FINAL EDITION

Weather: Mostly cloudy, scattered showers and storms. Low 72; high 85. **PAGE 8B**

COMING MONDAY

In this session, state senators are unlikely to take up a bill to help ill people buy health insurance.

City & State

City&State

INSIDE

Life Stories: James Thomas was a military officer, teacher and doctor. **PAGE 3B**

Tar Heel Tally: The U.S. Congress voted on stem-cell research, the Voting Rights Act and port security. **PAGE 5B**

Ferries, politics often mix

After Kerr Scott was elected governor in 1948, his brother and political sidekick, Ralph Scott, asked whether he could use a state-owned boat on the coast that was often employed by Democratic big shots for fishing trips.

Rob Christensen

When the governor said no, Ralph complained: "Kerr, as hard as we worked to win this election, as soon as we get to the trough, you cut off the slop."

I was reminded of the Ralph Scott story by the flap this month over a state ferry cruise for local and state officials at the Beaufort tall ships festival. The cruise, which cost $30,000, angered many of the people who waited in long lines to see the sailing ships.

It is fitting that the ferry was named after Floyd Lupton, a long-time congressional aide and Democratic operative in Eastern North Carolina.

The Ferry Division has long been infused with politics — an agency that offered decent jobs in an area that has only recently become affluent with the tourism trade.

It doesn't really matter whether Democrats or Republicans were in charge. You needed to know somebody to get a job.

A "political dumping ground" was how a 1992 state audit described the division under Republican Gov. Jim Martin.

When Democratic Gov. Jim Hunt came into office, he named Jerry Gaskill, a former Carteret County Democratic chairman and former ferry employee, to head the division. Last month a federal grand jury found Gaskill guilty of providing false statements to federal investigators in a case stemming from illegal dredging.

Then there is the mysterious death last year of Danny Noe, a ferry employee cooperating with investigators, who was found dead with hands tied behind his back and a plastic bag over over his head. Authorities ruled it a suicide. Hey, it could happen.

The name game

Ferry politics could be comical.

Take the story of the Sea Level, a state ferry purchased in 1961. In 1970, the Sea Level was renamed the Lauch Faircloth, after the Democratic Highway Commission chairman from Sampson County. When the Republicans took power in 1973, they changed the name back to the Sea Level. It seems they didn't like Faircloth's quip that the only two things he didn't understand in life were electricity and Republicans.

When a Democratic administration returned to power in 1977, the ferry once again became the Lauch Faircloth. In 1986, when the Republicans were back in control, it was changed to the Sea Level.

The Democrats might very well have changed it back to the Faircloth when they returned to power in 1993. But by then Faircloth had switched parties and had become a Republican U.S. senator. So it remained the Sea Level until the state sold the ferry in 2000.

Faircloth likes to tell the story of a time when he and other highway commissioners were getting the VIP treatment while riding in the pilot house of the ferry.

A Yankee tourist called up: "Hey fella, how do you get up there?"

To which Faircloth yelled back: "Well, you start by managing Kerr Scott's campaign in 1948."

Rob Christensen can be reached at 829-4532 or robc@newsobserver.com.

Classics college wooing Oxford

The Granville County town could be home of a for-profit liberal arts school.

BY JANE STANCILL
STAFF WRITER

DURHAM – Gary Hull thinks today's colleges are failing, and he believes he has a better way.

Hull, who teaches at Duke University, plans to start a liberal-arts college in the fall of 2007. His plan is to operate it as a for-profit business, with investors, a copyrighted curriculum and a bottom line.

And the school may be coming to Oxford in Granville County, where it has received a warm welcome from the area's economic development commission. The company is also looking at locations in Virginia and Maine.

Called Founders College, the school would offer programs in liberal arts and business and a classic curriculum in philosophy, history, economics and literature, Hull says. He hopes to start with 100 students the first year and build to 500 by the fifth year. Tuition would be about $22,000 a year, Hull says, and the school would have no sports teams.

