

**Thad Beyle***Editor & Associate Director*  
beyle@email.unc.edu**John Quintero***Managing Editor & Assistant Director*  
jq@unc.edu**Ferrel Guillory***Publisher & Director*  
guillory@unc.edu

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# data-net

## Non-Profit But Hardly Non-Influential

FERREL GUILLORY, *Publisher*

In mid-July, *The Charlotte Observer* published an assessment of the legislature's difficulty in arriving at a state budget agreement in an account headlined, "In capitol, name of the game is blame." In addition to quoting a couple of Mecklenburg County legislators, the story also quoted three civilians: John Hood of the John Locke Foundation, Chris Fitzsimon of the Common Sense Foundation and Kim Cartron of the N.C. Budget and Tax Center.

The newspaper's story neatly illustrated not only a common journalistic practice, but also the addition in recent years of a special group of voices to the chorus of commentary that surrounds state government and politics.

Not so long ago, debate and analysis of legislation would involve legislators themselves, the governor and agency heads, legislative and executive staffs, a packet of lobbyists and research from such venerable entities as the UNC Institute of Government and the N.C. Center for Public Policy Research, punctuated by newspaper editorials and an occasional petition-or-protest rally. Similarly, campaign give-and-take had a distinct set of actors – the candidates, campaign managers and press secretaries, pollsters, political party officers and, for an outside perspective, a political science professor or two.

In Raleigh these days, the traditional voices have been joined — and sometimes overtaken — by the John Locke Foundation, the Common Sense Foundation and the North Carolina Budget and Tax Center, each in its own way organized and funded to critique and criticize, to insert its ideas into the policy and politics debate of the state. They are quoted regularly in the newspapers, and some have regular spots on Sunday TV. And, from time to time, lawmakers have

consulted with these groups to test their budget and tax measures.

To provide more information on this relatively recent development in state-level opinion-shaping, I assigned students in my spring 2002 semester Advanced Reporting course in the School of Journalism and Mass Communication to report in a journalistic fashion on the formation, funding, point of view and activities of these groups. A student was also assigned to NCFREE because of its influence as a gatherer of data on legislative candidates.

In this issue of *DataNet*, we present four articles that represent the results of this class project. Out of these stories, several themes emerge:

- ◆ That information, organized and assembled to drive a point of view, has power. Even more power comes with information regarded as reliable and credible.
- ◆ That one or two individuals, possessed of an idea and the energy (as well as funding) to carry it out, can carve out a place in the democratic marketplace.
- ◆ That each of these organizations influences the legislative-political process outside of the major political parties. Their tendencies may tilt toward Democrats or Republicans, but they stand apart from the parties and often criticize leaders of both.

A final word of thanks to Professor Thad Beyle, who brought his experience to bear in editing this issue, and to John Quintero, a 2002 MPA graduate who has joined the Program on Southern Politics, Media and Public Life as assistant director and who wasted no time getting this issue ready for publication. ■

# The John Locke Foundation

THOMAS MURAWSKI, Graduate, School of Journalism and Mass Communication, UNC-Chapel Hill

ADAM RUST, Graduate Student, Department of City and Regional Planning, UNC-Chapel Hill

On an April afternoon, anti-tax demonstrators gathered in a museum plaza near the State Capitol. The crowd of predominantly older, middle class protesters wielded placards saying “Honk for No New Taxes” and “Taxes Stink.”

This “Tar Heel Tea Party” was better orchestrated than most Raleigh demonstrations. It was the handiwork of a group not usually associated with protests: the John Locke Foundation.

John Hood, foundation president, approached the podium and named a set of state senators who had raised taxes. After hearing the names, the crowd booed.

Don Carrington, foundation vice president, arrived from his nearby office. “There really weren’t any big rallies 10 years ago,” he said while surveying the crowd, which had reached 150. “Conservative rallies,” he corrected himself.

## The Birth of an Idea

Since its 1990 incorporation, the John Locke Foundation has become a force in the state’s political life. Most of the time, the staff works behind the scenes, pouring over facts and figures and writing studies. Staff members view their mission as an educational one, providing information consistent with a free-market philosophy.

The John Locke Foundation was the brainchild of Art Pope, a Wake County legislator whose father founded a chain of five-and-dimes. Pope recalled that, before he first ran for elected office in 1988, he noticed the lack of a strong conservative voice in Tar Heel politics at the state level.

“Back when I was in high school,” Pope remembered, “I read John Locke’s two treatises on government, and they had a huge impact on me ... I think that the John Locke Foundation has been very consistent with what John Locke said.” The ideas that Pope drew from Locke are policies of least interference. The best government is one that keeps taxes low, minimizes regulations, gives free rein to the “invisible hand” and protects private property rights.

The organization began with funding from the foundation run by Art Pope’s family. The original staff had two employees, but today 22 work for the organization.

Pope modeled the organization on two

national conservative think tanks, the Heritage Foundation and the Cato Institute. He also searched for other sources of financial backing to meet the first of the organization’s challenges: gaining a broader base of support. “The other big challenge was getting accepted by the public officials,” Pope recalled.

## Spreading the Word

One of the original staff members was John Hood, the current president. Hood founded a conservative campus magazine, the *Carolina Critic*, as an undergraduate at the University of North Carolina at Chapel Hill, and after graduation, he worked in Washington, D.C. at the *New Republic* and the Heritage Foundation. He returned to North Carolina eager to change what he saw as a lack of conservative views in the state’s major newspapers, and the foundation’s magazine, *Carolina Journal*, provided him a forum. Hood also writes a syndicated newspaper column and appears on the weekly television show “NC-Spin.”

Several factors helped the organization’s early development, Hood explained. “One was to focus on facts and information ... the second thing was to emphasize timing and relevance, and this is actually a conscious decision.” Like its namesake did with quill pens, the John Locke Foundation attempts to redefine government, though its tools are computers, fax machines and luncheons. Rather than folios, the foundation publishes journals and reports aimed at reporters, legislators and public officials.

*Carolina Journal*, the foundation’s monthly publication, reaches public leaders of all viewpoints. The foundation also prints longer reports, sometimes for clients. Meanwhile, particular issues are studied by the foundation’s three subgroups: the Center for Local Government Innovation, the Pope Center for Higher Education Policy and the North Carolina Education Alliance, which studies primary and secondary education.

## Equal Opportunity Critics

While the Locke Foundation considers itself a conservative group, some of its most critical research has targeted Republican initiatives. “Most people [here] are more critical of Republicans than Democrats,” said Eric Root, a policy analyst at the Center for Local Government Innovation. “Republicans are

moving increasingly to the left, so it seems.”

The organization’s staff members credit their ideological consistency with earning the John Locke Foundation much of its respect. It also serves as a defense of the organization’s ties to Pope and another Republican legislator, John Carrington of Cary, a relative of vice president Don Carrington and a member of the board of directors.

Links between the foundation’s board members and the Republican Party heighten the perception that the foundation is a Republican organization. Records obtained from the Center for Responsive Politics indicate that the foundation’s board members donated \$80,850 to Republicans during the 2000 election cycle. They contributed nothing to either Democrats or Libertarians.

While board members may support the Republican Party, the staff feels that it has a valid claim to independence.

“That was a big difficulty that the Locke Foundation had in the beginning — that it was a Republican Party organization,” remembered John Sanders, publications director of the Pope Center for Higher Education Policy. “I know that we have surprised a lot of people who want to pigeon-hole us as Republicans ... That’s one of the nice things of having a rational philosophical background.”

Don Carrington also values this independence. Formerly deputy director of employment and labor market information for the North Carolina Employment Security Commission, Carrington left his state post in 1993. He prefers working at Locke. “If something is stupid,” said Carrington, “I can just call it stupid. I don’t have to get permission from the governor.”

### Breaking the News (of Old Habits)

The Locke Foundation has become a go-to source for conservative quotes and analysis for the press, and it influences the news in subtler ways. “I think that the media has been their strong suit,” said Phil Kirk, president of the North Carolina Citizens for Business and Industry. “He [Hood] fills a void, and North Carolina is basically a conservative state. But John Locke is almost libertarian in their approach, and they’ve gotten more press than their accomplishments deserve.”

