

# What to expect from the 2019 General Assembly

Lawmakers returned to Raleigh this week for the 2019 session of the North Carolina General Assembly. Pledges of harmony and bipartisan cooperation were frequently heard on opening day but are more likely now that Republicans no longer hold veto-proof majorities in both houses.

Will we get cooperation and compromise, or the further "Washingtonization" of Raleigh, where polarization, partisan posturing and the unwillingness to compromise result in inaction?

Don't expect the confrontive and expansive agenda that resulted in the constant lawsuits of recent years. Lawmakers and the governor understand the need to work together if the budget or anything else is to get accomplished.

One big test will be the biennial budget. We begin with almost a \$500 million surplus with which to work, owing to not spending all that was appropriated the first six months of the budget year and almost \$200 million in revenues that exceeded projections.

Governor Cooper wants Medicaid expansion, big teacher pay hikes, more hurricane relief money and increased prison spending. Lawmakers will be reluctant to go on a major spending spree, opting instead for their tradition of conservative growth from this year's \$23.9 billion budget.

This promises to test the resolve of all to work together. Cooper holds the veto stamp and has shown he will use it; lawmakers hold the purse strings. It's gonna be interesting!

While there is some softening by Republicans on Medicaid



**My Spin**  
By Tom Campbell

expansion, this issue is far from certain.

After more than eight court cases there is growing consensus for an independent redistricting process, but exactly who are the independent parties we can all agree upon and what guidelines will ensure districts that are fair and result in competitive elections?

If 2018 trends continue, Republicans know they could lose their majority in one or both houses. Democrats are tired of gerrymandered districts virtually impossible to win. Whichever party controls the legislature in 2021 will draw new congressional and legislative maps.

Sure to surface will be revisions to the Read to Achieve program, to try to halt the decline in third grade reading test scores. The big push will be to raise teacher pay to the national average, along with increased per pupil expenditures. Lawmakers have been taking steps in those directions but will need a big stride to achieve these goals.

Following clear evidence of absentee voter fraud, expect more election reforms and possibly further changes to the State Board of Elections. This issue takes on more urgency with Executive Director Kim

Strach's term ending soon and a still unresolved 9<sup>th</sup> Congressional District election.

House Speaker Tim Moore wants to submit a \$1.9 billion school construction bond proposal to voters. Others will want to hang infrastructure ornaments on this package, so we don't expect a statewide referendum until November 2020.

There will be efforts to fund expansion of broadband Internet to rural areas. Look for a big push to privatize liquor sales. Lawmakers might refine laws regarding historical monuments, another black eye for a state that doesn't need one.

Prison reform is badly needed, as is the need to pass regulatory reform, most especially professional licensing. Expect a move to legalize marijuana, although it won't likely pass this year. And even though our legislature has passed laws that allow speeding up transportation funding there will be an effort to find new funding mechanisms for road construction.

Lawmakers might not adjourn by July 4<sup>th</sup> but are likely continue recent practices of special sessions that last two or three days throughout the year. With March 2020 primary elections ahead, lawmakers won't want to spend much time past Halloween in Raleigh.

We look for an interesting 2019 legislative session.

*Tom Campbell is former assistant North Carolina State Treasurer and is creator/host of NC SPIN, a weekly statewide television discussion of NC issues that airs on UNC-TV Fridays at 7:30 p.m., Sundays 12:30 p.m. Readers can contact him at nespiner.com.*

## Justice Department shouldn't be snooping on journalists

By Patrick Toomey  
At a time when President Trump regularly attacks the news media, the Department of Justice may be preparing to make it easier for the government to obtain journalists' private communications data.

The public relies on both journalists and whistle-blowers for vital information about our government's most controversial activities. Weakening the current rules that protect reporters — as well as their sources — would undermine freedom of the press and endanger activities at the heart of the First Amendment.

Last week, The Hill reported that DOJ has been working for months on potential revisions to its rules about when prosecutors can demand reporters' phone records and other sensitive information like notes or emails. These records can reveal a journalist's confidential sources, including the individuals who entrust journalists with information the public needs to know. The new report comes after statements by former Attorney General Jeff Sessions that, under his watch, DOJ was pursuing three times as many leak investigations as it did under the Obama administration — which itself set records for leak prosecutions.

The report comes the same week that President Trump's nominee to be the next attorney general, William Barr, was asked at his Senate confirmation hearing whether "he would jail reporters for doing their jobs" — meaning reporters who would not disclose their sources to prosecutors. After a long pause, Barr refused to rule it out.

DOJ's rules were last strengthened in 2013, in response to public outcry after it emerged that it had used

subpoenas to obtain the phone records of 20 Associated Press reporters as part of one leak investigation, and had seized the emails and phone records of Fox News reporter James Rosen in another. Now, the department is apparently considering reversing course and rolling back at least two key protections.

First, the current rules require that the government exhaust all other reasonable investigative steps before seeking a journalist's confidential information using a subpoena or search warrant. This requirement recognizes the heightened sensitivity of records related to newsgathering, as well as the fact that seizing these types of records has a broad chilling effect on the work of a free press, far beyond any single investigation.

