semester.

Task force chairman David Roberts, UGA history professor, told the Associated Press that while "we'd all like to see this done this year," there was "no point in doing something that won't hold up in court."

In Michigan, preferences up for a vote in 2006?

On Jan. 6, Michigan Civil Rights Initiative Executive Director Jennifer Gratz (of *Gratz v. Michigan*), Michigan state Rep. Leon Drolet, and American Civil Rights Coalition President Ward Connerly announced that the MCRI had finished collecting signatures to place an amendment before voters that would end race and gender preferences in public institutions in Michigan. The MCRI announced that it had collected 508,202 signatures, well more than the required number of 317,757.

The amendment, which will be placed on the Michigan ballot in 2006, has faced significant opposition since it was first proposed in 2003, shortly after the *Grutter* ruling. As early as July 2003, Michigan Rep. John Dingell sent a heated missive to Connerly.

"The people of Michigan have a simple message for you: Go home and stay there. We do not need you stirring up trouble where none exists," Dingell wrote. He concluded with, "So Mr. Connerly, take your message of hate and fear, division, and destruction and leave. Go home and stay there, you're not welcome here."

Nevertheless, the MCRI successfully completed a petition drive to place an

amendment on the 2004 ballot, but that drive was challenged in court by Citizens for a United Michigan and the Coalition to Defend Affirmative Action, Integration, and Immigrant Rights and Fight for Equality by Any Means Necessary (also known as BAMN).

Those groups argued that the MCRI's amendment was worded deceptively, by which they meant that by ending racial preferences, it would also end "affirmative action". They also objected to the text of the proposed amendment being placed on the back of the petition and contained an objectionable "Introduction" to boot. They also said that the front of the petition contained a "misleading summary" of the proposal.

In March 2004, a lower court found those arguments persuasive and invalidated the petition drive, saying the petition language wasn't an accurate description of the amendment if it were to succeed. The MCRI appealed the ruling and received unanimous support from the Michigan Court of Appeals in June. The appellate court ruled that "all doubts as to technical deficiencies or failure to comply with the exact letter of procedural requirements in petitions... are resolved in favor of permitting the people to vote and express a choice on any proposal subject to election."

The decision came too late, however, for measure supporters to collect enough signatures to place it on the ballot in November 2004. So they began a new, 180-day signature collection period in July, whose overwhelming success was announced in early January.

In announcing the success of the petition drive, Gratz thanked all those who helped make it succeed. "I wish I could personally thank each of the nearly half million people who signed the petition; the over 1,700 individuals who volunteered or contributed time, support, and resources; and the many full-time staff circulating and processing petitions," Gratz said.

David Waymire of Citizens for a United Michigan told the *Chronicle of Higher Education*, "We're going to scrutinize the petitions very closely."

Striking a Blow for Academic Freedom

The new year has presented "academic freedom" with a grave new threat. The Foundation for Individual Liberty has published its *Guide to Free Speech on Campus*. The guide gives a shot in the arm, however, to academic freedom.

Academic freedom, of course, is what intolerant faculty and administrators governing many public universities call their efforts to stifle speech on campus. When they consigned free expression to only certain zones on campus, such as Texas Tech's "gazebo," that was academic freedom. When a University of North Carolina at Chapel Hill instructor engaged in racial and sexual harassment and discrimination against a student



Jon Sanders

in her class because she didn't like what he said in a class discussion on (her topic) "Why do heterosexual men feel threatened by homosexuals," faculty in her defense claim she deserved the "academic freedom" to have done so. When the University of Alabama decided the First Amendment wasn't good enough and wrote a speech code so intrusive and subjective that it even prohibited "demeaning" speech, they did so in the name of academic freedom.

And it's for the sake of academic freedom that some faculty members at N.C. State wrote in anger against David Horowitz's Academic Bill of Rights, a movement that uses the same language as the American Association of University Professors did in its original protection of academic freedom. They complained about its "carefully chosen language" that "does not fully expose the agenda behind it." *Why, it's so cleverly written that it protects everybody's rights! How insidious!*

Likely they will bristle against FIRE's *Guide* as well (available at thefireguides.org). Students who know their rights aren't as easy to cow. FIRE is fond of quoting Justice Brandeis' observation that "Sunlight is the best disinfectant." Light also vanquishes the darkness and makes it easier to see.

Consider this nugget from the *Guide*: "the First Amendment grants individuals and groups an enormous amount of autonomy and authority not only to define their own message, but to express it in creative and even in controversial ways." That's wormwood to academic freedom. It means, as the *Guide* explains, "those who seek to censor and indoctrinate the campus community can accomplish their goals only if individuals acquiesce, if they consent to censorship by their silence."

The *Guide to Free Speech on Campus* was written by FIRE's David A. French, Greg Lukianoff, and Harvey A. Silverglate. In discussing free speech, the authors chart its history and the philosophy undergirding it. They tell why free speech is so important to individual liberty. And, crucially, they show students how to fight for their speech rights, rhetorically and, if necessary, legally — providing numerous examples from FIRE's own cases.

The *Guide* tackles a range of speech issues students face on campus. A few of those include: speech codes against offensive or harassing speech, libel, compelled speech, compelled payment for speech with which one disagrees, free speech zones, religious expression, satire, controversial speech, obscenity, double standards, and unequal access.

A passage in the new *Guide's* preface hearkens back to John Milton's call to "Let her [truth] and falsehood grapple, who ever knew truth put to the worse, in a free and open encounter." As the authors note, "Milton's words — meant for the particular context of seventeenth-century England — rise above their historical setting. If any institution on earth should be 'the mansion house of liberty,' trusting in 'a free and open encounter' of truth and error, it should be higher education in a free society."

That is a keen blow to academic freedom, but a welcome strike for academic freedom.

CJ

Course of the Month

Flagship Public University Struggles
With 'Experiential Education'

There's an episode of "The Simpsons" in which Bart and Lisa submitted a script to their favorite cartoon show, "Itchy & Scratchy," in their grandfather's name, who subsequently is hired. The head of the animating studio introduces Grandpa rather rudely to the other writers, all young men lounging about, with the directive that from then on, they would be taking their cues from him because he has something they couldn't get at their fancy schools: "life experience."

One of the animators pipes up, in a twerpy voice: "Actually, I wrote my thesis on life experience, and —" before he is shouted down by the studio head.

This episode *CM* was reminded of by a recent Durham *Herald Sun* article. It's about the new curriculum at the University of North Carolina at Chapel Hill. For those unfamiliar with the flagship public university, UNC-CH is an unusual place where outside criticism of courses is a grave, hostile threat to academic freedom, but inside work to prevent new courses is upholding academic freedom. It's also a place where conservatives' money is considered tainted — unless it's first laundered through the General Assembly.

Back to the *Herald Sun* article. Written by Eric Ferreri Jan. 2, it discusses problems UNC-CH is facing in trying to implement its new curriculum by fall 2006. The addition of a fourth required foreign-language course is the main problem; it has apparently posed a significant logistical challenge. There is, however, "one other, smaller problem" facing the university: **Implementing the "life experience" component of the new UNC-CH curriculum.**

Ferreri reported that according to Jay Smith, UNC-CH history professor and associate dean for undergraduate curricula at the College of Arts and Sciences, this "new, experiential education component" is "proving just a bit difficult to sell to faculty."

"The new component requires students to take a course with a 'life experience' element to it — like public service, field research or some other 'real world' experience," Ferreri wrote. "The trick now is getting faculty members to

change current courses or create whole new ones that offer such experiences," Smith said.

Smith told Ferreri that, "It's a matter of changing the culture a bit, so departments and faculty are thinking about how to offer experiential education to their students. Every department will need to think about this."

As has been noted in past *CM* columns, giving college credit for "public service" is nothing new to UNC-CH. A look at just the social and economic justice minor and APPLES student-run learning program (the acronym is for Assisting People in Planning Learning Experiences in Service) will provide numerous examples. But college credit for "life experience" — normally that's the realm of the diploma mill.

Just a few months ago, *CM* recalls, a college in North Carolina lost its accreditation for going too far down that primrose path. As reported by *The Chronicle of Higher Education* Sept. 3, 2004, Barber-Scotia College of Concord, N.C. had its accreditation rescinded owing to "[a] series of academic and financial problems [that] were topped off by the granting of bachelor's degrees to 28 adult evening students who had not met graduation requirements. (They had been granted questionable credit for 'life experience.')

Even more recently, the online Trinity Southern University of Plano, Texas, was hit with a civil lawsuit alleging consumer fraud and illegal e-mail marketing. The trigger of the lawsuit was when, the *Chronicle* reported Dec. 8, Trinity Southern determined that one Colby Silcox had "life experience... sufficient for not only a bachelor's degree but also an M.B.A. (for an additional \$100)." Payment of the additional fee resulted in a transcript for Colby listing "four semesters' worth of business classes, including management accounting, organizational behavior, and total quality management."

Colby is only 6 years old.

Furthermore — and this concern may be irrelevant now in this Age of Diversity, and if so, we promise to enroll in sensitivity training *tout de suite* — Colby is also a cat. *CJ*



Thomas "Tommy the Poop Engine" Chatterfield holds aloft his Master's in Soil Management with a minor in Insectology. Beside him is companion animal and fellow graduate Smokey, who received an M.B.A. and who graduated *mowma cum meowde*.

UNC Schools Celebrate King
With Music, Drama, Democrats

By JON SANDERS

Assistant Editor

RALEIGH

Parades, music, drama, prayer breakfasts, and speakers helped University of North Carolina schools celebrate Martin Luther King Jr. Day.

UNC-Greensboro hosted NAACP head Julian Bond to deliver the keynote address of its celebration. In December, Bond spoke at the 22nd annual "Brotherhood Celebration" at N.C. State, where he accused the Republican Party of serving "right wing" extremists, seeking to reverse civil rights, and reaching out to what he called "Talibanistic" voters. He noted that in the 2004 presidential elections, all the states of the old Confederacy supported George W. Bush. He said that "[Republicans] have divided more voters than in any other time."

N.C. State's keynote speaker was longtime Democrat Party activist Donna Brazile, who started as a deputy campaign manager for Jesses Jackson and later worked in the presidential campaigns of Michael Dukakis, Bill Clinton, and Al Gore.

Appalachian State University hosted Chuck D as its keynote speaker. The former rapper last year performed at a notorious MoveOn.org fund-raiser, where he warned of "eight years run by a Colon, a Bush, and a Dick." He also said that "Americanization is like McDonaldization" and, according to Matt Drudge, "appear[ed] to refer to American government under Bush administration as 'cancer of civilization.'"

UNC-Wilmington's featured speaker was Robert Bullard, whose work on "environmental racism" includes the books *Highway Robbery: Transportation Racism* and *New Routes to Equity and Dumping in Dixie: Race, Class, and Environmental Quality*.

East Carolina hosted civil rights activist and comedian Dick Gregory to deliver its keynote address. UNC-Chapel Hill hosted Dr. Benjamin Solomon Carson Sr., director of pediatric neurosurgery at Johns Hopkins Children's center.

Western Carolina hosted Tonya Williams, general counsel of N.C. Senate President Pro Tempore Marc Basnight. UNC-Charlotte's celebrations included a candlelight vigil addressed by UNCC alumnus and former professional basketball player Pastor Henry Williams.

Among historically black UNC schools, Elizabeth City State hosted Bismarck Myrick, a decorated war veteran and former U.S. ambassador. Fayetteville State hosted Capt. Trudy L. Caldwell, U.S. Senate legislative liaison for the Army and former FSU student body president. N.C. A&T State featured the drama "The Meeting" in which Martin Luther King meets Malcolm X in a Harlem hotel, and held numerous public-service events.

N.C. Central's celebrations included a keynote address by Marc H. Morial, head of the National Urban League. Winston-Salem State featured musical performances, dramatic readings, and recordings of King's speeches. *CJ*



For more than 12 years, *Carolina Journal* has provided its thousands of readers each month with in-depth reporting, informed analysis, and incisive commentary about the most pressing state and local issues in North Carolina. With a particular emphasis on state government, politics, the General Assembly, education, and local government, *Carolina Journal* has offered unique insights and ideas to the policy debate.

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What if a conservative in the classroom pokes fun?

Satire, Humor, and Mockery: Time-Honored, Western Tests of Ideas

By JON SANDERS

Assistant Editor

RALEIGH
Difficile est saturam non scibere. So wrote the Roman satirist Juvenal. In English, that means, "It's difficult not to write satire."

Democritus, the "laughing philosopher," was described by Laurence Sterne as "trying all the powers of irony and laughter to reclaim" the town of Abdera, "the vilest and most profligate town of Thrace."

"One of the oldest literary forms"

"The satire of philosophic nonsense is one of the oldest literary forms," George Mason professor of law F. H. Buckley wrote in his book *The Morality of Laughter*. But Buckley also wrote of "[t]he need for a Horatian playfulness" in satire, because "bitter satire is simply not amusing."

Why is amusement necessary? Because, as Buckley argued, "There is no laughter without a butt, and no butt without a message about a risible inferiority." Concerning the satirist's need, "laughter serves as a bonding device between wits and listeners."

That is important because "[w]hether they recognize it or not, those who laugh are moralists, because they uphold a set of comic norms," he said.

"Our laughter identifies a set of comic vices, and the sting of laughter contains its own sanction for transgressors," Buckley said. "When we turn that signal about to ask how we might immunize ourselves from laughter, we reveal a set of comic virtues."

For that reason, Buckley wrote that whereas "[l]egal and moral rules are concerned with duties to others, but the principal beneficiary of laughter is the butt himself."