Hull has some ideas that would be radical to many in higher education. He calls tenure "bizarre" and academic freedom a bogus idea. He believes tuition should drop as universities work to become more efficient. Most of all, though, he says, too many students today graduate from college ignorant because they've been taught hyper-specialized courses with no context.

Hull, 49, is not modest when he talks about Founders' set curriculum, which places heavy emphasis on the "great ideas" of civilization. He says

SEE **COLLEGE,** PAGE 2B

Hull hopes for a launch in fall 2007.

Tasters at the Carrboro Farmer's Market tried Italian Oxhearts, Juliets, Mortgage Lifters and other varieties.

STAFF PHOTOS BY SHER STONEMAN

Tasteful test for tomatoes

Aficionados evaluate merits of 64 varieties at annual tasting in Carrboro

BY LEAH FRIEDMAN
STAFF WRITER

CARRBORO – Noah Miller, 8, grabbed a clipboard Saturday and intently studied the list of tomatoes as if he were a football coach staring at a playbook.

There were 64 varieties of tomatoes with names like Juliet, Pink Girl, Big Beef, Lemon Boy and Mortgage Lifter.

Every year, Noah, his 6-year-old brother Riley and their mother, Shari, attend the tomato tasting at Carrboro Farmers' Market. They lined up on a humid Saturday morning along with hundreds of other tasters and walked clockwise around the market's gazebo, where tables held trays of tomato pieces. They were free, and participants were asked to vote for the best-tasting tomato.

Noah and Riley grow tomatoes in their garden and eat them like candy, their mother said, so they've become budding connoisseurs. Each had his own tasting strategy.

Riley moved slowly around the gazebo, tasting every morsel. Noah worked the tables fast. He knew what he liked.

"Mom, can you pass me a 'pick?" Noah said, referring to a toothpick. He stabbed a piece of a Tomande. He shook his head. Nope.

"Mmmmm," he said of a grape tomato. He searched for it on his ballot. This could be the one.

Then it was on to the Italian Oxhearts, a new variety this year. It's good for sauces. Noah scrunched up his face. That was not it.

Neither were the next few. The Juliet was "boring;" the Pink Girl "tastes bad;" and the Black Prince was "not good at all," Noah said.

"That's a little weird," Riley said, describing a Red Sun.

How about the New Girl? "I don't know," Riley said.

At the last table, where he was almost too full to eat any more, Noah bit into a Mortgage Lifter, a large, red tomato with few seeds that goes well on sandwiches.

"Mmmmm."

This wasn't just good. This was the one.

"I think Mortgage Lifter is my favorite," Noah said, marking it on his sheet.

Riley's favorite was the Lemon Boy, a large, sweet, yellow tomato.

The boys dropped their ballots in the box, and as they left, Noah sported the telltale sign of a day tastily spent — tomato pulp around his lips.

THE BEST TOMATO?

The best-tasting tomato will be declared today. Check **www.carrborofarmersmarket.com.**

Noah Miller, 8, left, and his brother Riley, 6, assess sweetness and gauge juiciness before voting.

Winning software, winning spiel

NCSU geeks take second world title

BY TIM SIMMONS
STAFF WRITER

Win a worldwide college software competition, and people will think you're some kind of computer geek. Win it two years running, and they'll wonder whether your campus is full of them.

But student programmers at N.C. State University know better.

Combining software savvy with business and marketing skills, NCSU finished first earlier this month in a prestigious contest known as the IEEE Computer Society International Design Competition. It was the first time a school had won the $20,000 award twice.

The trick, according to team members and their advisers, was to put down the software manual and hone the sales pitch.

"You obviously need a good idea, and the product has to work, but a big part of winning is how you sell it," team member Blake Lucas said. "This isn't pictures taped to a poster board. We had a business plan, binders, business cards, pamphlets, everything."

