



# Action and Inaction

A citizen group calls for reform—  
but some politicians have closed their ears

BY BARRY YEOMAN

Nancy Carmon thought she was alone when the state Department of Transportation (DOT) planned to wipe out her Eastern North Carolina farm community of Pleasant Hill with a four-lane freeway.

Roy Lane thought he was alone when DOT proposed a truck route through his Yadkinville neighborhood to a local textile mill.

Carolyn Baucom thought she was alone when DOT announced it wanted to turn the main road through Blowing Rock into a five-lane thoroughfare.

But Carmon, Lane and Baucom don't feel alone anymore. On Sept. 10 they stood across the street from the Highway Building in Raleigh to announce the formation of a new state-wide citizen group called the N.C. Alliance for Transportation Reform. The new organization hopes to bring together the many communities that have been fighting isolated battles with DOT.

"No branch of government has had as far-reaching an impact upon our lives as does the N.C. Department of Transportation," said Lane, the group's interim president. "This agency's largely unregulated decision-making system is inefficient, politically corrupt, ignores the rights of citizens, ignores negative environmental impacts and wastes tens of millions of our scarce dollars each year."

At the Raleigh press conference, the alliance called for an in-depth audit to determine how much money DOT wastes. It also challenged gubernatorial candidates Jim Hunt and Jim Gardner to appoint environmentalists and mass-transit advocates—rather than big campaign contributors—to the state Board of Transportation.

Finally, said Carmon, the legislature needs to abolish the \$9 billion Highway Trust Fund and direct that money into the state's general fund, where it will receive the same type of scrutiny that education and social programs get. "During these rough economic times," she said, "we cannot afford a sacred-cow highway construction fund."

The formation of the N.C. Alliance for Transportation Reform—a bipartisan and bi-racial group with members across the state—is perhaps the most significant effect of *The Independent's* "Highway Robbery" series last spring. Many of the alliance's founding members operated in isolation until they learned about the series. Carmon and Lane were interviewed by this newspaper last spring, while Baucom read the articles.



Nancy Carmon has fought to keep the a four-lane freeway from destroying the Pleasant Hill community. Now she serves as treasurer for the N.C. Alliance for Transportation Reform. PHOTO BY M.J. SHARP

DOT officials would not comment on the alliance's formation or its charges, or anything else, for this article. "You've burned your bridge with us," said Assistant Secretary Jim Sughrue. "We have never gotten a fair shake from you or your so-called newspaper. There's nothing to make me believe that we would this time."

But Sughrue told the *Asheville Citizen-Times* that the alliance was made up mainly of people who objected to particular roads in their communities. "We can't wait for unanimous approval before we build highway projects," he said. "If we did that, we'd still be on horse paths."

The "Highway Robbery" series spurred more than the formation of a citizen group. It has focused public attention on the DOT, particularly its pattern of rewarding campaign contributors with wasteful and unnecessary roads.

"Let's say it out loud," wrote Steve Ford, associate editor at *The News & Observer*. "North Carolina has far too many needs that are starving for help from the public treasury to afford this Ferrari of a highway system." Ford wrote that millions of dollars are "being lavished on the highway-industrial complex—for the mutual advantage of politicians who control the flow of road money."

The *Charlotte Observer* also cited the series when it wrote in June that DOT's "political influence could use some 20-Mule-Team-Bo-

rax scrubbing." Last month, the newspaper called on the next governor to "revamp" the Board of Transportation by including local officials, planners, public-transit advocates, environmentalists and engineers.

Without refuting a single fact, DOT dismissed the *Independent* series as liberal propaganda. Assistant Secretary Sughrue called the articles "bastard journalism." He said the Institute for Southern Studies, which helped fund the eight-month investigation, had an anti-highway agenda.

"It's the work of the left-wing attack media from hell," DOT Secretary Thomas Harrelson told the *Winston-Salem Journal*. The newspaper replied, "Rubbish.... The system, as it now operates, may be entirely legal but it is ethically dubious. If the system works, why don't those who gain from the status quo provide some answers to the questions raised, rather than resort to shrill objections to their being raised?"

Within weeks of the series' premiere, several key state legislators also called for changes at DOT. "I think we need a whole review of the structure," said Rep. Peggy Stamey, who chairs the House Transportation Committee. Stamey plans to introduce a series of reforms that takes DOT's decision-making process out of the hands of politicians and puts it in the hands of professionals.