What prompts this brief survey of Western philosophy toward laughter is this: There is, apparently, a real fear among some

(not all) faculty at the University of North Carolina at Chapel Hill that a conservative might broadcast what they're teaching, and that they'd be mocked for it. It almost sounds as if they know they can't defend in public what they teach.

Humor: the "only test of gravity"

Consider what some at UNC-CH have said recently about the criticism from the Pope Center for Higher Education Policy and the possibility that UNC-CH will have a program in Western civilization supported by the Pope Center's benefactor, the John William Pope Foundation:

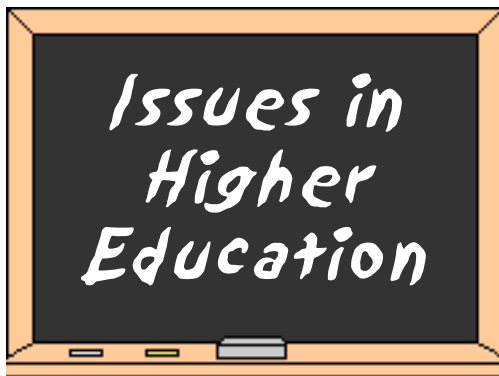
- "Judith Bennett, a professor of medieval history and Western civilization, said teaching in a Pope-funded program would make her feel like 'Art Pope is sitting in the back of the classroom.'" — Jane Stancill, *The News & Observer* of Raleigh, Nov. 25

- "She [art professor Elin O'hara Slavick] said she had hesitated showing some artwork in her classroom, for fear of a political organization putting 'a plant in my classroom that will tell on me.'" — Jane Stancill, *N&O*, Dec. 13

- "On the contrary, the only climate of 'fear and protest' at UNC is that fostered by the mocking, hollow attacks leveled by the Pope Center and its supporters." — Kimberly L. Dennis, UNC-CH graduate student, letter to the *N&O*, Dec. 19

- "The problem is the tone of hostility, of mocking... It'd be one thing if it were incisive criticism. Bring it on. But the mocking, vicious hostility, it really bothers me." — UNC-CH English professor Reid Barbour, the *Herald-Sun* of Durham, Nov. 15

Is mockery not incisive criticism?



Aristotle, to put it mildly, saw the matter otherwise. Aristotle saw laughter as so incisive that he considered it the only way to test the seriousness of an idea.

"Humor is the only test of gravity, and gravity of humor," Aristotle

wrote, "for a subject which will not bear raillery is suspicious, and a jest which will not bear serious examination is false wit."

Aristotle's test would require the mockery to have a point to it or else be considered "false wit." But take note that he regarded an inability to take a joke as "suspicious."

There are those who resist laughter, Buckley said. The Puritan, for example, fails to laugh "through an excessive concern for moral or political duties." Remember H. L. Mencken's famous jest about Puritanism? "The haunting fear that someone, somewhere is happy."

Apply it to Buckley's observations that "The modern Puritan devotes himself to political rather than religious duties" and that this Puritanism "is particularly pronounced in the academy."

Does that not explain this spectacle of self-righteous professors carping about mockery and fearing political infidels in the classroom?

Modern Puritans are suspicious of laughter, Buckley wrote, because it distracts people "from the serious business of remedying injustice."

As they see it, people are "given a finite number of minutes to live, and those

not spent in the struggle to end sexism or racism are wasted." A chuckle means an injustice goes unremedied.

Who could resist the urge?

Apropos of that, UNC-CH associate professor of women's studies Karen M. Booth wrote in to the *N&O* Dec. 19: "They [the Pope Center] have condemned the creation of programs designed to make our education more accessible to racial and ethnic minorities... I am sure that if UNC created a disability studies program — something that [Charles] Dickens' [Tiny] Tim could have used — Sanders, with the Popes' blessing, would make it his immediate task to ridicule and condemn it."

What thinking individual *could* resist the urge to ridicule?

Tiny Tim needed... a disability studies program? Now that is a curious justification for a new academic program at a flagship state institution, isn't it?

And academic programs are created expressly for the purpose of making education more accessible to racial and ethnic minorities?

If that is how they justify academic programs, then no wonder they oppose Western civilization! That's just time wasted studying history, politics, philosophy, art, literature, language, etc. It's not academic — it's not solely designed to remedy sexism and racism!

Then one wonders: Say, which special group's accessibility to education was boosted by the departments of chemistry, physics, and history? Are there discrete racial, ethnic, and gender groups that are naturally attracted — bound by their genes and skin color, as it were — to biology and math?

No, of course not. It is to laugh.

cj

Visit www.PopeCenter.org for a wealth of information on higher education in North Carolina

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Town and Country

Navy: OLF foes misread e-mail

Opponents of a Navy plan to build a landing field in eastern North Carolina are distorting an e-mail from an environmental planner in their zeal to kill the project near Pocosin Lakes National Wildlife Refuge, the Navy complained in a new court filing.

Lawyers for the Navy and for environmental groups and a pair of counties trying to block the proposed outlying landing field filed dueling court papers Jan. 10 in advance of a U.S. District Court hearing on the merits of the case, the *Winston-Salem Journal* reported.

Opponents want a federal judge in Raleigh to block construction of the landing field, on a site in Washington and Beaufort counties, until the Navy does another site selection and takes a closer look at effects on the nearby wildlife refuge.

The Navy wants to build the landing field on 30,000 acres where squadrons of F/A-18 Super Hornets would practice carrier landings. Opponents complain that the Navy did not adequately consider the harm to migratory birds at the refuge and the threat to pilots posed by collisions with masses of birds.

Opponents who have seized on an e-mail in which a Navy environmental planner complained to a colleague of having to "reverse engineer" the search for an landing site have misinterpreted what the planner was saying, the Navy said in its filing.

The planner was not complaining that the process had been set up to force the selection of the eastern North Carolina site, the military said. Rather, he was unhappy that political pressures were forcing Navy planners to include unsatisfactory sites in Virginia.

U.S. agency backtracks on rail

The Federal Transit Administration has changed its rating of the Triangle's proposed commuter rail service from "recommended" to neutral, saying it cannot endorse the \$695 million project until it resolves new doubts about its benefits, the *News & Observer* of Raleigh reported.

The Triangle Transit Authority, which hopes to start running commuter trains in 2008, is counting on federal funding to cover 61 percent of the system's cost. Without that money, the project is dead.

Federal officials are not questioning how fast TTA trains will run or how many people will ride them. Instead, they are skeptical about how slow the alternatives would be.

They told the TTA in late November that they didn't think the region's highways would be as choked with traffic in 2030, with cars and buses moving at a snail's pace, as local transportation planners have predicted.

If the federal agency decides the benefits are not worth the cost of building the tracks and operating the trains, it will issue a "not recommended" rating. That would set the Triangle project back at least a year; the TTA would have to overhaul its proposal and try again for federal approval in 2006.

TTA officials said they would try to regain their "recommended" rating by mid-March, in time to stay on schedule with major construction and spending planned for this year. CJ

School Funding Bullies County's Taxpayers

Unique formula ensures schools get plenty, rest of county settles for leftovers

By DONNA MARTINEZ

Associate Editor

RALEIGH

Clint Willis isn't bitter toward Scotland County voters, even though they didn't re-elect him to the county Board of Commissioners in November. He regrets only that he couldn't put the brakes on residents' growing property tax burden. His hard feelings are reserved for what he thinks helped get him booted from office: his opposition to the county's 42-year-old "school floor" law.

County's onerous property tax

Willis told residents the 1963 state law, which applies only to Scotland County, places an undue financial burden on property owners by requiring them to fund local schools at a specific level. He points to the property tax rate imposed to meet the mandate as evidence. Scotland's rate is the highest among its neighbors at \$1.10 per \$100 of assessed value. "I told them what they needed to hear," Willis said. "We've been stuck with that thing since '63. It has grown so out of proportion to other districts, it's just ridiculous."

The Center for Local Innovation's 2005 *By The Numbers* report shows that for fiscal 2002-03, Scotland's property tax collections per capita were \$497.75. As a percentage of income, that's 2.34 percent. Others in the region were lower. Moore County: \$424.50 and 1.32 percent; Richmond County: \$355.32 and 1.68 percent; Robeson County: \$282.74 and 1.54 percent; and Hoke County: \$270.79 and 1.53 percent.

The 1963 law dates to the merger of the City of Laurinburg and Scotland County school systems. The goal of local officials was to ensure the new system would receive what they deemed an appropriate local contribution: the state's average per-pupil expenditure. No other county is restricted this way. They determine local school funding through budget negotiations between commissioners and the school board.

Lion's share to schools

Over the years Scotland County's education expense has grown, as has the property tax rate to support it, and the frustration of some residents. Bill Grogan of Concerned Citizens for Good Government said the 250-member group has been trying to overturn the law for years. He said that the high tax rate hurts business recruitment efforts and that other public services are short-changed because of the emphasis on schools.

Scotland County's finance officer reports that 54 cents of the \$1.10 assessment is funneled to schools and 56 cents to general services. The schools also receive about \$400,000 per year from fines and forfeitures. In fiscal 2004-05, a total of \$9,670,297 will be given to the school system by the county.

The law has stirred debate for decades, but in 2002, things came to a boil when county commissioners faced a financial and psychological milestone: a \$10 million bill for its schools. Willis said that in a county where many residents are of modest means — 2002 per-capita income was \$21,284 — that was an ominous prospect. "We were at an impasse," Willis said. "We could not afford another increase. It was going to wreck the budget."



Scotland County High School is the largest schools funded with the special tax policy.

He wasn't alone in his concern. According to Willis, things were so serious that commissioners and school board members asked for help from Sen. William Purcell (D), who represents Scotland County in the General Assembly. The agreed-upon compromise legislation modified the 1963 funding formula but did not repeal the law. New language gave the county budget relief by dictating the 2002-03 local expenditure at \$8.7 million, not \$10 million. However, beginning with the 2003-04 year, Scotland would be required to give its schools the \$8.7 million base, plus an amount equal to the change in current expense expenditures of North Carolina's low-wealth counties.

The reprieve was welcome, Willis said, but it was only a band-aid. Purcell disagreed and said he thinks there will always be people who think that the law is unfair and that taxes are too high. He is adamant the schools need the floor law to prepare the county's children to compete for jobs. Among the area's challenges, he said, is teen pregnancy, a high number of single-parent households, and recent job losses. "Money does make a difference in education," he said. "It's not the total thing, but it is important."

"They laughed at us. Basic education is critical, but they won't come to the table."

— Clint Willis

former commissioner

According to state figures for the 2003-04 year, Scotland County's total per-pupil funding from federal, state, and local dollars (excluding capital expense) was \$7,991. Its neighbors had total funding ranging from \$6,651 in Robeson County to \$7,004 in Moore County. The state average was \$7,010.

Scotland's students outperformed kids in Hoke, Robeson, and Richmond counties, as measured by scores for that period in the state's ABC accountability program. However, while Scotland County spent 14 percent more in total funds on each child than Moore County did, Moore's students achieved at a higher level. The percentage of students scoring at or above grade level on end-of-grade tests in Scotland County was 82.1 percent in reading and 89.6 percent in math. Moore students scored 87.2 and 90.8 respectively.

Commission, school board at odds

With community support, it is possible to bypass the floor law. A provision in the 2002 legislation allows the county to devi-

ate from required funding if the commission and school board agree that "extraordinary economic circumstances" exist. Because of that, Purcell said he was surprised to receive a letter from county commissioners six months after the law was passed, asking him to introduce a bill to allow Scotland County citizens to vote on whether the floor law should remain in effect. That letter was followed by one from the school board requesting the exact opposite — that he not introduce a bill allowing a local vote. Purcell said he and Scotland County's other legislators at the time discussed it and decided not to proceed. "It hadn't even been through one cycle," he said. "This is what they asked for and this is what we gave them." If they don't like it, he emphasized, a bypass mechanism is already in place.

Willis didn't argue that education wasn't a priority. In fact, he said Scotland County's schools were "first class." The problem, he said, is the county can't continue to pay for it. In early 2004, Willis was the commission's budget officer and saw the predicament firsthand. He and other commissioners met with school board members and presented numbers to illustrate the financial dilemma. Then they asked the school board to invoke the floor law's tough-times provision and accept less money. "They laughed at us," Willis said. "Basic education is critical, but they won't come to the table." *Carolina Journal* made repeated attempts to speak with Scotland school board members but was unsuccessful by press time.

Other departments sacrifice

Left with no wiggle room in the education budget, other county services took the hit last year. The sheriff's budget was cut by about \$172,000. To accomplish that, the sheriff delayed hiring four deputies for six months and purchased three cruisers instead of five. Other county departments were consolidated and three employees were laid off. Funding for the arts council, the African-American Heritage Committee, and the Indian Museum was stopped.