“Reporters are often on very difficult deadlines, and they are always looking for someone who can express an articulate viewpoint,” commented Rob Christensen of the *Raleigh News and Observer*. “They know that by going to a John Hood or Chris Fitzsimon [executive

director of the Common Sense Foundation] they can get that.”

Don Carrington considers part of his work as a researcher to fill the void left by the decline in investigative journalism. “We’ve always said that you need better coverage of government,” he said. “Sometimes, we compete with other people for stories. Sometimes, we share stories ... I have, behind the scenes, helped a lot of reporters.”

Carrington said that he steered a *Durham Herald-Sun* reporter to a story regarding funds from the state’s multimillion-dollar tobacco settlement. The tip led to a front-page story about a polo field in Hoke County built with funds from the Golden Leaf Foundation. The story coincided with a blitz against Golden Leaf in Locke’s publications.

### Policy in North Carolina

The foundation’s vision is clear: it seeks to minimize government controls. The group applies its principles narrowly to a few specific policy issues. Education, taxes and the appropriate role of government fill most pages of *Carolina Journal*. “I think that the budget is the largest area [of influence],” said Hood. “Many of our suggestions have been adopted in whole or in part by the state legislature.”

A problem with ideological research is that it doesn’t necessarily capture the whole picture, as a researcher can find evidence to support any perspective. Analysts at the Locke Foundation believe that, as part of a wider spectrum of North Carolina think tanks and institutes, they fill a need by providing the coherent conservative perspective needed for vigorous public debate.

The desire to balance the allegedly liberal

bias in political reporting prompted the foundation’s creation. Now, Pope views the emergence of several new liberal think tanks as an affirmation of the foundation’s influence.

The Common Sense Foundation and the North Carolina Budget and Tax Center occasionally collaborate with the foundation and have formed an unlikely alliance against Gov. Mike Easley’s lottery plan. For the most part though, the relationship among the groups is adversarial and puts zing in political debates.

### Playing Politics

Apart from the media, the Locke Foundation’s presence is felt strongest in the General Assembly.

A study of successful state schools has resonated with decision makers in North Carolina and on a national level. “It did lead to a lot of principals looking at what we did,” recollected Sheri Joyner, a policy analyst at the North Carolina Education Alliance, “and there were a lot of national groups looking at what we did. The US Department of Education requested a copy of it.”

Some politicians have become ardent fans of the foundation — among them Barbara Howe, chair of the state’s Libertarian Party. “I have been a supporter of theirs for years,” she said. “I would use their information because they do a lot of very good research,” she added. “They come out with honest, accurate assessments of what the picture is.”

“The Locke Foundation is a different breed of cat,” noted reporter Rob Christensen. “They really think that government ought to be shrunk, that there’s too much waste in the system.” ■

## The John Locke Foundation

**MISSION:** Designing, producing, distributing and marketing solutions consistent with free-market principles to North Carolina’s public issues

**FOUNDED:** 1990

**LOCATION:** 200 West Morgan Street, Suite 200, Raleigh, NC 27601

**KEY STAFF:** John Hood, President; Don Carrington, Vice President; Kory Swanson, Vice President; Richard Wagner, Editor of *Carolina Journal*

**BOARD OF DIRECTORS:** 18 members; Tula Carter Robbins, Chair

**BUDGET AND FUNDING:** The majority of the foundation’s funding comes from grants, gifts and contributions.

**FY 2000 REVENUES:** \$1.4 million

**WEB SITE:** <http://www.johnlocke.org>

**SERVICES:** Publishes *Carolina Journal*; sponsors regular Headliner Luncheons; operates the Center for Local Government Innovation, the Pope Center for Higher Education Policy and the North Carolina Education Alliance

# The Common Sense Foundation

SABINE HIRSCHAUER, Graduate, School of Journalism and Mass Communication, UNC-Chapel Hill

WILL ALEXANDER, Student, UNC-Chapel Hill

Chris Fitzsimon, executive director of the Raleigh-based Common Sense Foundation, keeps a busy weekly schedule: Speech in Charlotte before a panel about the death penalty, protest against a university tuition hike, luncheon speech about the state's budget crisis, a presentation about corporate tax breaks.

Since its 1994 founding, the Common Sense Foundation has sought to inject a liberal voice into a state historically laden with social and economic conservatism. And with associate director Janet Cowell now serving as a first-time Raleigh councilwoman, the Common Sense Foundation has positioned itself at the heart of local policymaking.

"The philosophical debate in North Carolina was trapped in a very narrow spectrum," Fitzsimon remembered. "The policy debate did not include the majority of the people. Decisions were in a handful of powerful interest groups and people."

Fitzsimon founded the non-profit organization and was for a while its only employee. Today, Common Sense has a staff of five, and its board reads like a who's who list of North Carolina's liberal community. There are officials of Planned Parenthood, the North Carolina Sierra Club, the Children's Defense Fund, the Poverty and Race Research Action Council and the People of Faith Against the Death Penalty.

## Common Sense's Mission

Named after Thomas Paine's philosophical

work, Common Sense has a three-part mission: developing and promoting a multi-issue progressive agenda, helping grassroots organizations improve their legislative involvement and watching over the government and political process.

"Historically, there is a lack of involvement of people with progressive views in the public policy debate," Fitzsimon said. "There is a lack of hard-hitting research. There is a disenfranchisement for those folks who don't have lobbyists. Their views have been dramatically underrepresented."

Fitzsimon, a graduate of UNC-Chapel Hill, covered government and politics for nine years as a television reporter. Later, as a speechwriter for House Speaker Dan Blue, he became an avid political observer by trade and an advocate for the underprivileged at heart. Fitzsimon's political apprenticeship, working closely on the everyday treadmill of the state legislature, shaped his view on North Carolina's public policies. "Working for Dan Blue made it clear that the Common Sense Foundation had to exist," he said.

The Common Sense Foundation fights for what Fitzsimon defines as the fundamental rights to a broad economic floor for all: health care, education, a living wage, workers' rights to organize, job protections. The foundation issues reports and comments on such topics as North Carolina's mental health system, school reform, a lottery's impact on the poor, the death penalty and fair taxation.

## The Common Sense Foundation

**MISSION:** Develop and promote a multi-issue agenda; help grassroots organization improve their legislative involvement; watch over the state's political process and government.

**FOUNDED:** 1994

**LOCATION:** P.O. Box 10808, Raleigh, NC 27605

**KEY STAFF:** Chris Fitzsimon, Executive Director; Dani Moore, Associate Director; David Mills, Research Director; Alex Bireline, Program Director; Daniella Cook, Fair Testing Organizer

**BOARD OF DIRECTORS:** 17 members; Jack Boger, Chair

**BUDGET AND FUNDING:** Funds come from donations and foundation grants.

**FY 1998 REVENUES:** \$177,000

**WEB SITE:** <http://www.common-sense.org>

**SERVICES:** Prepares regular briefs, reports and commentaries on public policy issues; assists grassroots organizations in understanding the legislative process

The foundation co-sponsored with the North Carolina Council of Churches a study of race and the death penalty in the spring of 2001. Data were collected from court records, the chief medical examiner and the Department of Correction. It investigated 113 factors in 502 cases. Jack Boger, Common Sense board chair and a law professor at the University of North Carolina, directed the study. Boger was an assistant counsel at the NAACP Legal and Education Fund, Inc. in New York and defended a Georgia death row inmate in 1987 before the U.S. Supreme Court. "It was the first time in over a generation that in North Carolina capital punishment has been examined," Boger said.

The study found that defendants whose victims were white were 3.5 times more likely to be sentenced to death than defendants whose victims were non-white. "The study shows that skin color still plays a major role in deciding who lives and who dies in our criminal justice system," Boger added. The Common Sense Foundation presented copies of the research to North Carolina's lawmakers, and the research, still in its preliminary stage, has contributed to the renewed public debate about the death penalty.

But to quantify and measure success is difficult for such a small think-tank. After the research has been made public, death penalty proponents were quick to respond to the study. "I've got a stack of statistics that will tell you about anything you want to hear," said Peg Dorer, director of the North Carolina Conference of District Attorneys. "Those opposed to the death penalty will find racial bias anywhere they can look."