It's no coincidence that this guide to successful sales sounds like a page from corporate America's playbook. The computer society bills itself as the world's largest organization of computer professionals. Microsoft sponsored the event, and many of the judges come from the busi-

SEE **GEEKS,** PAGE 2B

Durham cops investigated in beating

BY SAMIHA KHANNA AND ERIC BISHOP
STAFF WRITERS

At least two Durham police officers are being investigated in connection with an assault late Thursday outside a Raleigh sports bar.

Hours after the alleged incident, the Durham Police Department assigned to administrative duty two investigators who have been probing rape allegations against Duke University lacrosse players.

No charges have been filed in the Thursday incident, but Raleigh and Durham police confirmed that some Durham officers are suspects in the alleged beating of a restaurant cook at Blinco's sports bar, 6711 Glenwood Ave., apparently after an angry verbal exchange.

In a statement Saturday, Durham police withheld the names of the officers being investigated, citing personnel privacy laws. Information on the exact number of officers and whether they are still reporting to work was also withheld.

But when asked specifically about the status of Sgt. Mark Gottlieb, the supervisor in the

SEE **COPS,** PAGE 4B

Duke law prof has pick of high-profile cases

Chemerinsky, a popular teacher, is on the legal team for the Valerie Plame suit.

STAFF FILE PHOTO BY HARRY LYNCH

BY ANNE BLYTHE
STAFF WRITER

DURHAM – Although he appears calm and utterly collected, Erwin Chemerinsky says that whenever he argues before the Supreme Court it's difficult to shake the feeling that one disastrous remark could make the floor open up and swallow him whole.

The Duke University law professor has appeared four times in the last three years in front of the top justices, debating some of the most polarizing issues — free speech, the Ten Commandments, California's tough three-strikes sentencing law and abortion clinic protests.

"It's intimidating, it's exhilarating, it's rewarding," Chemerinsky says.

His reputation as one of the brightest and most accessible constitutional law scholars in the country wins him his pick of high-profile cases. He is on the team of lawyers helping former CIA agent Valerie Plame and Ambassador Joseph Wilson with their recent civil suit against Vice President Dick Cheney, former aide I. Lewis "Scooter" Libby and White House political strategist Karl Rove.

TAR HEEL OF THE WEEK

One job, though, has always eluded Chemerinsky, 53, an unfailingly polite man who oozes humility and gratitude for his professional invitations and accomplishments.

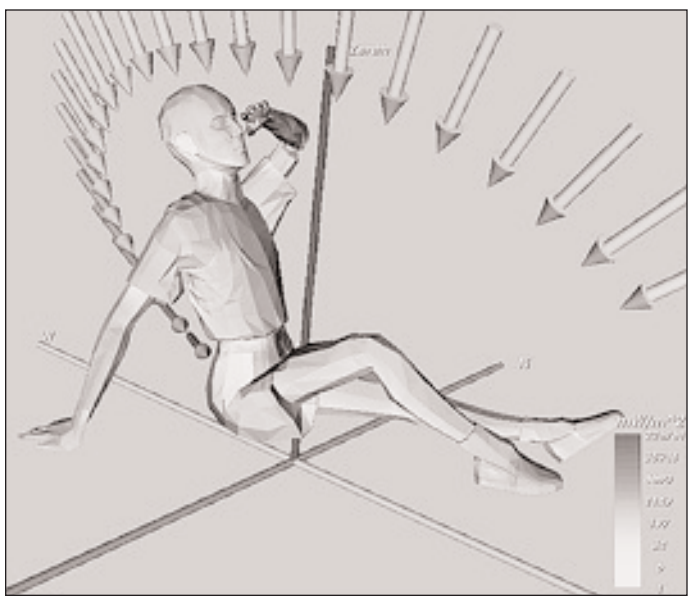
"He would give it all up to play shortstop for the Cubs," says his wife, Catherine Fisk, also a Duke law professor.

Chemerinsky, a Chicago native and lifelong Cubs fan, reels off baseball statistics with the enthusiasm of a boy who just snagged a home-run ball outside Wrigley Field. He also accepts that he is unlikely to get called up to the National League team.

So his field of dreams is the one he was drawn to as an idealistic young man rooting for all underdogs.

