

# Tight races for all 3 top-of-the-ballot contests in NC

**R**ALEIGH — This year is shaping up to be one of the most intriguing and important election years in a long time for North Carolina voters.

Of course, the presidential race leads the way. Recent N.C. polls show Republican Donald Trump has closed the gap separating him and Democrat Hillary Clinton in the race for the White House.

It's a toss-up. FiveThirtyEight.com, which analyzed 42 polls on the presidential race in North Carolina, is predicting a very narrow Trump victory. RealClearPolitics, another reputable site, gives Clinton a razor-thin lead based on poll averages in mid-September.

North Carolina voters have sided with either party in recent presidential elections. Democrat Barack Obama won the state in 2008 and Republican Mitt Romney defeated Obama — by 92,000 votes — in 2012.

Right now, it appears either candidate could win this state — a true battleground.

North Carolina voters will continue to see a lot of the candidates across the state during the weeks leading up to the election.

It doesn't stop there. The next race down on the Nov. 8 ballot also is generating headlines across the state and country. (By the way, you can view your sample ballot through the Voter Tools section on the State Board of Elections website, ncsbe.gov.) Democrat Deborah Ross is challenging two-term GOP incumbent Richard Burr for the U.S. Senate, a race being watched nationally that could affect the balance of power in the Senate.

While Ross was seen as a long shot to unseat Burr early on, that has changed. Polls still give Burr the edge, and Ross must overcome a lack of name recognition. Both sides, along with outside groups, are pour-

ing tremendous resources into this race.

A little farther down the ballot is the governor's race, between Republican Gov. Pat McCrory and Attorney General Roy Cooper, his Democratic challenger. It's one of the most talked-about gubernatorial races in the country.

As of mid-September, RealClearPolitics gives Cooper a 4.7 percent lead in an average of polls, and McCrory's campaign recently was hurt by announcements that the NCAA and Atlantic Coast Conference are moving college sports championships out of North Carolina because of House Bill 2, the transgender bathroom law signed by McCrory.

The candidates say they wish voters weren't talking about HB2, yet they're running ads and sending press releases out

about it. It will be a defining issue in this election. Clinton even mentioned it in a recent visit to Greensboro.

"If anyone wonders what the costs of discrimination are, just ask the people and businesses of North Carolina," she said. "Witness what's happening with the NCAA and the ACC. This is where bigotry leads, and we can't afford it, not here or anywhere else."

McCrory, meanwhile, is touting the endorsements of the state's four largest law enforcement organizations. Given Cooper's role as the state's top law enforcement officer, that's pretty interesting.

As of mid-September, most polls show Cooper and Burr with leads, with the presidential race a virtual tie. Of course, much can happen between now and Nov. 8.