Willis predicts the new board of commissioners will have little choice but to raise the tax rate again to meet the school floor mandate in 2005-06. But despite the financial implications and opposition, both Willis and Purcell said local support for the school floor is strong. What's more, if Scotland voters ever get the right to vote on it, both predict it is likely to be upheld. CJ

2005 William S. Lee Act County Economic Development Tiers Tier 1 Most Depressed, Tier 5 Most Robust

Tier 1: (21) Alleghany, Beaufort (-), Bertie, Edgecombe, Gates, Graham, Halifax, Hertford (-), Hyde (-), Jones, Martin (-), McDowell (-), Northampton, Perquimans, Richmond, Scotland, Tyrrell, Vance (-), Warren, Washington, Yancey

Tier 2: (12) Anson, Bladen (+), Burke, Caldwell (-), Caswell, Cleveland, Columbus, Mitchell, Robeson, Rockingham, Rutherford, Swain (+)

Tier 3: (33) Alexander, Ashe, Avery, Camden, Catawba (-), Cherokee (+), Chowan, Clay, Currituck, Dare, Duplin, Gaston, Granville (-), Greene (+), Hoke, Jackson, Lenoir, Macon, Madison, Montgomery, Pamlico, Pasquotank, Person, Polk, Rowan (-), Sampson, Stanly, Stokes, Surry, Transylvania, Wayne, Wilson, Yadkin (-)

Tier 4: (16) Alamance (-), Cabarrus (-), Craven, Cumberland, Davidson, Guilford (-), Harnett (+), Haywood, Lee, Lincoln, Nash, Pender (+), Pitt, Randolph, Watauga, Wilkes

Tier 5: (18) Brunswick (+), Buncombe, Carteret (+), Chatham, Davie, Durham, Forsyth, Franklin, Henderson, Iredell, Johnston, Mecklenburg, Moore, New Hanover, Onslow (+), Orange, Union, Wake

(+) = moved up a tier in 2005 vs 2004. (-) = moved down a tier in 2005 vs 2004.

Incentives Adjusted Within William S. Lee Act

County Tier Classifications Released

By MICHAEL LOWREY

Associate Editor

When is good news the cause of bad news for local government and civic leaders? When it comes to the state's yearly William S. Lee Act tier designations, in which a stronger local economy can reduce incentives for business investing in and state aid to a county.

"If you want to continue to qualify, your incentive is to keep your tier designation," said Chad Adams, director of the Center for Local Innovation at the John Locke Foundation and a Lee County commissioner. "This is always a quandary for counties."

Since its creation in 1995, the Lee Act has been one of North Carolina's major economic development programs. Under the act, businesses can qualify for tax credits by creating jobs, engaging in research and development, purchasing new machinery and equipment, or making certain other types of investments. For Lee Act purposes, the state places counties into one of five categories, labeled tier 1 (worst) to tier 5 (best), based upon how well they are doing economically. The higher the classification, the smaller the amount of state tax credits available for creating new jobs or investing in a given county.

The tax credits associated with the different tiers currently are:

- Tier 1: \$12,500 tax credit per new job created and a 7 percent tax credit on new machinery and equipment.
- Tier 2: \$4,000 tax credit per new job and a 7 percent tax credit for machinery and equipment expenditures more than \$100,000.
- Tier 3: \$3,000 tax credit per new job created and a 6 percent credit for machinery and equipment investments over \$200,000.
- Tier 4: \$1,000 tax credit per new job created and a 5 percent credit for machinery and equipment purchases over \$1 million.
- Tier 5: \$500 tax credit per new job created and a 4 percent investment tax credit for machinery and equipment investments over \$2 million.

The state adjusts tier rankings yearly based upon population growth, per-capita income, and unemployment rates. In 2005, 25 of the state's 100 counties changed tiers. Ten counties improved by one level, while 14 went down a level. Hertford County went down two levels.

Myth and reality

"The tier designations help ensure that our less-prosperous counties have the tools they need to attract economic development to their communities," said N.C. Commerce Secretary Jim Fain in releasing the tiers for 2005. "At a time when our state's economy is challenged by an ongoing restructuring in the global marketplace, it is more important than ever that we give every community in our state the resources it needs to succeed."

The reality of the Lee Act is rather different, however, from Fain's statement. The act has proven ineffective in

aiding poorer counties, with most of credits generated in better off counties and for things besides job creation.

In the first year of the Lee Act, 10 counties were categorized as tier 1. In the program's 10th year of existence, eight of the counties — Bertie, Graham, Hertford, Hyde, Northampton, Richmond, Tyrrell, and Warren — again find themselves placed in the most economically depressed category. Mitchell and Swain counties have improved somewhat; in 2005 they are classified in tier 2.

The department's own review of the program found that most of the tax credits were generated in richer, not poorer counties.

"Although the WSL Act's five-tier system apportions substantially higher incentives to businesses in economically distressed counties, firms in larger and wealthier Tier 4 and 5 counties have earned a large majority of the credits in absolute terms," the report says. "Business in the Charlotte, Piedmont Triad and Research Triangle regions generated between 73 and 94 percent of the total WSL Act job creation, worker training, M&E and R&D credits reported between 1996 and 2001."

The report also notes that the 25 largest users of the program claimed \$59 million in Lee Act credits in 1999, 2000, and 2001, 37 percent of all credits generated during the period.

Just because a company is eligible for a tax credit does not necessarily mean it can actually make use of it. State tax regulations impose restrictions on when and how the credits can be taken, limiting both the actual cost to taxpayers and the usefulness of the credits to businesses.

Credits may be used only to offset up to half of a business' franchise and corporate incomes tax liabilities. The credits can be carried forward only a limited number of years — five to 15 depending upon the category — and require that the investment or jobs be maintained.

The N.C. Department of Revenue reports that on the tax returns it processed in 2003, 616 taxpayers generated \$175,543,475 Lee Act tax credits. In the same year, taxpayers used only \$79,334,636 in credits, most of which were generated in previous years.

In that year, 56 percent of all Lee Act credits generated were for machinery and equipment purchases. The other significant credit-generating activities were research and development (24 percent of total credits) and job creation (18 percent). The percentages were similar for credits claimed.

State policymakers, meanwhile, are increasingly using the Lee Act tiers as a means tests to determine local communities' ability to fund projects. For example, the 2000 state community college bonds require that counties in tier 5 match state construction funds. Counties in the lower tiers did not have to match state dollars.

"Obviously counties want to be successful economically, but success is not rewarded by the Lee Act, it is punished," Adams said. "Thus if a county finally climbs up to a tier 5 designation its ability to continue that climb is punished, kind of like adding weight to a marathon runner at the end of a race."

Dell Scores, Others In N.C. Pay the Tab

I am a tremendous fan of ACC basketball. I love the spirit of competition, the unpredictable outcomes and the emotion of the fans. I was reminded of that love not long ago when I visited the General Assembly. Yes, I watched as elected officials and business types from various locations marched into the legislature with big "JOBS" buttons on. They paraded and cheered as the \$242 million Dell incentives package was rolled out by the Easley administration.

The game's outcome was already known, but the pomp and circumstance was pretty funny. Frowns abounded as serious questions about the lack of transparency in the offer were asked. Low murmurs were heard as queries about what other states were doing were ignored. It was almost as if bad calls were being made by one of the refs.

But when it was done, North Carolina defeated Virginia for a Dell plant in the Triad area \$242 million to \$30 million. It was a trouncing! And Forsyth County won the next round of giveaways, defeating counties like Guilford and Alamance with an odd mixture of land swapping and giveaway money to the tune of \$37 million.

So, who really won? I think the answer is obvious, in a word, Dell! Dell essentially has to pay no corporate or property taxes for about 20 years. Thus, if you compete with Dell in North Carolina, you are subsidizing your competition simply because you're paying taxes that Dell won't have to pay.

But the real problem with this game is that the true costs and benefits are never really calculated. It's all about the supposed 2,000 jobs created and the multiplier effect that economic developers say will create thousands of additional jobs. Missing in the debate is an assessment of the fiscal impact on local governments and the lack of equal treatment of all companies under the law.

Let us deal with the local government impact first. It is well known that residential areas tend to pay for about 75 percent of the services they receive. Thus the property taxes on a typical house cover about 75 percent of the costs of schools, law enforcement, social services, and other local services. The remainder is paid for by sales taxes and property taxes on industrial and commercial property. If Dell isn't paying those taxes and 2,000 folks who work there have families, then municipal officials have to make up the difference in higher taxes to pay for the growth in the school system, etc. But again, nobody watches the game after the deal is done.

Second, in a truly capitalistic system, all businesses pay their share of the property, sales, and state taxes. Thus competitors should be treated equally regardless of their success or failure. With incentives, the government is in the process of picking who wins and loses by setting different tax standards for one company over another in the name of job creation.

Dell is a global leader in PC production. But is North Carolina better off with Dell than IBM? Or are we better off with Dell than the hundreds of small businesses in the state that compete with Dell? I would argue that the state government should want them all to be equally successful. But that is not the case here. PC manufacturers other than Dell will be paying a greater share of taxes per unit produced than Dell. How is that remotely fair?

It sounds nice to say, "we brought new jobs here." But it would sound better to say, "We'd love to have your business, and we promise never to take money away from you to give to one of your competitors." That's the way it should be. In ACC clashes, you always get to see performance numbers like shooting percentages and blocked shots. But in the incentive game, nobody seems to be keeping score, much less having to prove there is anything worthwhile in giving away money in the long run. If you have to compete with Dell and you're in this state, the legislature has just put you on the injured reserve list. CJ



Chad Adams

Local Innovation Bulletin Board

Rapid Growth Continues

Robust population growth continues to sweep the nation's Southern and Western states, according to new estimates released by the Census Bureau.

The U.S. population July 1, 2004 was 293.7 million, up 1 percent from July 1, 2003. If that growth rate holds, the nation will have 311.7 million people in 2010. That would put growth for the decade at about 10 percent, compared with 13.2 percent in the 1990s.

Nevada was the fastest-growing state for the 18th consecutive year.

Massachusetts, meanwhile, lost population for the first time in more than a decade.

California remained by far the most-populous state at 35.9 million. Foreign immigration fueled much of its growth in the past year. But California continues to lose more residents to other states than it gains from the rest of the United States.

Colorado, long one of the top destinations for people leaving California, lost more people to other states than it gained for the second year in a row. Immigration and births, however, pushed its population up 1.2 percent, to 4.6 million. Big population gains in other Western states such as Idaho, New Mexico, and Utah may indicate that some of Colorado's appeal is fading, say observers, as roads become clogged and housing prices increase.

North Carolina's population was projected to be 8,541,221, up 120,000 compared to a year earlier. The bureau estimates the state has gained about a half-million residents in total since the April 2000 census. Births exceed deaths by an estimated 43,902. The state also gained nearly 30,000 immigrants from other countries. North Carolina remained a popular destination for relocations within the United States, with 46,000 more people moving into the state than moving out. Only three only states gained more population through internal migration from July 1, 2003 to July 1, 2004.

Population estimates for North Carolina counties and municipalities come from the state's demographics unit. Data for 2004 won't be available for a few more months. Figures for July 1, 2003, however, show both areas of rapid population growth and population loss within the state. The population of 15 of the state's 100 counties grew by 7 percent or more between 2000 and 2003. Leading the way was Union County, whose population was by 16.9 percent over the three-year period.

At the other extreme, 13 counties lost population between the 2000 census and July 1, 2003.

Growth patterns were often uneven with a metropolitan area. Overall, the Charlotte area's population was up by 7.6 percent. The population of one of the five counties in the region, Anson, actually fell between 2000 and 2003. And while Mecklenburg County grew by 7.9 percent over the three-year period, neighboring Gaston County's population was up by only 0.5 percent.

Use tolls, not highway taxes

Using highway tolls, not taxes, is the most-efficient way to fund transportation infrastructure, writes Ken Green and Niels Veldhuis of the Fraser Institute. Government provision and maintenance of roads and other projects, they say, suffer from a number of disadvantages when compared to private markets:

- Lack of fairness: Taxes take money from people who never use certain roads while it subsidizes others such as trucking firms, who impose the most wear on the highways they travel.

- Lack of incentives: Government transportation agencies have no incentives to complete projects on time or on-budget.

- Environmental impact: Fuel taxes are arbitrarily fixed and don't send a signal to motorists regarding the environmental or congestion impacts of their daily driving.

By contrast, tolls raise tax revenues from consumers based on the services they use, which is a fairer, more environmentally friendly approach that also avoids wasteful governmental spending, Green and Veldhuis say.

Fighting vermin

Almost half of the nation's poor live in vermin-infested housing, yet New York City's attorney general, along with five other state attorneys, are suing the federal government for using pesticides in public housing units.

The attorneys general say they want to promote "integrated pest management," which means using several means to control pests, including pesticide use. But these taxpayer-funded "consumer advocates" seem more interested in their own irrational quest to eliminate chemicals, observers say.

According to the U.S. Centers for Disease Control, vermin pose major problems for public health. Asthma affects about 6 million children nationwide, and cock-

roach-related asthma and allergies disproportionately affect poor, minority children living in the inner city.

Rats, which can carry more than 70 different diseases, frequently bite the hands and faces of children under the age of 5 while they're sleeping. A Los Angeles hospital reported that African-Americans and Hispanics accounted for all rat bites treated by the hospital during a three-year period, Dr. Pamela Nagami said.

The National Organization of African-Americans in Housing reports that household pests are one of the top three problems affecting minority and low-income residents in inner cities, and that the use of pesticides poses a small risk compared to the greater risk of vermin-related health problems.

The lawsuit could give a victory to rats, mice, and cockroaches, but create further health problems for the public housing residents.

Reported by the Competitive Enterprise Institute. CJ

From Cherokee to Currituck

Mecklenburg County Tries To Unplug Cable TV Franchisee

By MICHAEL LOWREY

Associate Editor

CHARLOTTE

Mecklenburg County and Time-Warner Cable are locked in a dispute over the terms of the franchise agreement under which the company serves 17,000 customers in unincorporated portions of the county. In the latest twist to the long-running saga, Mecklenburg County has begun legal proceedings to drop the company, a move Time-Warner likens to "extortion."