### **Influencing the Public Sphere**

The Common Sense agenda for 2002 is clear: discussing how to solve the state's fiscal dilemma without touching programs for the working poor. And Fitzsimon blames the legislature for not only an unprecedented, but also a self-created budget problem. "We cut taxes in the middle of the '90s," he said. "At the same time, we addressed a few needs in education and increased tax loopholes. The inevitable result was that programs were underfunded, and now there are even more cuts. Have we made mistakes in the '90s by cutting taxes? Yes, we have."

While the foundation's influence might be hard to measure, its fight for the underprivileged and the poor has many allies in the non-profit community. The foundation collaborates with the North Carolina ACLU and with the North Carolina Justice and Community Development Center, a statewide advocate for the poor. They are members of the Alliance for Economic Justice, a North Carolina grantee of the Ford Foundation.

State Senator Ellie Kinnaird sees the Common Sense Foundation more as an influential educator and public information source than a powerful political player.

"They really aren't people who promote bills," she said. "He [Fitzsimon] makes comments on budget, education and labor, that kind of thing. He's more of a research and information agent. He speaks to grassroots organizations that hopefully write to the legislature."

In the political marketplace of ideas is where Andrew Taylor, political science professor at North Carolina State University, sees the foundation's place and function. "[The Common Sense Foundation] has become a fixture in North Carolina politics," Taylor remarked. "It's really one of the loudest voices of the left."

As a non-profit organization, the Common Sense Foundation is prohibited by law from lobbying. But as a political educator, the Common Sense Foundation often reaches lawmakers. Taylor said that legislators use ideas and studies from groups like the Common Sense Foundation to support and justify their own positions.

"Take a worst case scenario — the Common Sense Foundation comes up with an idea, and it just happens to espouse the kind of outcome that a group of liberal Democrats wants," Taylor said. "The liberal Democrats will pick up the Common Sense Foundation's idea. The idea hasn't driven their position, but they can use the idea to sell it to the public. They can say, you should support this policy because it is going to do x, y and z and all of these things are healthy ...."

With a full-time staff of five, Common Sense operates on a smaller scale than similar organizations. "We don't take contributions

from big corporations," said Fitzsimon, "Just because we generally take positions big corporations don't like." Additionally, the foundation has challenged elected officials regardless of their party affiliations. Fitzsimon has criticized former Democratic Gov. Jim Hunt over his handling of AIDS and labor issues and current Gov. Mike Easley regarding his support of capital punishment and a state lottery.

State representative Joe Hackney said that while the Common Sense Foundation adds balance to the political spectrum, funding, or the lack thereof, reflects the ideological divide between conservatives and liberals.

"The difference between left- and right-wing think-tanks in North Carolina is that one is well-funded and the other isn't," said Hackney. "Right-wing tanks are funded by big corporations, big contributors."

"You're talking about real small shops with a few people writing policy papers, trying to get a presence in the media," Taylor said. "Once in a while they might hire someone else to do research, but organization is important in politics. You might have a lot of grass-roots support, but if you don't have an organization, you can't get anything done very well."

The Common Sense Foundation's staff distributes quarterly journals and issues reports, e-mails legislative updates, special reports and notifications about special events. It also supports other grassroots organizations, offering "message madness" workshops in which volunteers are trained in policy making and working with the media.

The future of the small liberal think-tank with the big name remains tightly linked to the man with the busy schedule. Fitzsimon remains the foundation's charismatic cornerstone. He is a regular panelist on the television show "NC Spin," writes columns and op-eds and meets frequently with community leaders.

"We have continued to grow and develop other voices," he said. "We have institutional credibility. The Common Sense Foundation is so much larger than me." ■

# The North Carolina Budget and Tax Center

CORINNE MACLAGGAN, Graduate, School of Journalism and Mass Communication, UNC-Chapel Hill

At noon on a Monday, a few bagels and half of a cake sit near the printer at the North Carolina Justice and Community Development Center in downtown Raleigh. “The official engine of the social justice organization,” explains policy analyst Kim Cartron, “is carbohydrates.”

Cartron directs the North Carolina Budget and Tax Center (BTC), one of 11 projects of the North Carolina Justice and Community Development Center, a non-profit corporation that advocates for low-income citizens. The BTC strives to show policymakers how North Carolina’s fiscal policies affect the poor. It publicizes its analyses through special reports, newspaper op-ed pieces, press releases and radio talk shows.

“The most important thing we do is provide the bigger perspective,” Cartron said, “to push the question: Who’s going to be hit by taxes? I view us as leveling the playing field. We have to do enough research to get to the point where the argument is about philosophical issues.”

The BTC finds itself in an era of transition. Its longtime director, Dan Gerlach, who headed the Center from its 1994 inception until December 2001, now works as Gov. Michael

Easley’s senior policy adviser for fiscal affairs. The BTC rose in influence under Gerlach’s leadership. With the current recession, the BTC’s methods have become more defensive.

“The project is there to provide a progressive voice whatever the economic situation may be,” said Rob Schofield, Justice Center staff attorney. “We’re not writing about tax cuts as much. But the mission hasn’t changed.”

Cartron said the agenda has actually become easier to promote. In prosperous times, she said, people have a hard time understanding that some folks aren’t faring well. In a recession people tend to be more sympathetic. “Our goals are to explain how we got in the budget situation and put forth solutions that don’t hurt low- and middle-income people,” Cartron said. “We also want to dispel myths that government is too big.”

## Roots and Structure

After years of lobbying for the poor, the Justice Center — which operated as the N.C. Legal Resource Center from 1982 until 1996 — realized that it needed some numbers to support its efforts. “It was evident that we were at a disadvantage,” said Schofield. “It was like having one arm tied behind your back. We didn’t have the capacity to explain

## *The North Carolina Budget and Tax Center*

*A project of the North Carolina Justice and Community Development Center*

**MISSION:** Provide timely analysis of state and local budget and tax issues, with a special focus on the impact of state fiscal policy on low- and moderate-income North Carolinians.

**FOUNDED:** 1994

**LOCATION:** 224 S. Dawson St., Raleigh, NC 27611

**KEY STAFF:** Kim Cartron, Director and Policy Analyst; Sheila Kingsberry-Burt, Outreach Coordinator; Elaine Mejia, Senior Policy Analyst

**BOARD OF DIRECTORS:** 18 members; Victor Boone and Willis E. Williams, Co-Chairs

**BUDGET AND FUNDING:** The Charles Stuart Mott Foundation and Ford Foundation provide a total of about \$210,000 to fund the Budget and Tax Center’s three staff positions.

**FY 2000 REVENUES FOR THE JUSTICE AND COMMUNITY DEVELOPMENT CENTER:** \$1.9 million

**WEB SITE:** <http://www.ncjustice.org/btc/index.html>

**SERVICES:** Prepares regular briefs, reports and commentaries on fiscal issues

where the money should come from or effectively argue about tax fairness. By hiring economic experts, we brought on a new level of sophistication.”

So the Justice Center created a framework for the BTC. The Washington, D.C.-based State Fiscal Analysis Initiative (SFAI) was created in 1993 through grants from the Annie E. Casey, Ford, and Charles Stewart Mott foundations. It selected the BTC as one of its original grantees, and in November 1994 the N.C. Budget and Tax Center was born.

In addition to continued support from the SFAI, the Charles Stuart Mott Foundation and the Ford Foundation provide about \$210,000 annually to fund the BTC’s three staff positions. The BTC also receives a portion of the funds that several philanthropies — such as the Warner Foundation and the Mary Reynolds Babcock Foundation — contribute to the Justice Center.

Gerlach said that the creation of the BTC filled a niche in the state. “There was nobody out there with budget expertise that had a social conscience,” he said. But Gerlach said he found it difficult to “sustain an informed public about budget issues and social justice.”

The BTC has been nurtured by its existence under the Justice Center’s umbrella. Other Center projects focus on issues such as affordable health care, fair educational opportunities and legal assistance for immigrants. Of the 20 staff members of the Justice Center, two — Cartron and Outreach Coordinator Sheila Kingsberry-Burt — work full-time for the BTC. Another policy analyst, Elaine Mejia, joined the staff in late April.