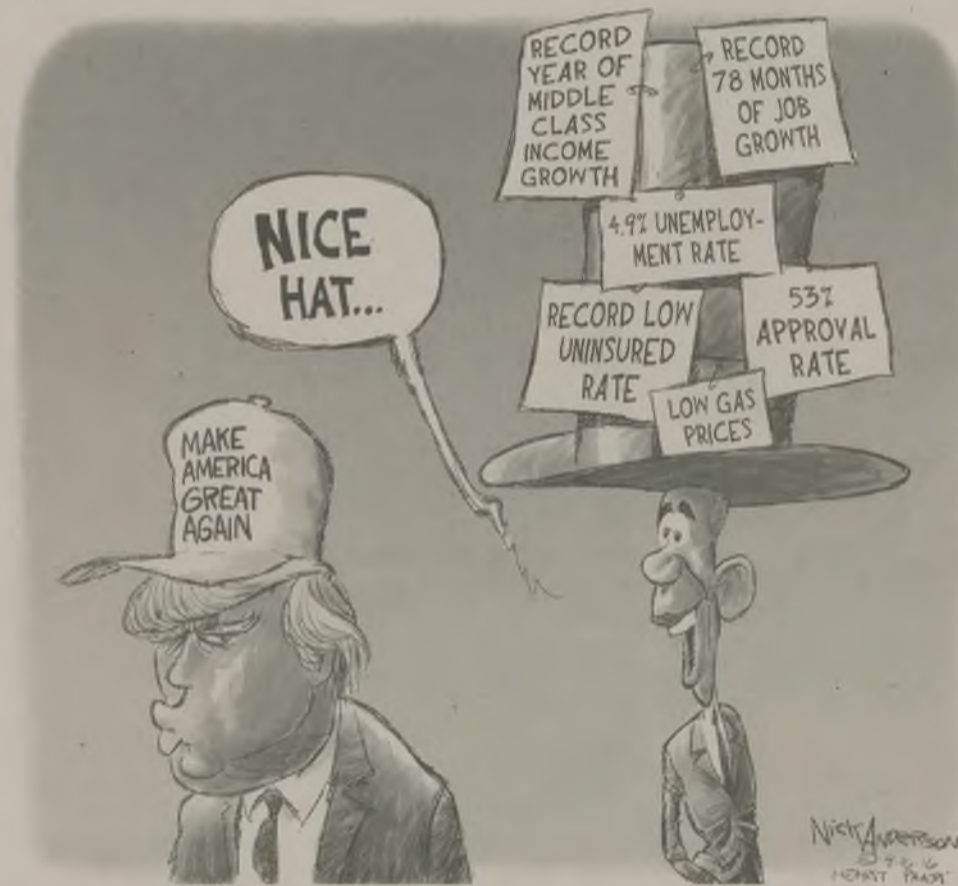
We're about to see just how purple North Carolina is in state and national politics.

*Patrick Gannon is the columnist for the Capitol Press Association.*

## COLUMNIST



**PATRICK GANNON**



## Letters to the Editor

### President Obama shifting balance of power to himself

Dear Editor,  
The 10th Amendment to the Constitution is brief, only 28 words, and should be perfectly clear to anyone who reads it. It says, in effect, that the federal government has no powers except those specifically granted to it by the Constitution. Yet, the 10th Amendment has been violated more frequently by the Executive Branch than any other. And of all the presidents who

have violated it, Barack Obama is the worst. He has said unabashedly that where Congress fails to act, he will. And he has. Again and again he has legislated from the White House, usurping powers specifically granted to Congress by the Constitution.

Most egregious perhaps are the changes the President made to ObamaCare, re-writing provisions of the law he didn't like. He got

away with it, because a squabbling and divided Congress proved powerless to stop him.

Most numerous have been his frequent extra-constitutional executive orders. But in some cases, like the one leading to amnesty for illegal immigrants, the court stepped in to prevent the President from executing his unlawful orders.

Most insidious, though, are

the regulations issued by federal agencies with the force of law. The worst offender, in my view, is the EPA, which has, among other abuses, interpreted the broad mandate of the Clean Air Act to put the coal industry out of business.

One can hope that the next president will put a stop to these violations and respect the balance of power our Founders felt was so necessary to maintain an

effective government responsible to the people. In January Hillary Clinton or Donald Trump will take the oath to protect and defend the Constitution of the United States. But do they intend to respect the 10th Amendment? That would be a good question to ask the candidates in the up-coming debates.

**Claude Milot**  
Hertford

### Wind project developers benefit from Production Tax Credit

Dear Editor,  
Setting any real money concerns aside, the wind industry manipulates their public relations for large scale wind farms. (Quotes from the 2002 Siting Subcommittee of the National Wind Coordinating Committee (NWCC) Handbook). "Wind project developers can lower costs by taking advantage of the wind energy Production Tax Credit (PTC) or Renewable Energy Production Incentive program (REPI) included in the Energy Policy Act of 1992."