At the core of the dispute are what obligations Time-Warner inherited when it bought out the county's original cable franchisee in 1995. County officials contend that the original franchisee had agreed to provide a high-speed data network linking about 600 public buildings. They think that the cables fees paid to the original company from 1982 on included payments toward the network, though they admit they cannot document their contention. The county rejected Time-Warner's network offerings as inadequate and said it spent \$17 million of public money to replicate what the company should have provided.

Time-Warner officials regard the county's claims as being without merit. Sue Breckenridge, a company spokeswoman, said to *The Charlotte Observer* that the county's claims "are no more than a veiled attempt from the county to extort current and future technology that it is clearly not entitled to."

"We are confident that we are going to prevail, and we are looking forward to a judicial hearing in front of an impartial judge," she said. Breckenridge noted that the company has never had a franchise revoked.

Federal law makes it difficult for a locality to change cable service providers. The county or municipality would have to show that the incumbent provider failed to live up to the terms of its contract, provided substandard service, did not meet a locality's needs, or made an unreasonable contract proposal.

Aside from the data network issue, county officials contend that the move is warranted because the company has been slow to provide financial data for audits, slow to repair outages, and that it needs to offer better telephone customer service.

The dispute has no immediate effect on Time-Warner's separate franchise agreement with Charlotte, under which the company serves about 184,000 customers. The city contract comes up for renewal in 2006, and officials had hoped to combine the city and county contracts. Charlotte and Mecklenburg County share a cable administrator and audits have been conducted jointly by the two governments in recent years.

Second Wilmington rail line?

State transportation officials are looking into the possibility of re-establishing a second rail corridor into Wilmington. The move would primarily be aimed at providing improved freight access to the port city.

In the 1830s, track was originally laid into Wilmington from the north. In 1985, CSX determined the route was unprofitable and abandoned the line. The company pulled up the tracks between Castle Hayne

in northern New Hanover County and Wallace in Duplin County.

CSX continued to serve Wilmington via a different rail line, which enters the city from the west.

"That was the analysis again in 1994 when we decided to donate that corridor to the state," Lyman Cooper, a former CSX executive who continues to advise the company, said to *The Wilmington Star*. "And that would be our analysis now."

Cooper noted that the company's view could change if government picked up some of the cost of operating the line.

"It's a different thing entirely when we talk about public-private partnerships," he said. "Even so, there will have to be a demonstrated benefit to CSX."

State officials estimate the cost of restoring the 28-mile stretch of track at \$81 million. It would take about three years after funding became available before trains could again run on the line.

Mussels threaten roadwork

In an effort to keep construction of the long-awaited U.S. 70 bypass south of Clayton on track, the Johnson County Commission has voted to expand an environmental protection district. The U.S. 70 bypass is the second major road project in the state to face difficulties in obtaining federal permits because of potential water-quality threats to endangered freshwater mussels.

Johnson County's action came at the request of N.C. Department of Transportation officials, who hoped to put the project up for bid in May. The NCDOT's hand was in turn forced by the U.S. Fish and Wildlife Service. The Fish and Wildlife Ser-

vice is one of a number of environmental agencies whose approval is needed for work on major road projects to begin. The federal agency would consent only to the bypass being built if more area were made off-limits to development to protect the dwarf wedge mussel.

Johnson County expanded the size of an environmental protection area to cover the entire length of the bypass. No building is allowed in the protection area within 50 feet of a stream. The move also restricts the amount of land that can be paved.

The new regulations irk a number of local residents, including one of the area's most prominent developers. Sonny Johnson, owner of Son-Lan Development, said at a public hearing that government should compensate landowners for the reduced land values the protection zone would cause.

"For DOT to hold a gun at Johnston County's forehead and say, 'You've got to do this' — that really bothers me," Johnson said. "When Johnston County ducks, it's catching me in the chest."

A proposed U.S. 74 bypass around Monroe is in limbo over concerns about a different endangered freshwater mussel, the Carolina heelsplitter. While the proposed new road itself would not affect mussels, the Fish and Wildlife Service and others are concerned that growth caused by the bypass might adversely affect water quality.

Environmental groups are seeking setbacks of up to 200 feet along creeks to ensure the species' viability. CJ

Only three states gained more population than North Carolina through internal migration from July 1, 2003 to July 1, 2004.

Christian Smith: Reassessing Causes, Truth of Secularization

By CAROLINA JOURNAL STAFF

RALEIGH

Social observers have long considered the secularization of American public life over the past century or so to be an inevitable and natural outcome of modernization.

But Dr. Christian Smith, a professor and associate chairman of sociology at the University of North Carolina at Chapel Hill, is the author of *The Secular Revolution: Power, Interests and Conflict in the Secularization of American Public Life*, which challenges this view and fundamentally reassesses the historical and theoretical causes to secularization.

Smith's current primary research project is the National Study of Youth and Religion, which is investigating the religious and spiritual practices and commitments of contemporary U.S. adolescents.

The role of religion in shaping the lives of American youth has been inadequately understood and appreciated by many of the people and communities who work with youth.

The project employs a mix of survey and interview methods to examine the influences of religious commitments and practices in shaping the social, moral, and spiritual lives and outcomes of youth. It is designed to provide the first nationally representative, broad, descriptive mapping of the religious beliefs, commitments, and practices of U.S. youth.

Smith is also the author of *Disruptive Religion: The Force of Faith in Social Movement Activism and Christian America? What Evangelicals Really Want*.

Smith recently visited the John Locke Foundation and discussed his new book on secularization, and his research project, with Carolina Journal's John Hood.

Hood: You title your book *The Secular Revolution*, so maybe we should start by simply defining what that means.

Smith: OK. If you study secularization you can look at it over a long period of time when secularizations unfolded. But this book, *The Secular Revolution*, focuses on the time period between 1870 and 1930 as a crucial moment when the public institutions in the United States, science, higher education and so on — the media — were transformed and religion's role in them.

So the secular revolution is the displacement of religious authorities out of those public institutions and replacement with more secular forms of authority.

Hood: And we might be even more specific, I gather, in the case of the secularization process in America in that going into that 1870 or so period, these religious institutions and individuals who were in power and who had authority in academia or politics or journalism — these were Protestant elites?

Smith: Yes. This is focused on the case of the United States. And in the United States, public institutions were dominated by what we call the Protestant Establishment. Protestantism had a lot of influence. Catholics were largely excluded, so it was very much a Protestant-controlled cultural, institutional order.

Hood: And the way that would manifest itself would be in what ways? In staffing of colleges? What colleges taught? The nature of the media discussion about the life of America at that time?

Smith: Right. Well, there would have been a view of science that would have viewed



Dr. Christian Smith

science and religion as perfectly compatible, as reinforcing each other.

Hood: I should mention — I sort of feel compelled to mention that there was a famous essay on this by a man named John Locke called "The Reasonableness of Christianity."

Smith: Yes. John Locke. John Locke is part of this whole larger story here.

Hood: Right.

Smith: But in the United States, the Protestants had constructed science and religion as very compatible.

And higher education consisted mostly of religious colleges spread all around the country where the curriculum, what was being learned, what was being taught was from a very much Protestant point-of-view — seeing life from a Christian perspective and trying to form character in its students.

A college president would have typically been a clergy member. The board would have been lots of clergy people. They were supported by their denominations and so on.

Hood: I've been reading about Francis Wayland, for example, who I guess would be an example of this. He was a theologian — a famous theologian, but he was also instrumental at that time in leading the American higher-

education system.

Smith: Yes. Many, if not most, of the liberal arts colleges that are around today got their start as religious institutions.

Hood: All right. Well, let's talk then about the process of change from this starting point as was suggested in the introduction. Lots of people have assumed that secularizing these institutions — colleges, newspapers, social discussion, political discussion — was just a natural thing that happens.

Smith: Yes.

Hood: And as you said, there was this idea that as science grows, religion must shrink because they are incompatible. But in your case — the way you describe the story it isn't something evolutionary.

Smith: In social theory all of this change is explained by traditional secularization theory, which basically says the more mod-

ern a society becomes, the less religious it becomes.

And it characterizes that in different ways, but it conveys the general sense that secularization is natural. It is inevitable. It is just the by-product of an evolutionary process and there is nothing to be done about it. And it almost carries the stamp of it as a right and good thing to happen for modern societies.

Hood: In your mind, one of the things that that explanation ignores is the role of moral human agency — you know, actual people deciding, "Let's change things," and then the process they went through to do that. In this case, it was a conscious decision to secularize institutions.

Smith: That's right. When you are reading secularization theory and you think about it long and hard you come to see it has lots of flaws.

One of them is that it doesn't specify who are the agents. Who wanted this to happen? Who carried it out? The whole thing is sort of overly determined. So the idea of a secular revolution is to look at secularization from the point of view of a social movement theory or a social revolution theory. You have to think who were the aggrieved people? Who were the actors? Who mobilized? Who were the activists? What kind of political opportunities did they have? What kind of material resources did they benefit from?

Hood: That is an important point. I found interesting, in your conversation about this, the notion that there are lots of people throughout history who are social activists, who are trying to accomplish things, but they fail because the opportunity doesn't really exist.

In this late 19th, early 20th century period you had these great amounts of economic growth

and fortunes created. People had the money to do like the founding of new colleges.

Smith: Yes they did.

The founding of research universities was modeled on the German university, which was highly secularized. So there were sources of resources that the church really didn't have control over. That created a space for people who didn't like the Protestant Establishment to try to roll it back — to have an autonomous, more secular viewpoint of things.


They really labored. They intentionally worked — in the analysis of our book it shows they intentionally worked to undercut the authority of religion in many of these public institutions.

Hood: In the little time we have left, when you use the term secular revolution, it kind of suggest something that has happened — something that is over. And yet is it really the case that all of our institutions, or many of these main cultural institutions, have been thoroughly secularized? Or is there sort of a movement away from that?

Smith: No. The book explains that no revolution is ever complete. No political revolution is ever total. There is always ongoing struggles and there are vestiges of the old regime that are around.

In different parts of our society, religion is clearly more influential or present than in other parts. In higher education the government will fund things it won't fund at the elementary level for various kinds of reasons that have to do with religion.

So it is not a total and complete revolution, but the idea of the image of a secular revolution is to emphasize struggle for power over authority over socially legitimate knowledge in institutions. CJ



THE CENTER FOR LOCAL INNOVATION


Attention City & County Officials

And others with a strong interest in local government issues

You now have some handy new ways to track the latest news, analysis, commentary, and policy research on city and county governance.

The Center for Local Innovation, a special project of the John Locke Foundation, has launched a new website: www.LocalInnovation.org. Updated daily with headlines, opinion columns, interviews, and links to new studies from a variety of sources, **LocalInnovation.org** is a great place to start your day if your interests include such issues as local taxes and budgets, land-use regulation, privatization and competition, transportation policy, annexation, and other local matters.

Also this summer, the John Locke Foundation unveiled the first in a series of specialized pages within www.JohnLocke.org devoted to regional news and issues in North Carolina. Its "JLF-Charlotte" page is regularly updated with original articles and links to other news and information about Charlotte, Mecklenburg, and surrounding cities and counties. In the future, similar pages will be devoted to the Triangle, the Triad, and other parts of North Carolina — so stay tuned!



From the Liberty Library

• Why do well-educated antiwar activists call the president of the United States “the new Hitler” and argue that the U.S. government orchestrated the Sept. 11 attacks? Why does Al Gore believe that cars pose “a mortal threat to the security of every nation”? In other words, why do smart people fall for stupid ideas? The answer, Daniel J. Flynn reveals in *Intellectual Morons: How Ideology Makes Smart People Fall for Stupid Ideas*, is ideology. Flynn shows how people can be so blinded to reality by the causes they serve that they espouse bizarre, sometimes ridiculous, and often dangerous positions. The most influential social movements have spawned ideologues who do not care whether an idea is good or bad, true or false, but only whether it can serve their cause, Flynn says. Learn more at www.randomhouse.com/crown.

• To most observers — including many conservatives — the so-called Republican Revolution of 1994 was anything but revolutionary, and the Contract with America that propelled the GOP into power was just a gimmick. But in *The Enduring Revolution: How the Contract with America Continues to Shape the Nation*, Fox News reporter Major Garrett turns this conventional wisdom on its head, revealing how the Contract with America and the Republican Revolution changed lives in startling ways. The Republicans have fundamentally altered the approach to taxes, national defense, terrorism, welfare, entitlements, health care, education, abortion, gun control, and crime, among other issues. Garrett concludes from his research that America is a vastly different place after the Contract than it was before it. Also from Crown Forum Books.

• Despite facing the constant grim reality of terrorism, the Israeli economy is surprisingly robust. How do businesses in Israel stay viable in a chaotic environment, and how do they rebuild in the wake of destruction? Based on in-depth personal interviews conducted in Israel by author Dan Carrison, *Business Under Fire: How Israeli Companies Are Succeeding in the Face of Terror — and What We Can Learn from Them* offers inspirational and instructive stories about the techniques Israeli companies have used to thrive in the face of extraordinary adversity. Packed with first-person accounts from CEOs, managers, and in-the-trenches employees who have “been through it all.” More at www.amanet.org.

• On a cold morning in December 1944, a platoon of 18 men under the command of 20-year-old Lt. Lyle Bouck were huddled in their foxholes trying desperately to keep warm. Suddenly, Hitler had launched his bold and risky offensive against the Allies and the small American platoon faced the main thrust of the entire German assault. Vastly outnumbered, they repulsed three German assaults in a fierce day-long battle, killing more than 500 German soldiers and defending a strategically vital hill. In dramatic prose, Alex Kershaw brings to life the story of America’s most inspiring stories of World War II, in *The Longest Winter: The Battle of the Bulge and the Epic Story of World War II’s Most Decorated Platoon*. Details at www.perseusbooksgroup.com. CJ

Book review

State of Fear: Creating Environmental Disasters

• Michael Crichton: *State of Fear*; Harper Collins; 2004; 603 pp; \$27.95

By PAUL MESSINO

Editorial Intern

RALEIGH

Most Michael Crichton novels are decorated with beautiful women, page-turning action sequences, roller-coaster-sized plot twists, and extraordinarily heroic protagonists pitted against equally dastardly villains. Crichton’s latest novel, *State of Fear*, is not extraordinary, at least not in these respects. What does separate this novel from its literary cousins is its truism for the modern world.