"When I decided in the mid-1970s to go to law school, I really believed that law was the most powerful tool for social change," Chemerinsky says.

SEE **TAR HEEL,** PAGE 2B



NCSU students' prize-winning software helps measure exposure to ultraviolet radiation in three dimensions.

ILLUSTRATION COURTESY OF N.C. STATE UNIVERSITY

GEEKS

CONTINUED FROM PAGE 1B

ness world.

If NCSU has an advantage in the seven-year-old competition, it can be traced to a 16-week course offered through the university's Computer Science Senior Design Center. The center breaks students into teams of four and presents them with a real problem assigned by an outside corporation.

The corporation donates $5,000 to help cover the costs of solving the problem. Students are then expected to write extensively about the process over the course of a semester.

More than just code

Students usually grumble about all the writing, said Robert Fornaro, the center's director since it opened in 1994. But the writing will be needed when it comes to proposals, business plans and marketing strategy.

That's why Fornaro's assistant, Margaret Heil, isn't even a computer scientist. She holds degrees in technical communication, biology and English literature.

The students already know how to write code. Heil's job is to make sure they can work as a team and communicate clearly. Corporate advisers say those skills pay dividends in the workplace. They don't hurt in a competition, either.

"We approach this as though we are a company with money to spend," said Kathy Land, chief judge for the competition and a program manager for Northrop Grumman, a major manufacturer of high-tech defense systems. "You need to convince us you have an idea worth pursuing. If all you do is write code, I can go anywhere for that."

Land said as many as 2,000 teams expressed interest in the competition this year. But just 133 submitted complete reports for judging. Hundreds of judges from around the world sorted through the proposals from 28 countries before narrowing the list to 10 teams.

The finalists were flown to Washington to present their projects in person.

UV in 3-D

This year's theme for the competition was "Preserving, Protecting and Enhancing the Environment."

A team from Romania designed a device small enough to be worn on the body that instantly warns users of dangerous air pollution levels. A team from China used wireless sensors to help wildlife officers catch poachers by identifying the source of gunshots.

The NCSU group chose to focus on the depletion of the ozone layer and the related increase in ultraviolet radiation. Using real-time data from government sensors, the team calculated UV exposure for any three-dimensional form, such as a human body.

UV exposure is currently measured on flat, horizontal panels. Readings taken from every dimension are expected to help researchers who study the relationship between global climate changes and diseases such as skin cancer and cataracts. That information, in turn, can help people understand and avoid the risks of overexposure.

As a team member, Lucas knows the project details can enthrall a good geek. But he appreciates something else, too.

"If I find something I can patent someday, I know what I'm going to do with it," he said.

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TAR HEEL

CONTINUED FROM PAGE 1B

"Now, 28 years later, the fight is harder than I could ever have imagined it being, but I still believe that."

The idealist who fantasizes about playing pro baseball has built an impressive resume in the real world.

Since getting his law degree at Harvard in 1978, he has been teaching, doing public service, writing, commenting and taking on high-profile cases.

What sets him apart from many colleagues in academia is not necessarily his research, but his time outside the ivory tower in the courts. He is able to speak plainly about complicated law cases.

"There are two things that set him apart," says Kathleen Sullivan, a professor and former dean at the Stanford University law school — "his lucidity and passion, which his clients know."

Sullivan adds, "He's always been a huge institutional citizen at any law school he's been a part of, doing committee work and taking pro bono cases that others turn down."

Before moving to Durham in 2004, Chemerinsky spent 21 years in Los Angeles, where he led an effort to overhaul the city charter. He aided leaders as they fought police misconduct and possible government corruption.

High court cases

He argued before Supreme Court justices in the free speech case of a California man ordered to stop picketing the offices of celebrity lawyer Johnnie Cochran with derogatory signs.

He was there again trying to persuade the court that a Ten Commandments monument at the Texas State Capitol was not a secular work of art, but was unconstitutional because it failed to separate church and state.