Second, the rules establish a presumption that DOJ will provide advance notice to a media organization before relying on a subpoena or search warrant to seize records, unless the attorney general personally determines that an exception applies. Notice allows media organizations to challenge a subpoena in court, for example, or to discuss the scope of a subpoena with the government before sensitive records are seized en masse.

Investigators at DOJ have reportedly chafed at these requirements, arguing that honoring them makes leak investigations more resource-intensive and gives special treatment to journalists.

But these rules are not about special treatment — they exist to ensure that the free press guarantee of the First Amendment is a meaningful one. It should not be easy for the government to sift through journalists' confidential sources precisely because of the damaging effects that would have on a robust and

independent press.

The rules acknowledge the unique role that newsgathering plays in providing information to the public, including critical decisions by policymakers. Indeed, without such disclosures, the public would have never known about innumerable government activities that shouldn't have been hidden in the first place, from the Pentagon Papers to illegal spying by the NSA.

Ultimately, the current complaints reflect a problem of DOJ's own making. Leaks to reporters have always been a necessary element of healthy democratic debate in this country, yet under President Trump leak investigations have reached unprecedented heights. That is alarming enough. But the "stresses" this has placed on DOJ resources should not be a pretext for tearing down protections that are more important than ever.

The reality is that with the expansion of electronic communications, it has only gotten easier for DOJ to identify contacts with reporters, precisely because of the digital trail our communications leave behind. It has also gotten more dangerous for their contacts: Seizing all of a journalist's phone records or email over a period of weeks or months is likely to expose even more confidential sources to scrutiny, even if those sources had no ties to the original investigation.

If anything, protections should be even stronger than they are, as the current rules do not go nearly far enough to safeguard both reporters and whistle-blowers. Congress should pass a "reporter shield law" to close existing loopholes — and to prevent DOJ from seeking to jail reporters who are just doing their job when they refuse to disclose their sources.

Government leaks are often necessary so the public can hold its government accountable. Our democracy depends on assurances that confidential communications between journalists and their sources will be strongly protected.

*Patrick Toomey is a senior staff attorney with the American Civil Liberties Union's National Security Project.*

## Times Journal Deadline

The newspaper deadline is noon on Friday for Wednesday's publication for both news copy and advertising. Located at 22 North Main Street. Call 682-2120 or email: jody@yanceypaper.com.

# Readers' Forum

## Restoring my faith in government and power of ordinary people

As everyone knows by now, our very own Blue Ridge Hospital System (formerly Spruce Pine Community Hospital), will be sold to Hospital Corporation of America on January 31.

What many people probably didn't realize was that the original contract between Mission System and HCA would have allowed our local hospital to be closed without significant input from our community after only five years.

Thanks to a dedicated group of local citizens (mostly women), their group, SEARCH, carefully researched the details of the contract, discovered loopholes and paid for consultation by an expert on such transfers of a non-profit hospital system to HCA. That expert was the ex-governor and Attorney General of Missouri, Jay Nixon, who had successfully sued HCA over a

similar situation with HCA in his home state.

After seeking as much public input as possible, the members of SEARCH took their concerns to NC Attorney General Josh Stein and his assistant Jennifer Harrod.

As recently announced, AG Stein approved the sale to HCA, but with many protections for our local hospital, such as extending the period that guarantees that HCA cannot close our hospital from five to ten years, and specifically outlining the services they must continue to provide. More importantly, the revised contract demands that an independent monitor ensures that HCA abides by the terms of the contract.

Attorney General Stein emphatically stated that it was because of the numerous phone calls and well researched letters

received by his office on this matter, that he felt compelled to amend the contract to protect the rights of all the rural counties surrounding Asheville. After all, our local non-profit hospital was built by the donations, augmented by grants, over many years, by local citizens. The profits of the sale must continue the mission of our hospital and contribute to the health and welfare of our local citizens. An elected official actually listened to ordinary citizens and took steps to protect our interests!

Ordinary citizens can have a voice in their local affairs if they organize themselves and come to a common consensus. I invite people to join me at the next SEARCH meeting, scheduled for Feb. 12 at 6 p.m. at Trinity Episcopal Church in Spruce Pine.

Dr. Arch Woodard

## Listen to the sun or suffer the dire consequences

Our sun communicates with us about how active it is with sunspots, sun flairs, heat radiation, magnetic protection, solar winds and other output. Sunspots are visual and have been counted and recorded ever since the invention of the telescope. The less sunspots the less activity of the sun.

With a less activity the sun puts out less light and heat as well as less magnetic field to protect us from cosmic rays. The sun's activity goes in cycles of 11, 200, 400 years, and much longer periods. These cycles have been consistent for millions of years as determined from ice and ocean sediment cores.

Two hundred years ago the sun went into the Dalton Minimum and four hundred years ago it went into the Maunder Minimum, now it is well into the Eddy minimum that will be much like the Maunder Minimum with a little ice age. The sun has few or no sunspots now but cosmic rays are attacking us in very high numbers that mean more cloud cover, snow and rain.