Our society, as Crichton writes, is in a state of fear, where “there is always a cause for fear. The cause may change over time, but the fear is always with us [because] fear pervades society in all its aspects. Perpetually.”

This being said, Crichton’s novel does well to locate a current and insidious source of fear as well as its prime propagator. Much of the novel develops a modern origin for this on-going fear in society through the works of nonprofit, environmental organizations. Since the early environmental movements in the 1970s, nonprofit eco-organizations have absconded vast amounts of wealth.

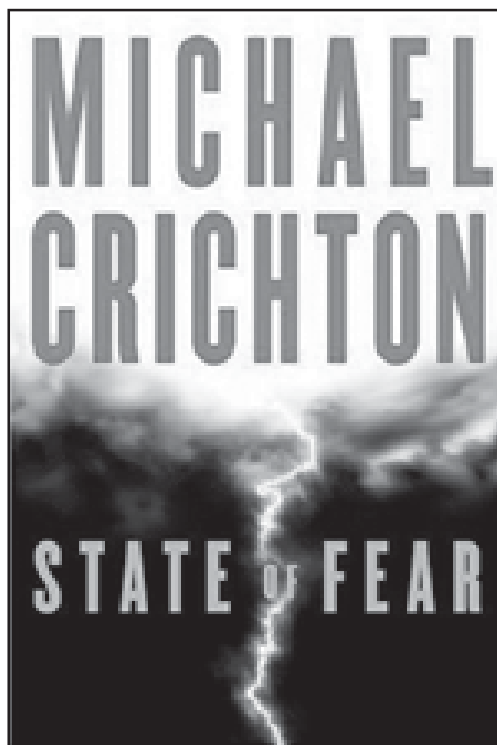
Through their litigation, they have both secured their propriety in the world and ensured their livelihood in shaping public policy and opinion. Coupled with the current trend of journalism to report the most devastating and sensationalized stories regardless of their veracity, environmental groups nationwide succeeded in perpetuating less-than-truthful claims about the degradation of the environment.

Operating under the precautionary principle — the belief that it is better to prepare for the worst even if the reasons for believing that the worst might arise are unsubstantial, or at least dubious — these groups are able to turn the heads of policymakers and citizens. Unfortunately, some of the most vocal policymakers and citizens in support of this principle are the least-informed.

Waging environmental terrorism

Taking the reader from the Arctic, to the southwestern United States, then to the cannibalized island of Gareda, Crichton uses the characters’ travel time to not only explain how eco-terrorists plan to disrupt various climate patterns across the globe, but why they must do so in order to stay financially afloat. John Kenner, almost omnipotent when it comes to environmental fact, is a professor of Geoenvironmental Engineering at MIT as well as an agent for the Center for Risk Analysis, a vaguely described agency that tracks down eco-terrorists.

Citing numerous factually sound studies (in fact, Crichton makes sure that the reader understands just how sound these studies are by including a forward to the novel explicitly indicating that all footnote references are real), Kenner debunks many of the widely circulated “facts” pointing to the catastrophic affects of global warming. Although Kenner is quick to correct the mistakes of such characters as Peter Evans, the novel’s emerging hero/lawyer, and the loudmouth movie star Ted Bradley, he does not discredit the theory of global warming



completely. Rather, it is his intent, as well as Crichton’s, to merely show that scientific studies can provide us only with raw data and not some prediction for the future.

Although raw data shows us that on average, worldwide temperatures are higher (except for Antarctica, which is getting colder), this rise is small and more than likely represents a natural global trend. No

one is sure how much of an effect man-made pollution has on this warming trend, which, by the way is only a fraction of a degree Celsius.

What the data can tell us, however, is that in high-density populations, localized surface temperatures are higher. It’s called the urban heat

island effect. This, of course, makes sense. High-density populations occur when large amounts of people are crammed into a relatively smaller space, usually cities. In order to support the high population density, cities tend to use more reflexive building materials, such as asphalt and concrete, which bounce back the sun’s rays into the low-lying ozone around cities. Higher temperatures result. Localized, higher temperatures, that is.

So the question becomes, if the data gathered by scientists shows that worldwide temperatures seem to be rising by only a minuscule amount, but maybe higher in localized, high-density population pockets, why does the average American believe that global warming is a catastrophe waiting to happen?

To checkmate alarmists, Crichton begins by defining global warming. Global warming is only a theory. It is a theory that “increased levels of carbon dioxide and certain other gases are causing an increase in the average temperature of the earth’s atmosphere.” The increase in temperature is caused by the so-called “greenhouse effect.” Certain gases that create a high-level ceiling that traps heat, similar to a greenhouse, purportedly cause this effect.

Tainted scientific process

With this clear definition, Crichton slowly ratchets down the extremism synonymous with the theory of global warming into something more feasible and conformable to fact. In part, the reason for the

global-warming scare develops with the help of sensationalized journalism and unchecked, nonprofit eco-organization growth. But, perhaps most important of all, is the intimate connection between grant supplier, scientific researcher, and peer reviewers. In other words, the scientific process itself is suspect.

With their bulging pockets, nonprofit eco-organizations are able to supply grants for numerous scientific studies. Although the creation and allocation of grants does not guarantee a desired result from a scientific study, it can influence how data is conveyed to the public.

Everyone, scientists included, approach situations with a certain frame of mind. Scientists, in particular, may begin their research with a desired goal; in the case of global warmists, they start with a presupposition that man-made pollutants cause rising global temperatures. Naturally, the numbers cannot lie. If a scientist was at all interested in remaining employed, his studies would reflect the data obtained. Instead, the numbers are arranged to tell a certain story, which is then spelled out in the conclusions of studies. These conclusions can be manipulated to predict a global catastrophe without invalidating the data gathered.

Press validates junk science

With the help of the press — always hungry for a good story — a manipulated conclusion becomes a factual headline. Voilà, instantly portent is fact.

Crichton is quick to point out that this subtle manipulation of fact can also be utilized by industry. Yet, more often than not, environmentalists are the ones to cry foul when an industry-sponsored study reveals less than disastrous conclusions about the effects of global warming.

Because, as Crichton says “it is never a good policy for the fox to guard the hen house,” he recommends that eco-studies should be conducted more like medical studies. Medical studies require double-blind experiments as well as rigorous peer reviews before their value is assessed. Many ecological and climatology studies do not.

Or at the very least, they do not require rigorous peer review before they are purveyed to the public.

Almost unequivocally, this novel is a must read for anyone even remotely interested in the global-warming debate. Told in a style that is both captivating and entertaining, *State of Fear* will leave the reader second-guessing the hearsay of global-warming alarmists. But, even beyond this crucial gift, Crichton truly gives the

reader a glimpse into the bureaucratic, social, and legal conundrum of the post-modern world.

“Because, like it or not, we’re in the middle of a war — a global war of information versus disinformation. The war is fought on many battlegrounds: Newspaper op-eds. Television reports. Scientific journals. Websites, conferences, classrooms — and courtrooms, too, if it comes to that.”

In this state of fear, decisions are made not from fact, but out of fear that is propagated by those who have the power to influence not just policy, but our daily lives. CJ

Paul Messino is an intern with the John Locke Foundation.



Michael Crichton

Book Review

Who's Looking Out for You? A Critic Who Knows the Value of Money

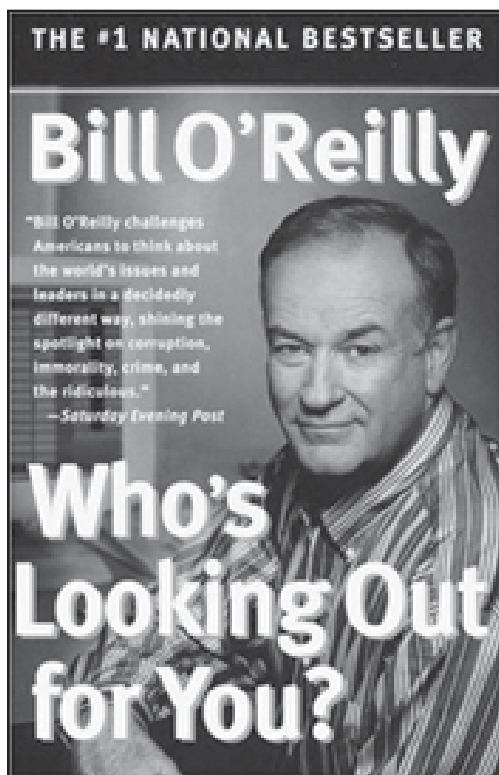
• Bill O'Reilly: *Who's Looking Out for You?*: Broadway; 2003; 213 pp; \$24.95.

By JOHN PLECNIK
Guest Contributor

Bill O'Reilly, host of Fox News Channel's "The O'Reilly Factor," judges a veritable who's who of American powerbrokers in what may be his most provocative rant yet, *Who's Looking Out for You?* Seemingly, no one is safe from "The No Spin Zone." O'Reilly takes great pleasure in psychoanalyzing the motives of everyone from President Bush to the Clintons. And O'Reilly does more than ask questions. He passes judgment faster than the activist judges of the 9th Circuit.

Barely over 200 pages in length, most readers should be able to finish *Who's Looking Out for You?* in one sitting. Very pithy, Mr. O'Reilly. Notably, the text is chocked full of our "humble correspondent's" favorite words and witticisms. O'Reilly-isms such as "swells" (to describe wealthy individuals) and "elite media" (in reference to CBS, the *New York Times* and practically every forum but Fox News) are used with frequency. Regular viewers of "The O'Reilly Factor" may feel a strong sense of déjà vu as they flip through this book, and not just because of the familiar style. I might tune in once or twice a week, but could easily recall most of the stories O'Reilly referenced. In fact, he scatters many long, block quotes from his old columns throughout the text.

Stylistically speaking, "*Who's Looking Out for You?*" is a relaxing read. O'Reilly writes as he speaks. Sentence fragments and a sense of urgency convey the author's unabashed opinions. Substantively, it would be an understatement to say that O'Reilly is a master of stating the obvious. To illustrate, in Chapter 1, he lays out the "Ten Commandments of Effective Parenting." If parents (1) make time for their kids; (2) mete out proportional punishments; (3) refrain from displays of vio-



lence, drunkenness, sex, uncontrolled anger, or vile language... and so on, then they are 'looking out for you,' their child.

In Chapter 2, O'Reilly accuses America and France of harboring the two most self-absorbed populaces in the world. He tries to debunk the belief that selfishly looking out for No. 1 is a profitable policy. He argues that success requires a strong network of true friends, and that they will only look out for you if you look out for them.

Chapter 3 contains O'Reilly's evaluation of the federal government and a litany of famed politicians. Not surprisingly, the author deems the United States to be the greatest nation of the world. O'Reilly, however, theorizes that our government is not "looking out for you," and was never designed to. He believes that our Founding Fathers wanted to provide their countrymen with the opportunity to sink or swim. According to O'Reilly, the federal government is good at collecting taxes, waging

war, and little more.

As for the politicians, O'Reilly thinks that Bush loves people and would look out for you, if it were possible to get his attention. But, Bush is a child of the status quo and no reformer. O'Reilly thinks former President Bill Clinton genuinely cared about "the folks." However, Clinton cared even more about polls and appearances, talking a good game but, in actuality, doing little or nothing. As for Hillary Clinton, O'Reilly has "pounded [her] into pudding because she is definitely not looking out for you..." In his words, "of all the active politicians in America, I consider Mrs. Clinton to be the most dangerous." He believes that Hillary wants to buy the presidency with entitlement programs and pork-barrel spending.

In Chapter 4, O'Reilly states that today's corporate media is not looking out for you, and renders his verdict on several networks and television personalities. Naturally, Eminem and the *New York Times* get poor reviews for corrupting our youth and promoting socialism, while Fox News is regaled as the patriotic network of the working class. A little self-promotion never hurts. With the benefit of hindsight, O'Reilly's review of Dan Rather is rather (no pun intended) ironic. He describes Rather as "a hard-news kind of guy," who "likes facts that are unshakable."

O'Reilly argues that faith is a healthy thing in Chapter 5, citing a study from Duke University that found that those who prayed regularly had healthier immune systems. He also takes shots at the ACLU and liberal judges for fooling the American people into believing that the Founding Fathers wanted an actual separation of church and state, as opposed to forbidding the establishment of a national religion.

In Chapter 6, O'Reilly criticizes the elite media for its negative coverage of the Iraq war, and outlines his reasons for supporting the removal of Saddam Hussein.

Chapter 7, entitled "You Have the Right to Remain Silent," might as well have been

called, "I hate lawyers." O'Reilly basically complains how the legal profession is crooked and overpaid. He may have something on the crooked angle, but in the opinion of this law student, O'Reilly crying over the average lawyer's salary makes about as much sense as Bill Gates whining about overcompensated talk-show hosts.

In Chapter 8, O'Reilly tackles the ongoing controversy of race relations, emphasizing the disadvantages suffered by minorities while attacking self-interested leaders such as Jesse Jackson and Al Sharpton. He also argues that "racial witch-hunters," those who seek to label even the clumsy or politically incorrect as racists, have scared off potential reform.