### Partners and Influence

In a church basement in Wilson County or a community college in Rocky Mount, the Center takes its message to those it works to serve. It teams with community-based organizations to educate low-income people about budget and tax issues. “It’s participatory learning,” Cartron said. “We make complex concepts fun and approachable.”

Kingsberry-Burt, the outreach coordinator, draws from her own experiences as a former welfare recipient to approach North Carolina’s low-income residents. “Having had the experience I’ve had makes me respectful of the humanity of the poor,” Kingsberry-Burt said. “The classic way of seeing the poor is by looking down. That’s just how it is.”

In January 2001, the BTC and the women’s advocacy group NC Equity published “Working Hard is Not Enough,” an analysis of the gap between wages and living costs in North Carolina.

Each issue of the Center’s bimonthly newsletter, *BTC Reports*, dissects one topic related to state fiscal policy. Recent issues have analyzed the state budget, estimated the effects of proposed tax hikes and suggested the need for federal assistance to the state.

The BTC, often through the work of the Justice Center, joins with organizations such as the Common Sense Foundation, NC Fair Share and the JUBILEE Project of the Council of Churches. “The Budget and Tax Center is really our fiscal arm,” said Paula Wolf, chief lobbyist of the Covenant With North Carolina’s Children. “They bring information that’s often not accessible so we can understand it, and we can speak for children and families. What they do is absolutely unduplicated.”

The BTC sticks to issues with direct budgetary implications. Cartron said that the BTC leaves such issues as gun control and environmental protection to other organizations.

“Their ability to influence the press and the General Assembly has been spectacular,” said political analyst and columnist Paul O’Connor. “It is based on Dan Gerlach’s precision with numbers. He doesn’t play games with numbers. They are non-partisan numbers. Even Republicans will stop and shut up when Dan comes to the podium.”

Now that Gerlach has moved to the governor’s office, the BTC faces the challenge of sustaining its credibility. “A small organization takes the shape of who’s in charge,” Cartron said.

“Our challenge now is going beyond the cult of personality that surrounded Dan. He had an omnipresence at the legislature.”

### Moving Inside

Gerlach, an Ohio native, worked as a budget analyst for the New York legislature before directing the Budget and Tax Center. In 2001, he served on Easley’s tax commission, which looked for tax loopholes and more efficient tax policy. Easley noticed him, and in January, Gerlach joined the Governor’s staff as a fiscal policy adviser.

It was a controversial move. Gerlach had been at times a critic of Easley, especially as an outspoken opponent of Easley’s lottery plan. In his last column for the BTC in December 2001, Gerlach wrote that people kept telling him that he was going “to the dark side” in working for the government. Gerlach wrote that he is grateful “to have spent seven years outside the government, trying to provide context and light to North Carolina’s budget process,” but that the “dark side is where decisions are made and challenges are accepted.”

The March issue of *Governing* magazine quotes Phil Kirk, president of the North Carolina Citizens for Business and Industry: “Gerlach’s past statements indicate a bias against the friendly business climate that we have for banking in our state.”

For the staff of the Justice Center, Gerlach’s absence at the BTC is both a triumph and a loss. Much of the Budget and Tax Center’s work focuses on influencing those with power — the General Assembly, the lobbyists, the media. As Cartron, Kingsberry-Burt and Mejia redefine their organization, they will have to figure out how to best focus their efforts to reach those making the decisions in this critical economic time — without Gerlach.

“Dan established credibility,” Schofield said. “He was producing hundreds of reports, breaking down the budget and offering progressive alternatives. It was a level of analysis that had never been produced in North Carolina.” ■

# North Carolina Forum for Research and Economic Education (NCFREE)

OWEN COVINGTON, Graduate Student, School of Journalism and Mass Communication, UNC-Chapel Hill

John Davis's first thought upon hearing his name as he watched the televised arguments before the North Carolina Supreme Court in the lawsuit over the state's redistricting plans was "Oh my goodness." Early in their arguments, the Republican plaintiffs cited Davis, the executive director of the North Carolina Forum for Research and Economic Education (NCFREE), and his assessment of the newly drawn legislative districts.

A self-described "political numbers junky," Davis has built a career and an organization around examining the changing climate and geography of North Carolina politics for an array of business executives. The fact his assessment came into play in this critical court case suggests how much Davis, and NCFREE, have come to be relied upon.

NCFREE has carved a niche for itself in the North Carolina political scene. Its reputation is based upon its numbers-based analyses of state legislators and its unwillingness to lobby for particular issues. The cornerstone of NCFREE is the idea that the best political decisions for the business community can be made only with the best, and the most, information.

## From Mississippi to North Carolina

NCFREE began in the mid-1980s. The idea originated with Davis when he lived in Mississippi and knew little of North Carolina politics. Davis began his methodological study of state politics — the inner workings, the numbers, the players — after his involvement in a 1975 Mississippi gubernatorial race, following a stint as a public school teacher. "I became involved in the campaign and just fell in love with politics," Davis said.

Davis went on to work for Gerald Ford's presidential campaign in 1976, a Mississippi senate race in 1978 and a Mississippi gubernatorial candidate in 1979. As Davis sat on the floor of the empty 1979 campaign headquarters beside the office's single telephone, working on forgiving debts from the campaign, he received a call from the Mississippi Manufacturers Association, which felt its political contributions were based upon too little information about the candidates and too much on the candidates' promises.

Accepting an offer from the group, Davis began developing an organization that could

glean from public records how legislators had voted on issues affecting business and industry. Working with \$12,000 from the group, Davis spent three months developing the concept for an organization to gather information about state legislative candidates and how those candidates voted on business issues.

"This notion threatened incumbents," Davis said. "They like to go back and talk to the civic groups and say, 'I fought your fight. I bled for you.' ... It took four years of truly struggling to get the program off the ground."

Davis found himself sending out videotapes about the program around the country and booking speaking engagements in other states. His work in Mississippi drew interest from a group of North Carolina business leaders, who hired Davis as a consultant in 1983 and later offered him the job of executive director of NCFREE in 1986.

In North Carolina, Davis found a business environment that could support a political education organization such as NCFREE. With its mix of small businesses, large corporations and manufacturing industries, North Carolina had the economic diversity in which NCFREE could thrive. "A critical mass of businesses has to exist to support a program like this," Davis said. "North Carolina offered a much larger base of businesses (than Mississippi)."

NCFREE membership dues are assessed on a sliding scale based on the size of the company. A company with operations exceeding \$1 billion pays \$12,500 in dues, while a company with operations under \$5 million only pays \$350.

## Getting off the Ground

Today, NCFREE has an operating budget of more than \$500,000 and employs a staff of 10. But in 1986, the newly formed organization only had a staff of three and a budget of \$175,000.

That year NCFREE issued its first publication, a three-ring binder containing information about the voting records of legislators on business issues and personal profiles of incumbents. Most of the material gathered for NCFREE's reports, both then and now, comes from public records.

Working with Verne Kennedy, a senior analyst for the Marketing Research Institute in Florida, NCFREE developed a mathematical



algorithm to assess how much support there is by the voters within each district for the legislative positions of business and industry. Described as a “likely batting average” on business legislation by the voting public, the formula includes such variables as voter opinion research, census data, election history, economic indicators, educational factors and population density.

Legislators are rated on a 100-point scale that reflects “how often each incumbent can be counted on to champion the position supported by most free enterprise advocates,” according to NCFREE’s *Almanac of North Carolina Politics*. Incumbents are evaluated through an annual opinion survey of NCFREE’s government affairs representatives who determine an incumbent’s likelihood of supporting business and industry objectives. The ranking also reflects an incumbent’s voting record on certain business and industry legislation.

Along with the ratings, NCFREE’s reports also include an account of how incumbents voted on key legislation, information about campaign finances and information about each district’s voters and past election results.