ERWIN CHEMERINSKY

Born: May 14, 1953, Chicago

Family: Married Catherine Fisk, a labor law scholar, in 1993; two children at home, Mara, 7, and Alex, 11. Son Jeff, 23, starts Duke law school in the fall. Son Adam, 20, is in college.

Education: B.S., Northwestern University, 1975; J.D., Harvard Law School, 1978.

Favorite Durham hangout: "Home! I sometimes travel too much, and there is truly no place like home."

What's cooking?: "He has a subscription to Bon Appetit that he reads voraciously," says Doriane Coleman, a Duke law professor and friend. "He makes a really great tuna with fried capers. He makes an amazing gazpacho, and he's famous for his desserts."

Books on nightstand: Jonathan Eig's 'Luckiest Man,' a biography of Lou Gehrig. Kevin Phillips' "American Theocracy." Loves mysteries.

Music in CD player: Lots of Beatles, James Taylor, Carly Simon, Norah Jones

Secret for high productivity?: Only sleeps four to six hours a night.

Hobbies: A devotee of professional basketball and major-league baseball who makes regular pilgrimages to spring training.

Why he turned down UNC-Chapel Hill's offer to be law dean: "I was really excited about it, very much wanted to do it. I discovered in the process the institution is desperately underfunded."

He was back with the National Organization for Women arguing that some protesters at abortion clinics committed extortion by conspiring to close the clinics.

But the case that still gnaws at Chemerinsky is California's three-strikes sentencing law. It sent a man convicted of stealing $509 worth of videotapes — and thousands of other petty thieves —to prison for life.

Since April, he has been working with a team of lawyers led by Christopher Wolf of Washington to develop a case against the vice president and other officials. The suit accuses them of conspiring to punish Plame by disclosing her classified CIA status.

In an e-mail message, Wilson, Plame's husband, praised Chemerinsky for his brainpower, boundless energy and unwillingness to leave anybody hanging. "I barely have time to hit the send key," Wilson wrote, "before action is taken on often complex issues."

The suit was filed July 13, nearly three years after columnist Robert Novak disclosed Plame's classified employment status. It alleges "a conspiracy among current and former high-level officials in the White House" to "discredit, punish and seek revenge against" Wilson for publicly disputing statements the president made to justify the war in Iraq.

"I think it's about abuse of power and about high-level officials revealing very sensitive information solely for their own partisan gain," Chemerinsky says.

He makes no secret of his opposition to the death penalty and speaks out for civil rights, gay rights, affirmative action, abortion rights and other liberal causes.

Though such strong values often win more enemies than friends, it is difficult to find anyone to utter anything but glowing words about him.

His colleagues admire his ability to sort complex legal matters into a cogent order.

"He truly is an exceptional person," says his friend Bill Marshall, a constitutional law scholar at UNC-Chapel Hill. "He is unusual in his energy. He is unusual in his brilliance. He's unusual in his decency. It sounds cliché, but he is truly one of the nicest people you'll ever meet."

Hooked on debate

Chemerinsky grew up on Chicago's South Side in a working-class Jewish family. His mother, Raeda, worked in the home. His father, Arthur, managed a home improvement store.

As a teenager, Chemerinsky got a scholarship to the private, academically rigorous Chicago Laboratory School. To this day, he says, he cannot remember what made him wander into the room where the debate club was meeting, but he was hooked immediately.

Chemerinsky was the first in his family to go to college.

"He still has that kind of 'Aw shucks, I can't believe this is happening to me' in him," his wife says.

That unassuming demeanor is one reason people are drawn to Chemerinsky. Students jockey to get in his classes.

Will Carlson is a Duke rising senior who fights liberal bias on campus in the group Students for Academic Freedom. After taking an undergraduate course on constitutional law with Chemerinsky this spring, he complimented the professor's willingness to meet with students outside the classroom but also praised him for leading the 100-plus students in discussions.

"I got the impression from things I'd read that he was pretty liberal, but ... you would never get that impression because he was so unbiased," Carlson says.