O'Reilly tries to educate us by example in Chapter 9, when he describes his greatest mistakes. They include gossiping about fellow employees at work, trying to fight injustice alone, and failing to anticipate foreseeable problems. By contrast, O'Reilly's self-described secret to success is based on three foundations: "personal discipline, education, and persistence."

In Chapter 10, O'Reilly bids his fans farewell with a few final, painfully obvious pieces of advice. He recommends honest self-examination, getting a good education, maintaining physical health, and living an independent, yet tolerant, lifestyle. Thank you, Dear Abby, err, Mr. O'Reilly, it never occurred to me that a healthy mind and body were good things.

Taken as a whole, *Who's Looking Out for You?* is an entertaining read laced with valid, if conventional, wisdom. O'Reilly does take some controversial stands on politics and the role of government, but nothing is new to his regular readership. My verdict on O'Reilly's 10-chapter diatribe: It's worth the read, but not \$25. Visit your local library, instead. *cj*

John Plecnik is a law student at Duke University.

Book Review

For the Survival of Democracy: the New Deal, a New Era of Sobriety

• Alonzo L. Hamby: *For the Survival of Democracy: Franklin Roosevelt and the World Crisis of the 1930s*; Free Press; 2004; 492 pp; \$30 hardcover

By BURTON FOLSOM, Jr.
Guest Contributor

The latest New Deal synthesis is *For the Survival of Democracy* by veteran historian Alonzo Hamby of Ohio University. What makes Hamby's research design different is that he describes the development of Franklin Roosevelt and the New Deal in an international context. Specifically, Hamby weaves the American narrative with events in Britain and Germany in the 1930s.

Hamby is at his best developing the characters of Churchill, Baldwin, Hitler — and of course those New Dealers that surrounded Roosevelt. His brief biographies help make the book readable and interesting.

In interpretation, Hamby's book is a bit of a puzzle. He does not fully accept the laudable accounts of Roosevelt that have dominated American historiography; but neither does he reject them. He concedes that the New Deal programs failed to improve the American economy, but he finds Roosevelt to be a capable president. "Re-

duced to paper," Hamby says, "the Roosevelt record was hardly impressive... But Roosevelt was impressive. His charisma, rhetorical talents, and dynamism made the New Deal more than the sum of its parts." Such separating of the president from his record is strange, but it is a step up from exalting both Roosevelt and his record (which is more consistent, but wrong on two counts, instead of just one).

Part of the problem here may be Hamby's weakness in economic analysis. "Whatever else the [Roosevelt] administration had done," Hamby says, "however many benefits it had delivered to Americans, it had not ended the Depression." When Hamby says, "however many benefits it had delivered to Americans, it had not ended the Depression" he seems surprised — as though New Deal programs clearly delivered "benefits" but did not inflict costs as it "delivered" the benefits.

Henry Hazlitt, a *New York Times* columnist during the 1930s, repeatedly reminded Americans that whenever a New Deal program conferred cash upon a lucky recipient it had to secure the cash from an unlucky taxpayer. Thus, all jobs created by the WPA, CCC, or PWA took capital from consumers that could otherwise have been used to build factories or to buy sweaters, radios, or paint for the house.

Thus, when Hamby asks, "Did not governments engage in a social good by giving employment to those who needed it?" the answer is not "yes," as he implies, but maybe not because cash that was given to employ, say, street pavers in Ohio, lost the chance to employ radio makers in New Jersey or textile workers in South Carolina. In other words, jobs were merely transferred from one group to another.

What this means in terms of analyzing policy is that when Hamby writes in one paragraph that the federal subsidy to veterans in 1935 "pumped about \$2 billion into [the] economy" maybe he should let the reader see in the next paragraph that a tax increase that same year raised tax rates on top incomes to 79 percent (four years earlier, the top rate had been only 24 percent). The two events need to be discussed together because they function together. Hamby discusses the programs, but rarely bothers with the taxes that transferred the money out of taxpayers' pockets to pay for them.

The task of those who would defend Roosevelt and the New Deal is to address these transfer payments with all of their ramifications. When Hamby concludes, "the WPA would endure until 1943, doing far more good than harm," he should explain why Americans were allegedly better off

with the WPA but also with higher income taxes and higher excise taxes on cigarettes, tires, bank checks, movie tickets, and telephone calls than they would have been with no WPA and lower income and excise taxes.

According to the League of Nations World Economic Survey 1938/39, the recovery rates from the Great Depression were much better in France and Britain than in the United States. In 1938, France and Britain combined had only 14.7 percent unemployment and the United States was barely under 20 percent. In that international context, Roosevelt's New Deal seems to be less than, not more than, the sum of its parts.

Nonetheless, *For the Survival of Democracy* is a step forward because Hamby, a mainstream historian, is willing to criticize much of the New Deal and some of Roosevelt's actions and motives. Hamby, in his bibliography, even praises Gary Dean Best, whose book *Pride, Prejudice, and Politics* is the best modern critique of the New Deal that we have. As we move away from the New Deal era, the quality of history written about that era is beginning to improve. *cj*

Burton Folsom, Jr. is Charles Kline professor of history and management at Hillsdale College in Michigan.

Standing Tall Against A Tide of TV Sleaze

Long before the FCC condemned the likes of Janet Jackson's titivated nipple and Howard Stern's sleaze, Jim Goodmon usually stood alone when he pre-empted similar antics that could have aired on his television stations.

His most recent intervention came when Fox Broadcasting Co. sent "Who's Your Daddy?" to all its affiliates, which Goodmon's Capitol Broadcasting determined was inappropriate programming for the community he serves: the Triangle.

The 90-minute special, which ran Jan. 3, featured a woman given up for adoption at birth who was to be reunited with her biological father. The program's "twist," as Fox explained it, was that the woman must pick from among eight men claiming to be her father in order to win \$100,000. If she guessed wrong, the imposter won the prize — but she picked right.

The show's premise offended many adoption organizations, whose leaders criticized Fox for its alleged insensitivity. Capitol Broadcasting officials, after they previewed the program, consulted with professionals and heard from concerned viewers, agreed that the show trivialized adoption.

Instead, the company's Fox affiliate, WRAZ/Fox 50, broadcast the documentary "I Have Roots and Branches: Personal Reflections on Adoption."

The company, under Goodmon's leadership, has stood its ground against seedy network programming for years when other affiliates have spinelessly spread whatever pap they received. Since reality television blossomed early in the decade, Capitol Broadcasting often aired substitutes because many of the shows "exploit the institution of marriage."

The practice began with Capitol's pre-emption of Fox's "Who Wants to Marry a Multimillionaire?" in February 2000. The following January WRAZ refused to broadcast "Temptation Island," after the station learned "that one of the couples that would be 'tempted' to break up their relationship are the parents of a young child."

In March 2003 "Married by America," which threw five instantly engaged pairs of strangers together on a "romantic estate," fell to Capitol Broadcasting's ax. "While WRAZ-TV/Fox 50 realizes that reality programming has become very popular... the station has made a decision that it will not broadcast reality programming that demeans marriage," the company said in a press release.

The decision spared Capitol — the only affiliate owner who blocked out the show — a hefty FCC fine. Each of Fox's other 168 affiliates was fined \$7,000 for broadcasting an April 2003 "Married by America" episode that featured bachelor and bachelorette parties, including sexually graphic scenes with topless strippers whose breasts were pixelated.

Capitol also refused to broadcast the July 2003 program "Cupid" on its two CBS affiliates in Raleigh and Wilmington, because the show "tempts the final contestant to propose marriage for a \$1 million dowry."

Now that the four major networks — ABC, CBS, NBC and Fox — own almost all their television affiliates, the few independent owners such as Goodmon are left to demand at least minimal standards of decency. Or at least embarrass those networks when they demonstrate that they have no standards.

CJ



Paul Chesser

Editorials

DEALING WITH DELL

Shameful demands, government secrecy

Gov. Mike Easley and his loyal lieutenants — chiefly his economic advisor Dan Gerlach — have put on a proud public face since they put together a \$242 million incentives package to induce Dell Computer Corp. to place an assembly facility in Winston-Salem.

But behind the scenes their statements and actions, along with those in the Department of Commerce, suggest a twinge of embarrassment about the truth behind the whole sordid negotiations.

How else to explain why Commerce officials and the governor's office shrouded the deal's details in secrecy, preventing any changes through legislative debate, until it safely passed the General Assembly? And how else to understand why both offices delayed and obstructed access to public records about the state's Dell negotiations for two months after an agreement was reached?

The truth is, the administration should be embarrassed about the way they swallowed almost whole-hog Dell's nakedly greedy demands. A company vice president, Kip Thompson, saw the state's desperation and exploited it, according to Commerce Secretary Jim Fain's notes:

- "Two thousand jobs," Thompson reportedly told Fain, "shouldn't you be happy with no revenue?"
- "If we made a decision today, we wouldn't come to NC. Here's what it'll take: 1) free land; 2) free building; 3) no taxes; 4) training at \$5 million; 5) participation in creation of future value in the community."
- "Your taxes are not friendly. Know you're proud, but it doesn't work. ... Never been more perplexed. Don't think N.C. wants us."
- "Not wowed here not sure state's stepping up. Really is going to take some significant state participation."
- "... If a state like NC can't get after this, I'm worried for our country — there's a certain amount of patriotism here."
- "20-year program of no tax... That's my line in the sand."

However, Commerce officials paused only momentarily to consider the implications on other taxpayers.

"Politically dangerous," wrote one Commerce official in handwritten notes dated July 9 of last year, according to the *Winston-Salem Journal*. "Probably overestimated impacts. Is it economically feasible in the long run? Do we give

a zero-tax package to IBM, Merck, GD, Bayer, Glaxo, Cisco? Who will pay the taxes?"

However, the governor's appointee at Commerce recognized that the political benefits for Easley's re-election were too irresistible.

"Special session date: 11/4," Fain wrote in his notes, "but announce special session before election."

Not surprisingly, state legislators were kept in the dark about the background of the deal and were forced to vote on it after less than a day's deliberation. They were told by Gerlach and Fain that any changes to the special legislation for Dell would kill their agreement with the company. The targeted tax breaks passed by a large margin.

Last May *Carolina Journal* reported that major corporations like Dell often engage in the practice of extracting as much public money as possible from state and local governments in exchange for placing facilities in their locations. Indeed, large businesses now trade notes on "how to" milk governments for as much as possible, as was illustrated in a seminar in March 2004 called, "Turn Your State Government Relations Department from a Money Pit into a Cash Cow." Clearly companies such as Dell, and execs such as Thompson, know how to play that game.

"It's hard to look at this and say after this [seminar] that any corporation is really playing it straight with the state of North Carolina," state Rep. Paul Luebke, a Durham Democrat, said in the *CJ* story.

If members of the legislature knew Thompson's attitude and demands, would they have voted differently? If they knew there appeared to be no real competition from any Atlantic state for Dell's desired eastern plant, intended to be closer to its large population of customers on the East Coast, might they have amended the incentives?

The public and their representatives may never know, because North Carolina's public records law permits the state's dealmakers to seal documents until economic development negotiations are completed. That allows North Carolina officials to hide the potentially distasteful and embarrassing aspects of such pacts — such as political motives, brash rhetoric, and weak counteroffers — until it's too late to do anything about them.

Part of the solution is found in legislation supported by the North Carolina Press Association, which will be vigorously lobbied for in this year's legislative session. The bill would require openness of all meetings related to economic incentives and public access to all records throughout the negotiating process.

"It is hard to argue that secretly negotiating hundred-million-dollar deals and asking lawmakers to appropriate tax dollars to pay for them — without knowing the true cost and other important details of the deal — is good government," NCPA counsel John Bussian wrote in the association's newsletter.

And it will be hard to argue why the public shouldn't know what government is doing with its money, either. CJ

The governor and his people should be embarrassed about the way they swallowed Dell's nakedly greedy demands.

WAR ON SUBURBS

Futile effort costing us money & freedom

It is time for North Carolina and its various local communities to halt their war against suburbia. It is costly and counterproductive. It is also futile: The suburbs are winning and will continue to.

It's a war across a number of fronts. In transportation policy, state officials are plowing billions of tax dollars into mass transit projects in Charlotte, the Triangle, and elsewhere that offer little prospect of moving large number of North Carolinians around and will worsen traffic congestion and air pollution in the state.

What's worse, this money is being sucked out of useful investments in such functions as maintaining and expanding our state's desperately needed highway capacity, particularly in fast-growing communities (which is another term for suburbia).

At the local and regional level, planners and bureaucrats are waging war against residential and commercial freedom (yet another term for suburbia) by seeking to impose growth boundaries, density quotas, and other restrictions on land use that will make housing less affordable, worsen traffic even more, and chase people and businesses away to friendlier climes.

This is worse than a pointless exercise. It is regressive, elitist, and obnoxious.

Dubious downtown development schemes

Meanwhile, many cities are squandering additional tax dollars on a variety of dubious schemes to entice or coerce people and businesses into downtowns (which inherently means enticing or coercing them out of the suburbs).

In Charlotte, political insiders have a plan to spend more than \$100 million subsidizing uptown arts and cultural facilities while spurning the idea that the uptown taxpayers who would disproportionately benefit from the expenditure should take on most of the financial responsibility. Make everyone in the county and state pay, they say.

In Raleigh, officials are going to spend hundreds of millions of tax dollars building a new convention center, subsidizing a private hotel, and ripping up a downtown pedestrian mall to make way for through traffic — a mall that the city had previously had constructed, again with gobs of the taxpayers' money, in a failed bid to stimulate downtown development.