Davis became quite adept at predicting state legislative races, hence his recent starring role in the Supreme Court arguments in the redistricting lawsuit. Davis has observed that a district with 55 percent Democratic registration favors Democrats, while a district with at least 35 percent Republican registration favors Republicans. According to Davis, some voters registered as Democrats are at heart conservatives who often vote Republican. As for Davis’s success as a prognosticator, he picked 193 out of the 200 races in 2000.

### Gaining Acceptance

The information NCFREE began gathering in the late 1980s at first elicited mixed reactions from the business community. Despite his assessment of business people as more politically courageous than others, Davis said he found some business executives preferred the “politics of appeasement.” Some of the state’s business people were reluctant to abandon long-term relationships with incumbents. NCFREE’s emphasis on keeping score also caused some legislators to squirm. “They (legislators) have exclusive control over the perceptions by local people of what was going on in Raleigh,” Davis said. “When we came here, it was really a threat to the establishment.”

Teena Little, chair elect of NCFREE’s board of directors, experienced NCFREE’s scrutiny first-

hand when she served in the state Senate in the early 1990s. “I figured every vote I made was public anyway,” Little said. “But I think it does make some people nervous.”

Davis insists that NCFREE has never taken a stand on an issue, lobbied for certain policies or delivered its assessments from a partisan viewpoint. “There are times when you allow emotions to have a negative impact on good judgment,” he said. “You really have to keep your heart out of it and stick to the facts.”

The organization’s non-partisan assessments have garnered the respect, if not the love, of many in North Carolina politics. Jack Betts, a longtime columnist for the *Charlotte Observer*, said NCFREE’s approach sets it apart from other politically active groups. “John is a really useful resource in North Carolina because he does not grind axes,” Betts said. “John is seen as someone who can assess the situation without putting a particular spin on it. I think they don’t give a damn if you are a Republican or a Democrat — it’s how you perform.”

NCFREE claims membership from across the state’s economic and political spectrums. Its more than 400 members come from banking and manufacturing as well as small business owners and farmers, according to development director Matt Curran.

At NCFREE’s regional briefings at the start of each election year, the staff presents its profiles of incumbents and challengers and takes the time to talk to the wide variety of business people who attend. “One of the most impor-

tant things about the regional meetings is you’ve got the banker sitting there with the trucker,” Davis said. “The beauty of getting together [at the meetings] ... is that everybody in this world of business and industry is getting the same information on the same day.”

### Plans for the Future

As board chair, Little said her main emphasis will be on expanding NCFREE’s membership base, particularly by reaching out to more small businesses. NCFREE is also expanding the information it offers to its members. After concentrating on state legislative races for years, the organization will also begin looking at congressional and judicial races.

The organization is expanding its Web site, [www.ncfree.com](http://www.ncfree.com), which now offers members access to the state legislative ratings, as well as reports on political action committee contributions, campaign finance, voter registration and business-related court decisions. NCFREE has also developed a computer-based version of its legislative database that can be downloaded online by members and will be periodically updated.

As the organization grows in the coming years, Davis said, NCFREE’s non-partisan stance will continue to be seen in its strict adherence to the numbers. “The unique thing about NCFREE ... is that we’ve never asked (members) to do anything with this information,” Davis said. “That’s why business people who are politically active like what we do.” ■

## North Carolina Forum for Research and Economic Education (NCFREE)

**MISSION:** Foster a politically educated and involved North Carolina business community that will take the leadership role in the election of legislators who will advance and defend the individual and corporate right to succeed

**FOUNDED:** 1983

**LOCATION:** 5 W. Hargett Street, Suite 1110, Raleigh, NC 27601

**KEY STAFF:** John Davis, Executive Director; Matt Curran, Development Director; Daniel Crook, Research and Analysis Director

**BOARD OF DIRECTORS:** 42 members; Murchison “Bo” Biggs, Chair; Teena Little, Chair Elect

**BUDGET AND FUNDING:** Funds come from membership dues.

**FY 2000 REVENUES:** \$504,055

**WEB SITE:** <http://www.ncfree.com>

**SERVICES:** Provides members with rankings of legislative districts and legislators on business and industry issues; publishes the *Almanac of North Carolina Politics*; holds regional briefing on incumbents and challengers before state legislative elections.

# The NC Supreme Court Power Shift, 1990–2000

THAD BEYLE, Pearsall Professor of Political Science

While our eyes and thinking have been focused on the power struggles between the executive and legislative branches both here in North Carolina and in Washington, there also has been a major shift in the judicial branch in our state. Nowhere is this clearer than in our NC State Supreme Court over the past six statewide elections.

## Election Trends

Over the past century, it was an article of faith that Democrats dominated the state's judiciary. This was especially true at the top of the judicial ladder in the State Supreme Court. A few Republicans have been appointed to the bench when a vacancy opened, and a Republican governor was poised to appoint a loyal Republican to that spot. And a few Republican candidates won a seat. But during the 1990s the Democratic article of faith disappeared and the Republicans now dominate the state's Supreme Court.

The impact of this political shift was most apparent in the decision by the Supreme

Court negating the Democratic Legislature's state legislative 2002 redistricting plans and the Court's empowering and supporting a Republican leaning plan drawn by an "Independent" trial court judge.

A look at the last six statewide Supreme Court elections lays out some interesting patterns. Overall, there were 14 separate Supreme Court races in these six elections, with the Democrats winning eight and Republicans winning six. As can be seen in Table 1, the Democratic dominance continued into the decade of the 1990s. While two of the 1992 races saw the Democratic candidates running unopposed, the other four races in 1990 and 1992 were quite close, with the Democrats winning an average of 52.5% of the vote. In fact, in the first of I. Beverly Lake Jr.'s four campaigns over the period, he nearly won in 1990, losing by only 1,814 votes or .001% of the 1,853,246 votes cast in that contest.

In 1994, a major shift occurred just as it did in the other branches of government across the state and country. The "Gingrich Revolution" struck here as Republican judicial candidates won the two Supreme Court races with an average of 55.8% of the vote. In 1996, the Democratic candidates staged a comeback by winning the two seats up — with the help of the coattails of Jim Hunt's successful run for a fourth term, and probably a little help from President Clinton's successful reelection bid. But since then, the Supreme Court races have seen Republican winners — ranging from the 17.4 point win by Mark Martin [a 334,871 vote margin] to the 0.2 point win by George Wainright [a 3,931 vote margin] in 1998.

The question here is whether the trend is going to continue with Republicans winning, or whether what we saw in the last six elections is the future — both party candidates winning depending on the circumstances of the particular year. For example, in the last three presidential race years, the party winning the White House also won the NC Supreme Court races — Clinton winning in 1992 (3 Dem wins), Clinton winning in 1996 (2 Dem wins); and GW Bush winning in 2000 (2 Rep wins). In the off-presidential year races, the Republicans have won four straight races in 1994 and 1998 — does that bode well for the Republican candidates in 2002?

**Table 1: NC Supreme Court Elections, 1990–2000**

Year	Seat <sup>i</sup>	Winner <sup>ii</sup>	%	Loser <sup>iii</sup>	%
1990	CJ	Exum, D*	54.6	Manning, R	45.4
1990	AJ	Webb, D*	50.05	Lake Jr., R	49.95
1990	AJ	Whichard, D*	52.1	Currin, R	47.9
1992	AJ	Frye, D*	100	unopposed	—
1992	AJ	Mitchell, D*	100	unopposed	—
1992	AJ	Parker, D	53.3	Lake Jr., R*	47.7
1994	AJ	Lake Jr., R	55.0	Parker, D*	45.0
1994	AJ	Orr, R	56.5	Fuller, D	43.5
1996	CJ	Mitchell, D*	51.3	Warren, R	48.7
1996	AJ	Parker, D*	55.7	Tilghman, R	44.3
1998	AJ	Wainright, R	50.1	Wynn, D	49.9
1998	AJ	M. Martin, R	58.7	J. Martin, D	41.3
2000	CJ	Lake Jr., R	51.3	Frye, D*	48.6
2000	AJ	Edmunds, R	52.0	Freeman, D*	48.0

<sup>i</sup> Seat: CJ = chief justice; AJ = associate justice.

<sup>ii</sup> Winner: name, party and percent of general election vote.