The wind industry doesn't tell us who benefits from the PTC. Wikipedia comments on the PTC, "wind energy policy is generally

directed at three categories of constituents: Research and Development Organizations, Commercial/Residential Generators and Manufacturers and Producers . . . Historically, incentives have come in the form of production or installation tax credits, grants, and renewable portfolio standards, at the federal, state, and local levels of government. Policy facilitating appropriate location has historically come in the form of local ordinances and permitting requirements." These incentives won't have to be paid back because taxpayers have already footed the bill; in other words: free money to the wind industry.

American taxpayers are financing Research and Development (R&D) for the wind industry. Taxpayers are financing those companies and/or persons who apply the R&D to build new wind turbines. Additionally, American taxpayers are subsidizing those who buy the turbines and produce useable electricity somewhere. These subsidiaries are hidden from the public during the C.U.P. application process because Chowan and Perquimans' citizens don't need to know how much money is really at stake with developing a successful wind farm.

The Hill website says, "Warren Buffett admits he uses the PTC

to lower his Berkshire taxes: 'we get a tax credit if we build a lot of wind farms.'

That's the only reason to build them. They don't make sense without the tax credit." Randy T. Simmons and Jordan Lofthouse from thehill.com ask, "Must the American people tolerate paying at least \$12 billion annually in tax-funded PTC money to prop up the wind industry indefinitely?"

Local citizens pick up the wind industry's bonuses every month with every subsidized electric bill they pay.

**Patrick Flynn**  
Edenton

#### What's so important about being great?

Dear Editor,  
Donald Trump says that, as President, he will make America "great again."

This must mean that America is no longer great.

Two questions:

What will make America great again?

Why is it so important for us to be great, and to be greater than all other nations in human history?

**Jerry Gill**  
Hertford

### Does the public share access to North Carolina's sand?

**I**f you were among the lucky who got to take a stroll on a North Carolina beach this summer, it probably didn't occur to you to ponder who owned the sand beneath your toes. After all, aren't North Carolina's 300 miles of shoreline the public's to enjoy?

That's long been the assumption with our state's beaches, but the notion is being challenged by two retirees in Emerald Isle. Their lawsuit involves a small patch of shoreline, but at stake is something much larger — the public's access to what everyone presumed was a public resource.

The case began in 2011 when Gregory and Diane Nies, a retired couple from New Jersey, objected to an Emerald Isle ordinance that bars those who own beachfront

#### THE CHARLOTTE OBSERVER

property from putting up beach structures or equipment "within an area 20 feet seaward of the base of the frontal dunes."

That 20-foot lane, part of what's called the "dry-sand beach," is all the land from the dunes to where the water reaches at high tide. The "wet-sand beach" is the area that is covered and uncovered by the tide.

The Nies sued, saying that their property line included the dry-sand beach, and that the public was entitled only to the wet-sand beach.

The town says that it helped maintain and improve that 20-foot lane covered by

the ordinance, and that it is now essentially public land.

Moreover, the town said that N.C. law allows the public to use dry-sand beaches, and that all 300-plus miles of beach, in eight oceanfront counties, has operated with this understanding for centuries. Attorney General Roy Cooper agreed, and the N.C. Superior Court and Court of Appeals ruled in Emerald Isle's favor.

Problem is, the rulings have relied on common law and tradition more than specific N.C. statutes, which don't speak precisely to what happens if the dry sands includes someone's property. In some states, including the Nies' home state of New Jersey, property owners are allowed more con-

trol in such situations.

The N.C. Supreme Court has taken up the case, an unusual move given that the Court of Appeals' ruling was unanimous. There's some worry the Republican-led Supreme Court could rule in the Nies' favor, given the couple is supported by the Republican-leaning Civitas Institute for Law and Freedom.

We expect the N.C. Supreme Court will affirm the Appeals Court ruling, which noted that N.C. law has long declared that the "full width and breadth" of beaches are subject to "public trust rights."

But the Supreme Court could rule for property rights. We'd feel better if the legislature made clearer what has long been assumed: The sand is everyone's to enjoy.

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