Other cities from the mountains to the coast are pursuing similar policies, building sports arenas and civic centers, all intended to draw people and money from "elsewhere," wherever that is.

These schemes are pointless. North Carolinians aren't unique in preferring to own rather than rent, and to have their own lawns and breathing space rather than living in someone else's archaic, urban dream world. Suburbanization in its modern form has been going on for more than a century, in the United States and around the world.

Think "sprawl" (which is a pejorative term and should never be used in a news story, by the way) is an American phenomenon? Only in the sense that Americans are further along, and happier with, modern living arrangements than Europeans and Asians are.

Cities such as Paris may be nice places to visit, but declining numbers of people choose to live there. It has lost a quarter of its population in the past half-century. Even in Europe, an increasing share of residents is choosing autos and suburbs over trains and townhouses.

Think that the suburbs are an artificial creation of corporate conspiracies and government subsidies? Wrong again. Most people honestly prefer to live in detached-dwelling, auto-dependent suburban communities rather than dense, urban communities suitable for walking or taking transit.

You can see this in evident market patterns as well as in opinion surveys (a recent national poll found 83 percent preferring the suburbs and 17 percent the "urbs" given the choice of two equally priced homes).

The lifestyle that swallows subsidies

It is urban living, not suburban living, that benefits most greatly from taxpayer subsidies.

It costs about 20 cents per passenger mile to commute by car, a cost that is almost entirely paid for by drivers (externalities associated with air pollution and the like account for only about 1 cent per mile). By contrast, transit costs about four times as much per mile and recoups only

about one-fourth from transit users. Sidewalks and bike paths don't cost much but capture virtually no direct user revenue.

But doesn't it cost more to extend government services to the suburbs? Not really. Some services get more expensive as housing densities decline, but others are costlier in high-density urban cores. Crime rates, for example, are typically higher in "new urbanist" and "smart growth" communities, all other things being equal, meaning greater costs to both the public and private sectors.

Careful research suggests that suburban development is probably the only form that actually does "pay for itself" — generating more tax revenue than it necessitates to be sustained. Lower tax burdens appear to be associated with lower densities, for example, not the reverse.

The message to those who war against suburbia is clear: surrender. You are wasting our money in a losing and wrongheaded cause.

NEXT STEPS

Time to take welfare reform to a new level

It bears repeating: The 1996 welfare reform bill enacted by a Republican Congress and (eventually) signed by Democratic President Bill Clinton has been one of the most successful pieces of federal legislation ever enacted.

Forecast to cause massive amounts of poverty and suffering, the bill's demand for time limits, work requirements, and other policies at the state level resulted in a dramatic decline in welfare caseloads across the country, continuing even during the 2000-01 recession when one would have expected a rising unemployment rate to reverse it. The decline since 1996 has averaged 52 percent, with several states breaking the three-fourths mark.

Wyoming has led the way with a mind-boggling 90 percent decline, best appreciated by looking at the actual numbers: about 5,000 households getting cash welfare in 1996, just 332 households getting it in 2004.

There is less evident progress in another important goal, reducing the out-of-wedlock birthrate and removing the disincentives to marriage. Still, the trend lines are modestly positive, with the out-of-wedlock birthrate leveling off in the general population and improving a bit among black families.

On poverty, the news is primarily what didn't happen. There was no massive increase in destitution and misery, contrary to the predictions of some Democratic politicians and activist groups. Poverty declined in the late 1990s, then rose a bit during the recession. The net change comes to millions of fewer Americans in poverty than when the bill was enacted, with particularly impressive results for black families.

In North Carolina, our Work First model isn't exceptional by national standards, though our rate of decline in dependency ranks fourth among Southern states. One approach the General Assembly did take, back during a brief period of fresh thinking in the mid-1990s, was to devolve some power to counties to come up with their own welfare-reform strategies, which appears to have generated some useful ideas.

Overall, the Cato Institute's recent report card on welfare reform gave North Carolina a "C." We are neither a leader nor a laggard.

Where to go next? State policymakers should consider several options. First, we need to tighten up the definition of "work" to ensure that cash-welfare recipients are moving as quickly as possible into permanent employment. That's more determinant of their future prospects, and those of their children, than completing various government job-training programs with, let's face it, dubious records of achievement.

Second, we need to extend the model for reforming cash welfare (time limits, work requirements, etc.) to the much-larger array of non-cash welfare programs that are far more costly to taxpayers, perpetuate the cycle of dependency, and discourage the family and social sector from playing their important and irreplaceable role in addressing the unwise decisions and unhealthy behaviors that are the main causal factor in long-term poverty.

The Charlotte Housing Authority is reportedly considering a time limit for tenancy in public housing. That would be a good start.

If public-assistance programs can be justified at all in a free society with limited and economical government, their function is to preserve public order and safety by alleviating emergencies and short-term destitution, as the eminent John Locke himself proposed in the late 17th century. It cannot be allowed to become a way of life. *cj*

The Extrapolations Are Exaggerations

At birth, my youngest son, Andrew Jackson Hood, (we're historically fixated in my family) weighed about 8 pounds, 8 ounces and was about 21 inches long. Now, at age 4 1/2, the Little General tips the scales at about 34 pounds and is a bit over 3 feet tall. So he's had an average weight gain of almost 6 percent for every month he's been alive and, as befits his namesake, kicking.

Naturally, I'm overjoyed. No longer need I worry about my financial security. By my calculation, by the time Andrew reaches the age of 22, he will weigh 400 pounds and be more than 11 feet tall. He'll be the greatest football and/or basketball player in history. If he gives me just a sliver of his endorsement contracts, I'll be sitting pretty.

What, you say, I'm mistaken? But I am just projecting a current trend into the future. Government policymakers do it all the time. They call it extrapolation. It is often just exaggeration, which leads to exasperation.

A good example of the phenomenon is how former Gov. Jim Hunt and legislative leaders of both parties behaved during the 1990s. Marveling at annual revenue growth that approached 10 percent, they decided to put this perpetual-motion tax machine to work funding many new, expensive programs. They added billions to the school budget, expanded Medicaid, created Smart Start, plowed millions into economic development, and approved billions in new debt — all the while shrugging off a string of court losses that required hundreds of millions of taxes to be paid back.

But then, as perpetual-motion machines tend to do, the revenue engine sputtered to a halt in 2000-01. The 1990s revenue spurt had been unsustainable, much of it related to capital-gains realizations from surging stocks. Suddenly, North Carolina was faced with what became a series of billion-dollar-plus deficits, resulting in painful tax increases.

A more recent, and delicious, case of extrapolation exaggeration occurred when the Triangle Transit Authority, asking the federal government to fund 61 percent of a proposed \$700 million rail system, claimed that without it the average commuting time by bus from Raleigh to Durham would reach nearly 4 hours, 20 minutes by the year 2025. Federal transportation officials, in a shocking and perhaps brief burst of rationality, reacted with skepticism. Words like "unbelievable, beyond comprehension" were used. In February, they might downgrade the Triangle rail project from "recommended" to "not rated," constituting at least a delay if not a denial.

Triangle transit officials purport to be perplexed. They say they are just extrapolating current mathematical trends out into the future. Perhaps their math is correct, but their logic is not. Human beings aren't numbers on a page. They are alive and reactive. Obviously they are not going to spend nearly nine hours on a bus each day to commute back and forth to work or school. Faced with such a prospect, they'll change where they live, work, or attend school.

Assuming that said officials aren't simply thick as a brick, my suspicion is that they were really trying to invent a high enough benefit claim, in terms of hours of travel time saved, to justify a rail project that makes little sense on the merits.

Of course, sound judgment in these matters requires a keen grasp of logic and statistics. If the issue could wait another 15 years, I'd recommend a consultation with Andrew's older brother, the Little Conqueror (Charles Alexander Hood). Based on the rate at which 7-year-old Alex has been adding to his vocabulary and math skills since kindergarten, I project that by age 22 he will know every word in the English language (about two million, including all scientific terms) and will have computational skill exceeding that of any computer in existence.

Even so, he'll probably still be borrowing money from his brother, the sports star. *cj*

John Hood

Editorial Briefs

Fathers prefer sons

Since 1941, men have told pollsters by more than a 2-1 ratio that they would rather have boys for their offspring. According to a new paper by the National Bureau of Economic Research, these preferences directly influence decisions to marry and divorce.

The authors analyze statistical evidence based on the U.S. Census from 1940 to 2000 and state databases. Even after accounting for family size, they find that women with only daughters are to 2 to 7 percent more likely to have never been married than women with only boys. For those having an ultrasound test, first-time mothers carrying a boy are much more likely to be married at delivery.

Apparently, this effect is not limited to the United States. In developing countries such as China, Vietnam, Mexico, Colombia, and Kenya, all-girl families are more likely to experience divorce and to have additional children than all-boy families. Divorced fathers are more likely to have custody of their sons. This preference for sons could matter more in the future. As technology improves, it will be easier to determine a baby's sex. This might cause larger cultural and social problems as the gender ratio destabilizes.

Dollar drop not a surprise

The recent fall of the dollar is not a surprise, said Stephen S. Roach, chief economist for Morgan Stanley. It is the logical outgrowth of an unbalanced world economy, and America's gaping current account deficit. Roach argues that these global imbalances are a shared responsibility. America is guilty of excess consumption, whereas the rest of the world suffers from insufficient consumption.

Consumer demand in the United States grew at an average of 3.9 percent from 1995 to 2003, nearly double the 2.2 percent average elsewhere in the industrial world. Meanwhile, Americans fail to save enough, whereas the rest of the world saves too much. The personal savings rate in the United States was just 0.2 percent of the disposable income in September 2004, down from 7.7 percent as recently as 1992.

America's consumption binge has its mirror image in excess savings elsewhere in the world. For now, the United States draws freely on this reservoir, absorbing about 80 percent of the world's savings. This cannot continue indefinitely and thus, the dollar is beginning to fall.

Roach argues that as the dollar declines there will be gradual rise in interest rates that will dampen U.S. consumption and stimulate domestic savings rates. Foreign imports will become less attractive to American consumers, forcing Asia and Europe to stimulate domestic demand to compensate. As foreign imports decline and the trade deficit should narrow.

Reported in the New York Times.

Income gap overrated

In 2002, the Census reported that the top 20 percent (quintile) of households held about 50 percent of the national income, while the bottom quintile held 3.5 percent. In other words, the top earners had about \$14.20 of income for every \$1 at the bottom. However, the Heritage Foundation said these results do not account for a number of factors:

- After-tax/post-benefit incomes: The top quintile pays 82 percent of total federal income taxes, while lower-income earners pay 1 percent and receive the bulk of social safety net benefits.
- Household size: The top quintile accounts for 25 percent of the population, while the bottom quintile has 14 percent.
- Work performed: The top quintile performs over a third of all paid labor, while the bottom performs only 4.3 percent.

When taking these differences into account, the income distribution gap is not as large as commonly thought. Adjusting income for taxes and benefits, the top quintile has \$8.60 for each \$1 at the bottom. Controlling for population, the top 20 percent of earners have \$4.21 of income for every \$1 at the bottom. Accounting for work hours on top of these other factors, the top quintile earns \$2.91 in income for every \$1.00 at the bottom. *CJ*

The Inevitable Fall of the Tobacco Program

By MICHAEL L. WALDEN

Contributing Editor

Congress recently passed historic legislation that ended the 70-year-old tobacco program. Tobacco growers and agricultural groups largely supported the legislation as a way to adjust to the current realities of tobacco economies and to assist tobacco-growing regions.

But how did a program that was politically untouchable in North Carolina as recently as 20 years ago come to its demise? I'll argue it's a prime example of the ultimate triumph of economic forces over political control.

The tobacco program was developed in the Depression years of the 1930s as a way to help farmers who were suffering from low prices. In fact, the tobacco program was just one of several similar programs developed for most major crops.

The idea behind the program was simple. Limit the production of tobacco, and the price will rise. It was expected growers could make more money selling less tobacco at a higher price than selling more tobacco at a lower price. The government controlled production by limiting who could grow tobacco (only those holding a government provided "allotment") and capping total production (called the "quota") each year. In economics lingo, the tobacco program effectively established a collusive oligopoly. In such a market structure, a limited number of firms agree to production totals and a price target. Member firms do not compete on price. Collectively, the member firms expect higher profits than if they openly competed.

Collusive oligopolies are illegal in the United States (although not worldwide — OPEC is an example of a collusive oligopoly) unless they are specifically sanctioned by the federal government. The federal government approved the tobacco collusive oligopoly and the government actively participated in the oligopoly by establishing the production limits and grower shares of total production.

For decades, the program worked well for growers. Tobacco became a very profitable crop, and tobacco revenues pumped billions of dollars into the North Carolina economy. If the program missed its price target, excess tobacco would be taken "off the market" by a grower-financed agency in order to move the market price to the target price. Curiously, because the program kept tobacco prices higher than they would have been without the program, it actually curtailed smoking to some degree by boosting the cost of cigarettes.

Then what brought the tobacco program down? It's the same thing that can bring down any collusive oligopoly —

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competition. For a collusive oligopoly to maintain its high price and high profits, it must regulate all major firms in the industry. But it's precisely the high price and high profits that motivate outside entrepreneurs to enter the industry and compete with the oligopoly.

For U.S. tobacco growers, the new competition came from foreign countries such as Brazil and Zimbabwe. In recent years these countries developed tobacco crops of comparable quality and sold them at rates under the U.S. prices. And not only did these foreign producers take away foreign sales from U.S. growers, but they also entered the U.S. market. By 2000, foreign-grown tobacco made up half of U.S.-manufactured cigarettes.