<sup>iii</sup> Loser: name, party and percent of general election vote.

\* = incumbent

Note also that there has been no splitting of partisan wins over these last six elections — it is either all Democratic candidates winning [1990, 1992, 1996] or all Republican candidates winning [1994, 1998, 2000]. This suggests that party line voting is key here, and that is often determined by larger concerns than just who each of the judicial candidates are and stand for — like the state of the economy or a presidential contest.

Of course, the Democrats would like to see a return to “their good old days” of winning all the races. The Republicans want to continue the trends that have been running in their favor of late. The two upcoming 2002 races for associate justice seats may give us a clue as to which of these trends, if any, is afoot.

### The Money Factor

Table 2 presents the money factor in each of these 14 elections. The actual costs are presented as reported to the State Board of Elections, and these costs are then converted into 2002\$ to control for the impact of inflation

for comparison purposes. Also included is the winner’s percent of the expenditures for each election and how much the candidates spent per general election vote cast.

Several trends are apparent here. First, the candidates spent nearly \$4.4 million in these 14 races for an average of \$313,045 per race. However, the six races at the beginning of the period averaged only \$102,818 per race compared with the eight races from 1994 on which averaged \$470,715 per race. Once the politics became very competitive here, the costs escalated considerably. Second, except for the 1990 race, Chief Justice races cost nearly twice as much as Associate Justice races [averaging \$562,987 vs. \$244,879].

Third, the jump in the cost of these races coincided with the 1994 races. As noted, the six 1990 and 1992 races averaged only \$102,818 each, while the eight 1994-2000 races averaged \$470,715 each. This can be clearly seen by the increasing expenditures per general election voter over the period. At the beginning of the

period, candidates were only spending in the single digits per vote [\$0.07 per vote for example]. There were several bumps in the mid-1990s when the cost jumped up in to double digits [\$0.38 per vote in 1994]. While this cost per vote figure remained rather low over the whole period, in the 2000 elections the money spent increased considerably, up to \$0.42 per vote in the Chief Justice race. Of course, this is still considerably less than the nearly \$10 per voter that was spent by the 2000 gubernatorial candidates!

Finally, Table 3 indicates that spending a lot of money doesn’t necessarily lead to a win. The three most expensive races over the period were won by candidates spending just 20.4% to 31.3% of the total amounts spent by all candidates in their races. Overall, five of the winners spent less than their opponents, seven winners spent more than their opponents, and two winners won uncontested races so obviously spent all of the money in the race.

In terms of the “big spenders” over the period, the top two lost their races (Frye-D, 2000 spent \$948,267 and Freeman-D, 2000 spent \$515,581). The next two “big spenders” won their races (M. Martin-R 1998 spent \$430,286, and Mitchell-R 1996 spent \$336,114), while the 5th “big spender” lost his race (Fuller-D 1994 spent \$292,222). So while a lot more money is being raised and spent in these races, some candidates find that it is taking a lot of money to get beaten in these races! ■

**Table 2: Costs of NC Supreme Court Elections, 1990–2000**

Year	Seat <sup>i</sup>	Total Cost Actual <sup>iii</sup>	Total Cost 2002\$ <sup>iv</sup>	Winner's % of Cost	CPV <sup>ii</sup>
1990	CJ	94,718.70	130,287	69.2	.07
1990	AJ	98,211.89	135,092	53.8	.07
1990	AJ	80,457.29	110,670	76.6	.06
1992	AJ	2,367.10	3,035	100.0	.002
1992	AJ	2,222.22	2,849	100.0	.002
1992	AJ	183,281.80	234,977	42.4	.12
1994	AJ	91,773.67	111,376	33.0	.07
1994	AJ	469,362.04	569,614	24.1	.38
1996	CJ	320,273.71	367,286	91.5	.15
1996	AJ	119,894.48	137,494	80.2	.06
1998	AJ	198,362.07	218,943	73.9	.12
1998	AJ	448,687.60	495,240	86.9	.26
2000	CJ	1,140,159.04	1,191,389	20.4	.42
2000	AJ	645,382.09	674,380	31.3	.24

<sup>i</sup> Seat: CJ = chief justice; AJ = associate justice.

<sup>ii</sup> CPV = cost per general election vote – total spent in 2002\$ divided by total votes cast in general election.

<sup>iii</sup> Actual amount reported as spent by the candidates.

<sup>iv</sup> Actual amount spent converted into 2002\$ to control for inflation so these races can be compared more easily. Based on the Consumer Price Index-Urban with 1982-84 = 1.000, the June 2002 CPI-U = 179.9. To determine each year's 2002\$, that year's CPI-U was divided by the June 2002 179.9 value. 1990 CPI-U [130.7] in 2002\$ was .727; 1992 CPI-U [140.3] in 2002\$ was .780; 1994 CPI-U [148.2] in 2002\$ was .824; 1996 CPI-U [156.9] in 2002\$ was .872; 1998 CPI-U [163.0] in 2002\$ was .906; 2000 CPI-U [172.2] in 2002\$ was .957. To obtain the conversion, the actual dollars spent were divided by the percentages just noted.

**Table 3: NC Supreme Court Elections, 1990–2000 — Ranking by Cost**

Seat	Year	Winner		Total Cost in 2002\$
		Party	%Vote %Cost	
CJ	2000	R	51.3 20.4	1,191,389
AJ	2000	R	52.0 31.3	674,380
AJ	1994	R	56.5 24.1	569,614
AJ	1998	R	58.7 86.9	495,240
CJ	1996	D	51.3 91.5	367,286
AJ	1992	D	53.3 42.4	234,977
AJ	1998	R	50.1 73.9	218,943
AJ	1996	D	55.7 80.2	137,494
AJ	1990	D	50.05 53.8	135,092
CJ	1990	D	54.6 69.2	130,287
AJ	1994	R	55.0 33.0	111,376
AJ	1990	D	52.1 76.6	110,670
AJ	1992	D	100 100	3,035
AJ	1992	D	100 100	2,849

# Judicial Campaign Reform in NC

JOHN QUINTERNO, *Managing Editor*

Debate over campaign finance reform has focused primarily on legislative and executive contests and often has ignored judicial posts. Yet state judicial campaigns have become subject to the same financial pressures affecting legislative and executive campaigns. This development has led public interest groups, legal organizations and public officials across North Carolina to suggest changes to the ways in which the state's judicial elections, specifically appellate ones, operate. Most prominent among the proposed alterations is the adoption of public financing.

North Carolina's court system has two divisions: Trial and Appellate. The Trial Division consists of District and Superior Courts that are responsible for adjudicating civil and criminal cases.<sup>i</sup> Cases decided in the trial division may be appealed to the two parts of the Appellate Division: the Court of Appeals and the State Supreme Court.<sup>ii</sup>

All North Carolina judges are elected (*see Table 1*). Trial Division judges are elected in local nonpartisan contests, while Appellate Division justices run in partisan statewide contests. The combination of statewide election, partisan contests and legal power has led reformers to focus their efforts on the Appellate Division.

North Carolina's appellate elections have grown more expensive. In 2000, for example, four Supreme Court candidates raised a combined \$1.8 million (2002 dollars), up from the \$714,000 (2002 dollars) raised in 1998 (*see tables on pages 10–11*). Campaign costs have escalated in large part due to greater spending on television advertising. Moreover, much of the money fueling appellate campaigns comes from lawyers and special interest groups.

This dynamic impacts North Carolina's court system. Increasing campaign contributions from legal and special interest groups, many of which have cases before the judges whose election they financially supported, may influence rulings. In fact, a national survey of judges revealed that 26% feel that judicial decisions are influenced by campaign contributions.<sup>iii</sup>

Besides potentially compromising judicial independence, the current system of financing judicial elections may undermine public trust in the impartiality of the court system. Various

surveys of North Carolina voters have found the following:

- ◆ 86% of voters are concerned “that lawyers are the biggest contributors to the campaigns of judges.”<sup>iv</sup>
- ◆ 78% of Tar Heels agreed that campaign contributions have a “great deal” or “some influence” on judges.<sup>v</sup>
- ◆ 58% of respondents stated that North Carolina has a two-tiered justice system – one for the rich and another for the poor.<sup>vi</sup>

Weakening public confidence in the court system is exacerbated by the partisan nature of judicial campaigns. Since judges run as members of political parties, they need a party's support to win, but garnering this support may lead judges to act, or appear to act, in a biased manner, as happened recently with State Supreme Court Justice Robert Orr.