In particular, the Raleigh Democrat wants to revamp the Board of Transportation, whose



seats have traditionally gone to the governor's big-money contributors. The "Highway Robbery" series concluded that the Board of Transportation members appointed during Gov. Jim Martin's administration had raised or donated at least \$3.5 million to the Republican cause since 1984. Stamey wants to see the board consist of conservationists, soil scientists and other experts.

Those proposals are not surprising coming from Stamey, a partisan Democrat and longtime DOT critic. But similar criticism is now coming from unexpected quarters within the General Assembly. Sen. Paul Smith, a Salisbury Republican who sits on the Joint Legislative Highway Oversight Committee, told the *Winston-Salem Journal* that the legislature should have confirmation powers over the Board of Transportation.

And Sen. Marc Basnight, a former Board of Transportation member who now chairs the Senate Appropriations Committee, called for a full-scale audit of DOT. "If what you hear is true, everyone should be concerned," the Manteo Democrat told *The Charlotte Observer*. "We need to find out."

In its short session this summer, the legislature did pass one law designed to prevent a particular abuse from recurring. In the second installment of the "Highway Robbery" series, *The Independent* wrote about a road built on fragile North Topsail Beach to benefit Winston-Salem developer F. Roger Page, a campaign contributor to Gov. Jim Martin. Because the road was built with private funds, DOT was not required to study the environmental damage the road would cause. Under a bill introduced by Rep. W. Bruce Ethridge, DOT will now have to study the environmental effects of all roads built on public land, not just government-funded ones. Ethridge, a Beaufort Democrat, represents North Topsail Beach.

The current statewide political candidates have been less enthusiastic. Republican Lt. Gov. Jim Gardner, who is now running for governor, refused to discuss transportation reform with *The Independent*. Democratic candidate Jim Hunt promised to include environmentalists and mass-transit supporters on the Board of Transportation, but he opposed any law that would require him to do so.

Hunt "favors a more balanced and diverse Board of Transportation," says spokeswoman Rachel Perry. "He also favors a greater emphasis on public transportation. He'd favor the state's highway plan developing into a transportation plan." Hunt would consult with environmentalists before choosing the Board of Transportation, she adds.

Perry says the Democrat "will make every effort to make sure the Board of Transportation is focused on policy and not politics." Does that mean it will not be dominated by large campaign contributors? "I can't speculate on the makeup of any board except to say it will be more diverse and more balanced," she says.

But Hunt does not want the legislature passing laws that will tie his hands. "His view

is that legislation would not be needed if he were governor," Perry says. Nor would he support laws toughening DOT's environmental standards.

At its press conference, the N.C. Alliance for Transportation Reform called on both candidates for state auditor to perform a full-scale audit of DOT if elected. J. Vernon Abernethy, the Republican, declined to make such a commitment.

"If I am elected, I will audit every department based on the materiality of the need," Abernethy told *The Independent*. But the Gaston County legislator said he had no evidence that DOT is in dire need of an audit. "I'm not inclined to be as narrowly focused as that organization, but they've received assurance from me that I will perform with a high level of professionalism and skill."

One notable exception to the lukewarm responses came from Ralph Campbell, the Democratic candidate for auditor, who promised to do a "full-blown audit" of DOT. "That will be one of the priorities," he says. As a Raleigh City Council member, Campbell says, he has felt frustrated with the department's single-minded focus on road-building.

Campbell says his audit will not focus solely on mismanagement within DOT, but also on how the department balances highway construction with public transit and other alternatives. "We need to look at additional alternatives to simply building roads," Campbell says. ■

*The N.C. Alliance for Transportation Reform is looking for members. Annual membership is \$5; write to the alliance at P.O. Box 1002, Chapel Hill 27514.*





# Siege At Indian Woods

The Department of Transportation strikes again

BY BARRY YEOMAN

When the men of Indian Woods get together, likely as not the topic of conversation will be fishing. "I've caught the prettiest speckled perch this year," says 69-year-old Leon Clark. "They looked artificial, they were so large." Perch and rockfish run plentiful in the fertile Roanoke River. So does bass. "You can catch them by the bucketful. And we just had an old cane pole, nothing special."