Chemerinsky is glad to hear that. "I feel very strongly that my classroom should be a forum where all ideas get expressed," he says.

Neil Siegel, a constitutional law professor at Duke who counts Chemerinsky as a mentor and friend, admires that and wonders whether his colleague would truly rather be an infielder for his favorite baseball team.

"I'm not sure, if push came to shove, he'd give it all up to play shortstop for the Cubs," Siegel says. "He's deeply committed to making the world a better place, leaving it better than he found it, and public law is a way to do that."

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COLLEGE

CONTINUED FROM PAGE 1B

he wants to train students' minds and teach them to write clearly.

"This is, without exaggeration, a revolutionary approach to a college curriculum," he says.

Most colleges have a smorgasbord approach, he says, and give students a catalog stuffed with hundreds of courses, many of them unnecessary electives. Too often, students are bored and have no continuity in their education.

"It's just: 'Welcome to college, now pick some classes,' " he says, "and I think that's a disaster."

Hull says the college will open next year, though it has not settled on a site. He and a small group of associates have looked at land in Granville County. They considered two locations, including the campus of the Masonic Home for Children, but abandoned that idea.

Leon Turner, executive director of the Granville Economic Development Commission, says the town and county are willing to help Founders with water and sewer improvements, even a cash grant. Any package would probably be worth less than $500,000, he says.

Turner says the college would generate tax revenue and jobs and likely attract more business.

"We're still trying to do anything we can to bring them to Granville County," Turner says.

The college has applied for a license to operate in North Carolina; that decision would ultimately be made by the UNC Board of Governors, the state's licensing authority.

Hull refuses to identify the investors but says he has the financial backing.

Not based on Ayn Rand

There are other questions about the college. Its license application says Founders College will be operated by The College of Rational Education Inc., a nonprofit corporation in North Carolina. According to papers filed with the North Carolina Secretary of State's office in March 2005, The College of Rational Education "shall be exclusively operated as to provide a reality-based, rationally grounded education, by applying Objectivism, the philosophy of Ayn Rand, to all of the Corporation's activities and undertakings."

Hull says that was an idea "that fell by the wayside."

At Duke, Hull is a nontenured faculty member and director of the university's Program on Values and Ethics in the Marketplace. He is a scholar of Rand, the novelist and philosopher who wrote "Atlas Shrugged" and "The Fountainhead." Her philosophy emphasized individualism, rational self-interest, capitalism and limited government.

But Hull maintains there is no connection between Founders College and any particular philosophy or outside organization such as the Ayn Rand Institute, for which he has written articles.

Hull believes he has a winning formula with his focused curriculum and a 60-hour teacher training course, which would be required of all faculty. There would be no tenure, and professors would be evaluated on teaching effectiveness instead of the "publish-or-perish" standard.

"Our focus is on using the proper method in the classroom and a heavy, heavy emphasis on motivating students, on lighting their mind on fire and selling them, literally selling them, on the idea that a particular subject is important and they should be interested in it for the rest of their lives," he says.

The residential school would be unusual in the for-profit sector of higher education, which typically focuses on adult learners and online instruction, says Richard Garrett, a senior research analyst with Eduventures, a consulting firm that specializes in education.

"I haven't come across something like this," Garrett says. "This sounds like a lot of nonprofit institutions."

Brian Pusser, an assistant professor at the University of Virginia's Curry School of Education, says Hull could face an uphill challenge. It will be difficult for a startup to distinguish itself when so many liberal arts colleges have established brands, long histories and financial support from the government and private donations.

"I don't see what the natural niche for Founders College is," says Pusser, who has done research on for-profit universities. "My guess is they are going to be a very long time making any meaningful profit."

Hull knows it's a challenge, but he's confident. His strategy?

"Tell a good story, find a clever marketing company and sell," he says. "We have to sell the market, sell our potential customers on the conviction that we have a superior market, a superior education and great teaching. That's the only way of doing it."

News researcher Brooke Cain contributed to this report.

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