Justice Orr, a Republican running for reelection, spoke at a June 2002 party fundraiser. At the event, Orr said that state Senator Patrick Ballantine, the Republican minority leader, should become majority leader if the party wins control of the Senate in November. Controversy ensued because Ballantine was at the time a plaintiff in a contentious redistricting case before the Supreme Court, on which Orr sat and whose decision could influence the Republicans' chances. This led the Democrats to file a complaint against Orr with the state's Judicial Standards Commission.<sup>vii</sup>

Such situations have contributed to an environment conducive to judicial campaign finance reform. Fifty-four percent of North Carolinians feel that the state should “adopt judicial election reform in the near future,”<sup>viii</sup> and 71% of voters support a judicial campaign reform measure before the General Assembly.<sup>ix</sup>

The Impartial Justice Act, currently under consideration in the House, would alter judicial campaigns in two ways. First, the bill would create a public-funding mechanism for appellate judgeships. Judicial candidates who agree to participate and meet such eligibility criteria as collecting a certain level of qualifying, small dollar contributions would receive public money to use during contested general elections. A \$50 increase to the annual license fee paid by attorneys

primarily would fund the initiative. Second, the act would finance the publication of a Judicial Voter Guide, designed to educate voters about the court system and provide standard information on every candidate running for a seat on the state Supreme Court or Court of Appeals.<sup>v</sup>

One potential complication to judicial campaign reform is the United States Supreme Court's recent ruling in *Republican Party of Minnesota v. White*. The court ruled that a Minnesota "announce rule," which prohibited candidates in judicial elections from publicly stating views on disputed legal and political issues, violated candidates' free speech rights.<sup>vi</sup> While the White ruling deals with a different reform than the ones contained in North Carolina's Impartial Justice Act, the free speech analysis underlying the court's decision could be extended to other reforms.

North Carolina is fortunate that its judicial elections have not been as troubled as those in other states. However, the drift toward high-cost, partisan elections has given rise to calls for reform. ■

<sup>i</sup>The North Carolina Court System Trial Division Web site, accessed on 22 July 2002, <http://www.nccourts.org/Courts/Trial/Default.asp>

<sup>ii</sup>The North Carolina Court System Appellate Division Web site, accessed on 22 July 2002, <http://www.nccourts.org/Courts/Appellate/Default.asp>

<sup>iii</sup>Justice at Stake Campaign, <http://faircourts.org/files/JASJudgesSurveyResults.pdf>

<sup>iv</sup>"Under the Dome," *The Raleigh News and Observer*, 10 May 2002.

<sup>v</sup>North Carolina Center for Voter Education Web site, accessed on 23 July 2002, [http://www.ncvoter.com/index.php3?pagetype=content&filename=052002\\_release](http://www.ncvoter.com/index.php3?pagetype=content&filename=052002_release)

<sup>vi</sup>North Carolina Center for Voter Education Web site, accessed on 23 July 2002, [http://www.ncvoter.com/index.php3?pagetype=content&filename=052002\\_release](http://www.ncvoter.com/index.php3?pagetype=content&filename=052002_release)

<sup>vii</sup>"Orr Dispute is Tricky," *The Raleigh News and Observer*, 16 July 2002.

<sup>viii</sup>NC Center for Voter Education, accessed on 23 July 2002, [http://ncvoter.com/downloads/PDF/poll\\_052002/graphs.pdf](http://ncvoter.com/downloads/PDF/poll_052002/graphs.pdf)

<sup>ix</sup>[http://ncvoter.com/index.php3?pagetype=content&filename=poll\\_0502FactSheet](http://ncvoter.com/index.php3?pagetype=content&filename=poll_0502FactSheet)

<sup>x</sup>The Impartial Justice Act, House Bill 1171, accessed on 23 July 2002,

<http://www.ncga.state.nc.us/html2001/bills/currentversion/house/hbil1171.full.html>

<sup>xi</sup>Linda Greenhouse, "Justices Strike Down Minnesota Law Prohibiting Political Statements by Judicial Candidates," *The New York Times*, 28 June 2002

**Table 1: North Carolina Court System Overview**

Court Level	# of Judges	Election	Type	Term
<b>APPELLATE DIVISION</b>				
Supreme Court	7	Statewide	Partisan	8 years
Court of Appeals	15	Statewide	Partisan	8 years
<b>TRIAL DIVISION</b>				
Superior Courts	90	Local	Nonpartisan	8 years
District Courts	99	Local	Nonpartisan	4 years

SOURCE: Justice at Stake Campaign, accessed on 22 July 2002 <http://www.justiceatstake.org/contentViewer.asp?breadCrumb=4,125,100>

NOTE: District Court elections became nonpartisan in 1996, and Superior Court elections became nonpartisan in 2001.

**Table 2: Putting North Carolina in Context: Selection Methods for Appellate Judges in Southern States**

<b>Partisan Elections</b>
Alabama
Louisiana
North Carolina
Texas
West Virginia
<b>Nonpartisan Elections</b>
Arkansas
Georgia
Kentucky
Mississippi
<b>Gubernatorial Appointment Followed by Retention Elections</b>
Florida
Oklahoma
Tennessee
<b>Legislative Appointment</b>
South Carolina
Virginia

SOURCES: Justice at Stake Campaign — <http://faircourts.org/files/StateswithElections.pdf>  
VA, SC, FL, OK, TN state Web sites

**The Power of Incumbency?**

The ability of incumbent State Supreme Court Justices to defend their seats has lessened between 1990 and 2000. Incumbent justices sought re-election in 11 of the 14 races that occurred and won 79% of those races.

Democratic incumbents fared well between 1990 and 1996. Democratic incumbents won five of the six races in 1990 and 1992 — Jim Exum, John Webb and Bill Whichard in 1990 and Henry Frye and Burley Mitchell in 1992. In the other 1992 race, newly appointed Republican Justice I. Beverly Lake Jr. lost to Democrat Sarah Parker, but Lake returned and beat Parker in a 1994 contest. Democratic Governor Jim Hunt re-appointed Parker to the bench in 1995. Both Democratic incumbents won re-election in 1996, and no incumbents ran in 1998.

Republicans got some revenge in 2000 by beating the two Democratic incumbents — Frye and Franklin Freeman. Frye had served since 1983 and was chief justice, while Freeman had been appointed in 1999 by Governor Hunt.

Watch the two races this fall to see which of these trends holds — incumbents winning or being defeated.

# Is What You Ask, What You Get?

CATHERINE ZIMMER, *Statistical Analyst*, & KENNETH BOLLEN, *Director*,  
The Odum Institute for Research in Social Science, UNC-Chapel Hill

Polling citizens regarding their approval or disapproval of an elected official's job performance seems a straightforward task. Politicians carefully monitor these results on the assumption that their political fortunes hinge upon them. Yet what happens if, as recent survey results from North Carolina indicate, the question is more complicated than it appears?

The Odum Institute for Research in Social Science and the Research Triangle Institute recently polled North Carolinians. Identical questions were posed to two probability samples of Tar Heels. One sample was contacted through a Web-enhanced survey instrument, while the other responded through a telephone format. The results differed markedly.

Compare the responses to the following question: "Do you approve or disapprove of the way that John Edwards is handling his job as U.S. Senator?" As the table indicates, respondents who completed Web-enhanced surveys provided different answers than those who answered via telephone.

## Responses to Survey Question by Instrument

Survey Question: "Do you approve or disapprove of the way that John Edwards is handling his job as U.S. Senator?"

	Web	Telephone
Approve	32%	48%
Disapprove	18%	38%
Don't Know	50%	15%

There are at least two explanations for the dissimilarities. One is the difference in the mode of the survey, that is, Web versus telephone. A second explanation relates to the "Don't Know" (DK) category. The Web-enhanced survey provided DK as a distinct category, whereas the telephone survey required respondents to volunteer a DK answer. This may explain why the DK category shows the largest difference between the two samples.