The U.S. tobacco oligopoly also had to contend with the reduction in cigarette consumption. Smoking declined from 43 percent of U.S. adults in 1966 to 23 percent in 2002.

Because of these forces, the federal government continually reduced the production of U.S.-grown tobacco. In just the last seven years the production of flue-cured tobacco was cut in half. Revenues from growing tobacco in North Carolina were likewise cut by almost half over the same time period.

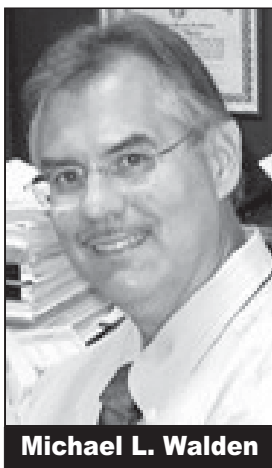
So tobacco growers saw the writing on the wall. Future cuts in production and revenues were expected. They wanted the program to end as long as they could receive

some compensation for dismantling their collusive oligopoly. The negotiations over the past couple of years were about the value of this oligopoly.

The result was the tobacco buyout. Beginning in 2005, the tobacco program will be eliminated and there will be no federal restrictions on growing tobacco. In return, current tobacco allotment holders in North Carolina are expected to receive \$3.8 billion over 10 years, with cigarette companies providing the funds.

Collusive oligopolies inherently have the seeds of their own destruction. Economics — here the motivation of competitors to challenge the oligopoly — usually will win. Sometimes collusive oligopolies will collapse from within when members "cheat" on their production allocations. This has been a long-standing problem in OPEC.

Experts think the tobacco buyout may cut the number of tobacco farmers in North Carolina by 75 percent. Ironically, however, because the remaining tobacco farms will be larger and more efficient, the amount of tobacco grown in North Carolina may actually increase and cigarette prices may fall. *CJ*



Michael L. Walden

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Even his enemies couldn't deny him

Jesse Helms: the U.S. Senate Will Miss an American Original

By **MARC ROTTERMAN**
Contributing Editor

In this era of “big-government conservatism” and blow-dried politicians, it seems to me that it would be instructive to reflect once again on former Sen. Jesse Helms — the man and his career. In the opinion of many conservatives, only President Ronald Reagan had more impact politically in the last half of this century than did North Carolina’s Sen. Helms.

Learned how to rule the rules

Early on, Sen. Helms knew that he had to learn the rules of the Senate to be effective. Often the senator has told people that knowledge was one of the keys to success in the Senate. In a *News & Observer* of Raleigh article in 2001 he said, “If you don’t know the rules somebody can come in who knows the rules and cut you to ribbons.”

“When I woke up and found out I was elected, I started studying the rules,” Sen. Helms said. “When I got there, Robert Byrd and Jim Allen — both Democratic senators — they tortured me, and meanwhile I did everything I could. Dick Russell told me, if you really want to learn the rules, preside over the Senate. So I presided over the Senate.”

A mortal enemy of communism

Philosophically, Sen. Helms, a strict anticommunist, knew instinctively that communism was a politically defunct philosophy that was deplorable in its repressive nature but also immoral in its attempts to rob individuals of their rights to practice a religion of choice or ever experience the opportunity to leave something behind at their death to better the future for those they loved.

He understood the desperation of those who embraced a doctrine that robs their own people of hopes and dreams. He reviled a philosophy whose reality was to toss men and

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Marc Rotterman

women in the cruelest gulags for doing what Americans do everyday — speak their minds. This he hated most of all — for Sen. Helms is a man who has spent his life working for freedom.

From his endless diatribes on Cuban dictator and “thug” Fidel Castro, to his early warnings regarding Manuel Noriega as a “narco-terrorist” — to his endless criticisms of the United Nations’ policies, which resulted in many reforms, Sen. Helms left an American legislative legacy that we will not see again in our lifetime.

Sen. Helms can truly be said to be one of the most outstanding of the Cold War warriors. He has consistently stood up against the former Soviet Union and China. Some liberals tried to discredit him as a mean-spirited bully and a hard-liner. But his passion against communism has never been a source of embarrassment to him. He wears these criticisms like medals.

Stop and think for a moment of the faces of those people in the crowd who looked on as Reagan challenged Mikhail Gorbachev to “take down this wall.” Now remember that without Sen. Helms’ support in 1976 that moment may never have taken place.

Laid the foundation for Reagan

Sen. Helms’s support for Reagan against Gerald Ford creating a 52-48 margin in North Carolina in the primary was a lifeline to Reagan’s troubled candidacy — getting him on to Kansas City. It was Sen. Helms’s support and political capital that helped set the stage for the 1980 presidential victory of Reagan. Very few people in the United States who understand political dynamics will argue against that fact.

The “conservative revolution” that followed — as some see it — assisted dramatically, setting the stage for the wins of many others who have followed from the state house to the halls of Congress — to the presidency in the years to follow.

As a U.S. senator, Mr. Helms had both guts and backbone. His political challenges and often hard-line tactics on subjects were not picked for their “soup de jour — issue of the day appeal.” Sen. Helms was never ruled by polls. He wasn’t someone who “jumped on the bandwagon” — he was the bandwagon.

If Sen. Helms challenged the action of an entity in their performance of duty — as he did the United Nations’ lavish bureaucracy by refusing to approve the payment of American dues — he did it on principle. It wasn’t because somebody thought this issue would “move numbers back home.” He could have cared less. He did it because that is what he believed he should do.

When Sen. Helms looked at the arts funding for what in his heart he believed was offensive art. His point — anyone can buy whatever they want and hang it on the wall — but he was going to fight to be sure that they spent their personal money for it and not the American taxpayers’. If that ruffled feathers — he didn’t give a hoot.

A bulldog, but a lovable one

Sadly too often Sen. Helms the man is often profiled differently and less kindly than, say, fellow conservatives such as Reagan. Maybe former Secretary of State Madeline Albright summed up how he has been portrayed as colorfully as anyone... “Jesse Helms was one of the kindest, most infuriating, politest, most aggravating and nicest politician I had to deal with in the United States Senate.”

Albright also noted that she and Helms had worked together to expand NATO, reorganize the State Department, and reform the United Nations. (*News & Observer* 8/26/01)

Senate interns and pages loved him. People on the opposite side of the issues usually feared but respected him. Conservatives adored him. And the institution of the U.S. Senate will never be quite the same without him. *cj*

Marc Rotterman is a senior fellow at the John Locke Foundation and treasurer of the American Conservative Union.

Give the state's taxpayers a break

Out-of-State Tuition Is a Bargain at University of North Carolina

By **GEORGE C. LEEF**
Contributing Editor

Predictable as the falling of autumn’s last leaves, December brings news that the state’s budget has a big deficit, that the UNC system claims that it needs a lot more money, and talks of tuition increases.

Brad Wilson, chairman of UNC’s Board of Governors, has said that he is against any tuition increases for residents this year. I don’t agree with his characterization of tuition increases as a “financial arms race” — having students pay more so taxpayers don’t have to shoulder so much of the cost is not akin to an arms race — but let’s put that aside.

What about tuition for nonresidents?

North Carolina law states that tuition charged to out-of-state students is to be “comparable to the rates charged nonresident students by comparable public institutions nationwide...”

That’s pretty vague language, leaving plenty of leeway for the board to charge what it thinks is optimal.

Currently, nonresidents pay about \$17,500 at Chapel Hill, compared to \$4,400 for residents.

What do other public universities charge?

What are the nonresident tuition rates at some “comparable” public universities? Nonresidents who want to attend the University of Virginia have to pay substantially more — almost \$23,000. Tuition for nonresidents is higher still at the University of Texas — more than \$27,000. Another pricey state “flagship” school is the University of Colorado, at nearly \$21,500.

Not all state universities are more costly than UNC. Nonresidents of Michigan pay about \$14,000 to attend the University of Michigan, only twice what residents are

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George C. Leef

charged. Out-of-staters wanting to go to the University of California face tuition of \$17,000. The University of Georgia is considerably less costly at \$11,800.

Thinking About Pricing

So UNC’s nonresident tuition is neither especially high nor especially low, but that doesn’t mean that it is optimal. UNC might be overpricing or underpricing its educational wares. Neither is desirable from the taxpayers’ standpoint.

A key question is whether UNC has to turn away prospective customers at its current rates. If a business has a product or service for sale and finds that there is more demand for it at the price it has set than it can satisfy, that’s a clear signal that the price is too low.

Suppose that a restaurant charged only \$10 for a great steak dinner and had to keep turning away customers because it didn’t have enough room. The owner would quickly realize that he should raise his price.

That is the situation that some UNC campuses face. For the 2003-4 academic year, Chapel Hill had more than 10,300 nonresident applications. Due to the out-of-state enrollment cap, it could accept only 1,986, of whom 619 enrolled.

At NC State, there were 3,260 nonresident applications; 1,814 were accepted and 432 enrolled. At the other UNC campuses, there was far less of a spread between applications and acceptances.

What this suggests is that the sizzle of the steaks at Chapel Hill and to a lesser degree NC State is attracting a big crowd of would-be diners, many of whom can’t be

served. A price increase at each university would seem sensible.

Other North Carolina universities

We could also compare the cost of attending UNC with the cost of attending other schools within the state. Educationally (and culturally and athletically, too), Chapel Hill and NC State think of themselves as peers of North Carolina’s top private colleges and universities — Duke, Wake Forest, and Davidson.

Tuition and fees at Duke will take a \$30,000 bite out of your bank account. Wake Forest and Davidson are just slightly less. True, not everyone has to pay full sticker price due to reductions called “financial aid,” but it’s still true that for a non-resident, UNC is a bargain compared to the state’s top private institutions.

North Carolina is near the top in the percentage of expenditures on public higher education that come from government appropriations. Based on statistics in *The Chronicle of Higher Education*, more than 48 percent of the money spent on our public colleges and universities comes from taxpayer dollars, sixth-highest in the nation. By contrast, Virginia funds its state higher-education system relying on taxpayers for only 30 percent of the money. Michigan manages with only 26 percent.

That suggests that North Carolina could, and I believe should, do much more to apportion the expense of the state’s higher-education system to willing payers and donors, thereby taking some of the pressure off our badly squeezed taxpayers. Increasing tuition rates for nonresidents is one way to do so. *cj*

George C. Leef is executive director of the Pope Center for Higher Education Policy and a contributing editor to Carolina Journal.

It Doesn't Pay To Be a Woman, State Study Says

Battle of the sexes: Personnel Office finds women still fall victim to chauvinism, unfairness on payday

By MISSY MANLY
Gender Studies Correspondent

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A recent study by the Office of State Personnel revealed that as a group, women make less than men and that female-dominated occupations are "often paid less than male-dominated jobs even if they require the same or greater amount of education, experience, and responsibilities."

Among the specific findings were that females make up 48.9 percent of the total state workforce but occupy 71.5 percent of the low-wage jobs. The study did not account for experience that may explain why the average salary for a white male accountant II is \$51,891 and the average for white females is \$50,490.

The authors also concluded that the report could not answer the question, "Does a glass ceiling exist in North Carolina state government for female employees?"

A call for no action

We discussed the study results with a number of citizens and public officials. Some of the responses follow below, but the identities of the respondents have been withheld to protect them.

A Republican member of the state House from Raleigh told *CJ* he was tired of the state wasting money on these studies. "Even though there are several female state employees in my district they always vote for Democrats. Why should I worry about their career choices?" he said.

A retired business executive from Dare County said that people should spend more time making career choices. "If you are concerned about making a lot of money, pick a high-paying occupation, get the proper education, and work hard or bribe a politician. I am tired of whiney employees who want me to pay for their poor career choices."



Women are waiting on the government to respond to their plight.

A high-ranking employee in Gov. Mike Easley's administration said she was not concerned about the disparity. "These studies have been periodically conducted for as long as I can remember. They generate a little press coverage and then everyone forgets about them. I am a great example of how a woman can get as much money as a man. In fact, I work for the gov, but make more money than him. So what's the problem?" she said.

A female Democrat state House member from Wake County was disturbed by the results. "The results of this study really bother me. I came to the General Assembly primarily to help working women, nonworking women, women who sometimes work, women who often miss work because they are women, and working families headed by women. What kind of woman am I if I cannot fix the disparity situation?" she said. "I will introduce bills, form study commissions, and make this disparity the center-

piece of my legislative career."

A female student at the University of North Carolina-Chapel Hill said women have waited long enough for equality and suggested immediate action. "I know the state is short on money and I am tired of tuition hikes to balance the state budget. I think state lawmakers should immediately reduce the salary of all overpaid male workers and increase the salary of underpaid female workers."

A female state employee in a clerical position suggested job swapping to increase understanding of the plight of women. Under her plan, male employees in male-dominated occupations would trade jobs with female employees in female-dominated occupations. When asked whether she thought this would hinder productivity, she said, "What do you mean?"

When the concept of productivity was further explained, she said, "Maybe, but I don't really care. Even if the job swapping doesn't generate some understanding from the men, I just think it would be a good idea to get away from my boring job for a while."

Drastic measures

A Democrat state senator from Fayetteville who oversees the state employee health plan had one of the most bizarre solutions. He said he will propose amending the health plan to include reimbursement for sex-change operations, but only from a male wishing to become a female. "We know there are a number of folks out there who are just not comfortable with their gender. These types of operations are becoming more popular. We can use this situation to help change the statistical disparity between male and female state workers," he said. *cj*



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