The clouds also reflect 90% of the sun's rays back into space that will cause the earth to get colder. These conditions will

## Misery is all they've got from politicians

It only took the conservatives in charge 35 days to figure out there was no advantage to hurting 800,000 federal employees. Estimates are the mental midget conservative game plan cost the U.S. economy \$6 billion.

The Senate passed a stopgap bill late last year by a voice vote, but it was rejected by the White House because it didn't include extra border money.

The bill they passed last week gave them nothing, but lots of pain and distress to millions. The conservatives have no ideas regardless of what Newt Gingrich says on Fox News.

Sen. Richard Burr (NC-R) didn't vote on the latest continuing resolution. However, Sen. Thom Tillis (NC-R) voted to keep the pain going for about 7800 NC workers. Everyone should ask why.

Why is Tillis so anxious to inflict pain on his constituents? Why does Tillis want us to pay for the wall? Has he even discerned what the final cost will be? \$6 billion is nothing compared to the \$100 billion

## Cold weather impacting families served by Reconciliation House outreach ministry

We are half way through winter and cold weather is impacting elderly and low income residents in Yancey County.

The goal at Reconciliation House is to make sure that no one in Yancey County ever goes to bed cold or hungry.

This local outreach ministry in Burnsville offers assistance to families in crisis situations and those experiencing long-term financial poverty.

The ministry provides Yancey County families with over 350 boxes of food every month and heating assistance as donations allow.

"The sad fact is that there are many people in Yancey County who still go to bed cold and hun-

cause food crops to fail until no food can be grown outdoors in North America by 2028. Food crops are already failing and will continue to do so with less food each year until none will be available for at least 70 years and probably much longer.

The only place to grow food will be indoors as crops fail. Growing food indoors needs grow lights, grow beds, fish tanks, bio and solids filter barrels, a sump, a pump and plastic plumbing for circulation. The number of grow beds and fish tanks has to do with how many people have to be fed and how much each will eat. Food has to be grown for fish and pets.

The areas for the grow beds must be heated to a minimum lever for the plants to thrive. Electricity must be constantly available for grow lights and pumps that will add cost for setup and production. Food will be more expensive so living in groups to share expenses, to support and protect each other. People who are not prepared will start to starve and catch diseases from malnutrition. They will kill for food but don't share because that will cause more to want your food until you have none. Make sure your friends, relatives and neighbors

estimates. That doesn't include the millions to maintain it.

Over the last five decades, the nation has been suffering under the yoke of conservative voodoo economics. There have been tax cuts for the rich and lower services for the rest of us. The various specious ideas include trickle down (supply side economics). Its architect (David Stockman) Reagan's budget director, says it doesn't work. Privatization of most everything brought rising costs for us while the 1% put more wealth in their offshore banks. Consolidation into monopolies (drugs, internet, communications etc) has not increased competition.

I know that I'm already supporting the 1% with the umpteenth conservative tax cut scam. (Did you get your \$4,000 return yet?)

I have no interest in saddling my children and grandchildren with another conservative boondoggle.

When will America wake up to the conservative lies on everything?

Willard Cottrell

get prepared so they won't have to kill for food.

Billions of dollars have been spent to prove that CO2 is causing the earth to get warmer and then out of control heat, but when you look at the actual temperatures, the earth has been warming naturally from the Little Ice Age 400 years ago. Around 20 years ago it quit warming and now it is cooling. Look at Dr. Roy Spenser and Dr. John Christie's work at the University Of Alabama Huntsville for real numbers.

The "Climate Change" agenda has been pushed so much it has become a religion. You only have to look at the sky and count the days with sunshine, overcast, rain or snow and follow the crop loses to see we are in the Eddy Minimum and must prepare for less and less food. Not to prepare will mean death for everyone not prepared. If you still believe in global warming and are willing to bet people's lives on it, you may be responsible for killing other people as well as yourself.

Sadly,  
Joe Maxwell  
Burnsville

## Felicity's Closet takes winter break

I want to thank all of my customers for shopping with my business, Felicity's Closet. I am going into my ninth year of business this June!

I appreciate all of you ladies and the men in your lives that come to shop for that perfect gift for you! February 2 will be my last day of business as I am closing Felicity's Closet and taking a winter break. I plan to reopen in mid-April. I hope to see you all at my spring reopening!

Sincerely,  
Phyllis Pippins

## Don't throw away old eye glasses!

If you have eye glasses you no longer use, please consider donating them to the Lion's Club. We collect these and they are sent to many countries where residents cannot afford glasses.

Recycling is a very popular activity these days and you can certainly recycle those glasses hiding in drawers.

There are collection boxes for depositing the glasses located in the following places: Aldridge Eye Institute (East Main Street), The Prescription Pad (East Main Street), Ingles Grocery Store (East Bypass), Rose's Discount Store, Save-Mor Grocery Store, State Employee Credit Union and Express Vision Center (Walmart in Spruce Pine).

Thank you for supporting the Lions Club!

Letters must be signed to be published, with address and phone number included for verification purposes only. Please keep comments civil and refrain from hate speech, name-calling and personally attacking others for their views. Deadline is noon Friday. Send to: Times Journal, PO Box 280, Burnsville, NC 28714 or email: jody@yanceypaper.com

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