It is important to note that the DK category involves three groups of respondents. First,

there are people who are ambivalent about a politician's job performance and select DK as a neutral answer. Second, DK may capture "social desirability" responses, which occur when respondents hold opinions they feel uncomfortable expressing and choose DK as a way of masking their opinions. Last, some people truly do not know the politician or lack information needed to reach a judgment.

For such surveys to be useful to pollsters, politicians and scholars, the DK category needs to be broken into its parts. Forcing people simply to respond "approve" or "disapprove" avoids the problem but may distort results by not allowing people to express their DK opinions. Similarly, inserting a DK response to the survey identifies people who hold that opinion but fails to distinguish among the various types of DK answers. Another option would be to add "Neither Agree nor Disagree" and DK categories to separate the responses. Finally, gradations of approval and disapproval could be added. This will not remove social desirability completely, but it likely will lessen such responses by providing people with more choices.

In April, the Elon University Poll incorporated these types of suggestions. For example, respondents were asked the following: "I would like to ask your opinion of the job that John Edwards is doing as a United States Senator from North Carolina. Do you strongly approve, approve, neither approve nor disapprove, disapprove, strongly disapprove or don't know."

Interestingly, this question represented a change to the survey format previously used by the pollsters and resulted in lower approval ratings, even after summing both approval categories. Though the Elon University Poll was criticized for this change and the resulting lower approval ratings, it appears that the new format better captures gradations of approval and provides less knowledgeable respondents with more potential responses.

The results generated by the reformatted poll represent a valuable asset to politicians by providing more nuanced findings than previously available. As a result, politicians and pollsters can gain a better understanding of the electorate's perception of an official's job performance. ■

# The 2002 NC Senatorial Web Sites: A Political Digital Divide?

STEVEN GOULD, Graduate, Department of Political Science, UNC-Chapel Hill; Policy Office, Office of the Virginia Governor

All seven candidates for North Carolina's Senate seat have created digital campaign homes as a vehicle for winning votes, raising funds and advancing issues. These Web sites, however, differ in quality, and a systematic comparison yields insights into an emerging political digital divide.

The seven campaign Web sites can be compared on whether each site: 1) is a Yahoo! match,<sup>i</sup> 2) allows voters to register for regular email updates, 3) processes online donations, 4) offers Spanish translations, 5) provides multimedia content and 6) utilizes Flash technology.<sup>ii</sup>

## A Republican Divide

Considerable differences exist among the Web sites of the three main Republican candidates — Elizabeth Dole, Jim Snyder and Ada Fisher.

Dole's site surpasses those of the other candidates, bettering her opponents' efforts on two to four factors each. While Snyder's site is a Yahoo! Web site match and allows supporters to donate online, it failed to provide visitors with the opportunity to sign up for e-mail updates as soon as Dole's did, thereby allowing his competitor to remain in regular contact with voters across the state from an earlier point in the campaign. In addition, Dole's use of multimedia and Flash technology demonstrates a much greater level of comfort and familiarity with this emerging medium, as her

site features five campaign advertisements in Real Player and Windows Media formats.

Interestingly, none of the Republican candidates provide Spanish versions of their sites despite the increasing visibility of Latinos in the state and the party's national attempts to reach Latino voters.

## Democratic Parity

More parity exists among the Web sites of the four main Democratic candidates — Erskine Bowles, Elaine Marshall, Dan Blue and Cynthia Brown.

Both Bowles and Marshall have sites with easy-to-remember names, while Bowles has the only Democratic site that is not a Yahoo! match. Every candidate except Marshall provides e-mail updates, but Blue's regular "Blue Crew" update is the cleverest take on this idea. Meanwhile, all Democratic candidates accept online donations.

In contrast to the Republicans, Bowles provides a Spanish translation of the majority of his site, including a translated version of his contribution page. Blue also provides Spanish translations of sections of his Web site. Taken together, the efforts of Bowles and Blue represent an apparent Democratic commitment to Latino voters.

Where Bowles pulls ahead of his Democratic rivals is in the use of multimedia and Flash

technology. Bowles is the only candidate on the Democratic side to offer any type of multimedia on his site. Five television commercials that have aired in recent months are downloadable in both Real Player and Windows Media formats. While Bowles' site currently does not include a Flash intro, it previously did.

As this analysis indicates, the quality of the candidates' Web sites varies greatly, and these Democratic and Republican candidates alike demonstrate both comfort and inexperience with the online medium. These differences raise many questions for future campaigns, including the possibility of a political digital divide. Moreover, differences in campaign Web sites may serve as a proxy for political viability since, in North Carolina at least, the leading candidates, Bowles and Dole, also have the superior Web sites. ■

<sup>i</sup>A Yahoo! Web site match is a higher classification and greatly smaller in number than individual Web page matches in this hierarchical directory. This increases a user's ease in locating a particular Web site.

<sup>ii</sup>Flash technology allows users to combine text, graphics and sound in an animated form. It generally represents a sophisticated and eye-catching addition to a Web site.

## Web Site Analysis

Web Site URL	Yahoo! Match	E-mail Updates	Online Donations	Spanish Version	Multimedia Content	Flash Technology
<b>Republican Candidates</b>						
www.elizabethdole.org	Yes	Yes	Yes	No	Yes	Yes
www.snyderussenate.net	Yes	Yes	Yes	No	No	No
www.drfisherforsenate.org	Yes	No	No	No	No	No
<b>Democratic Candidates</b>						
www.erskinebowles2002.com	No	Yes	Yes	Yes	Yes	Yes
www.blue02.net	Yes	Yes	Yes	Yes	No	No
www.elainemarshall.org	Yes	No	Yes	No	No	No
www.cynthiabrownforsenate.org	Yes	Yes	Yes	No	No	No

## New Board for South at UNC-CH

On June 3, 2002, a new advisory board for UNC-CH's Center for the Study of the American South met for the first time. The board serves in an advisory capacity to the Southern Oral History Program and the Program on Southern Politics, Media and Public Life. Board members are the following:

- ◆ Brandt Ayers, publisher, *The Anniston Star*, Anniston, AL
- ◆ Jack Boger, faculty, UNC-CH
- ◆ Peter Coclanis, faculty, UNC-CH
- ◆ Richard Cole, dean, UNC-CH
- ◆ Robert Connolly, faculty, UNC-CH
- ◆ Frank Daniels, former publisher, *The News & Observer*, Raleigh, NC
- ◆ Adrienne Davis, faculty, UNC-CH
- ◆ Walter Dellinger, Duke University, Durham, NC
- ◆ Joyce Fitzpatrick, Ruder Finn, Raleigh, NC
- ◆ William Friday, president emeritus, UNC-CH
- ◆ Henry Frye, former NC chief justice, Brooks Pierce McLendon Humphrey & Leonard, Greensboro, NC
- ◆ Trudier Harris-Lopez, faculty, UNC-CH
- ◆ James Holshouser, former governor, Pinehurst, NC
- ◆ James Hunt, former governor, Raleigh, NC
- ◆ Tom Lambeth, senior fellow, Z. Smith Reynolds Foundation, Winston-Salem, NC
- ◆ Senator Howard Lee, Chapel Hill, NC
- ◆ Michael Liensch, faculty, UNC-CH
- ◆ Gene Nichol, dean, UNC-CH
- ◆ Risa Palm, dean, UNC-CH
- ◆ James Peacock, faculty, UNC-CH
- ◆ Theda Perdue, faculty, UNC-CH
- ◆ U.S. Representative David Price, Chapel Hill, NC
- ◆ Senator Tony Rand, Fayetteville, NC
- ◆ Bland Simpson, faculty, UNC-CH
- ◆ Michael Smith, dean, UNC-CH
- ◆ Vin Steponaitis, faculty, UNC-CH
- ◆ Willis Whichard, Campbell University, Buies Creek, NC
- ◆ William Winter, former governor, Jackson, MS
- ◆ Odessa Woolfolk, Birmingham Civil Rights Institute, Birmingham, AL