Clark has been fishing in the Roanoke "since I was old enough to fish." That always meant going to the end of Coniotte Road, a gravel road that stopped just a few hundred feet short of the river. Generations of families in this remote corner of northeastern North Carolina have used that road to feed their families; some fished for dinner every day.

"What they caught they shared with the community," remembers 47-year-old Willie Ruffin Jr. "If they got 50 fish, everybody got some."

Every Easter Monday for decades, the Indian Woods Missionary Baptist Church sponsored a riverside fish fry at the end of the road. It was the high point of the year; Bertie County natives who had left home for big cities would return for the event. "We used to go there the night before and catch the fish," says Ruffin. "Sometimes the cars would be parked all the way up to the hardtop. People from New York, Philadelphia—everybody knew about the fish fry."

Now, a half-mile before the river, the signs say, "State Maintenance Ends" and "Private Property." A low-slung yellow gate blocks cars from entering. The people of Indian Woods have been ordered to stay away. What was a state-maintained road since 1931 now belongs to one wealthy landowner who asked local officials and the N.C. Department of Transportation (DOT) to close the road for him.

If Indian Woods residents want to fish today, they must drive six miles out of the community.

"I never understood," says James Outlaw, a local schoolteacher. "That river itself belongs to all the citizens of North Carolina. That's been an established path for over 100 years. I don't know how you can shut that down."

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This spring, *The Independent* ran a five-part series called "Highway Robbery." The articles detailed how big-money campaign contributors maintain a tight grip on the Department of Transportation, steering millions of dollars to specific roads to help themselves and their friends. Co-sponsored by the Institute for Southern Studies, the series showed how DOT's decisions pave over local communities, harm the environment and waste taxpayer money.

Since then, several key lawmakers, along with the state's major newspapers, have called for reforms in North Carolina's road-building process, as the accompanying article ("Action and Inaction") reports. And the first citizen group dedicated to cleaning up DOT went public last month.

But across North Carolina, local communities continue to lock horns with the highway-building machine. One of the biggest skirmishes of the summer happened in the Triangle, where DOT briefly froze \$56 million in bus and road funds for Chapel Hill, Carrboro and Durham. Local leaders had angered DOT by asking the state to scrap its plans to widen U.S. 15-501 in southern Orange County.

Chapel Hill officials said they were developing a land-use plan that encourages buses, bicycles and carpools, making the widening unnecessary. But DOT insisted the project was important—and said it would withhold other funds until Chapel Hill backed down.

"This is not something we're willing to give in on," DOT engineer Dan Thomas told *The News & Observer*. Transportation Secretary Thomas Harrelson added that the project was favored by both DOT and Chatham County. "We're not interested in letting the strong pick on the weak," he said. After a six-day stand-off, DOT reached an agreement with Chapel Hill, freeing up the funds and requiring that two road options be studied.

The Triangle's battles with DOT have gotten widespread attention. But in more remote areas of North Carolina, local citizens are struggling in relative obscurity to keep

DOT from running over their communities. In few places is the struggle so primal—involving the very food residents eat for dinner—as in Indian Woods.

Indian Woods, *The State* magazine once wrote, was "a home to witchcraft and voodoo." Originally a Tuscarora settlement, the area is steeped in mythology. One legend centered around Daniel Smallwood, a snake doctor who was said to have sold his soul to the devil in exchange for the powers of a wizard.

The reality of Indian Woods is far more mundane. Spread out over a wide flat area laced with cypress swamp, its brick dwellings and mobile homes are separated by peanut and soybean fields. Next to the Baptist church sits an abandoned two-story building, once the home of a Masonic hall and grocery store. It no longer operates.

Forty-year-old John Rascoe, who grew up in Indian Woods and now lives in Greensboro, remembers when there were four grocery stores open at once. Now, along with the church, the only remaining public facility is a shaggy baseball field with cinder-block dugouts. Though the people of Indian Woods are poor, many have managed to buy their own homes with the help of Farmers Home Administration and Veterans Administration loans.

"If not for FHA and VA housing pro-



Phil Godwin invited Indian Woods residents to speak before a Board of Transportation committee—and then argued the road should remain closed.



grams, I can't imagine what the plight of the community might be," Rascoe says. "If not for farming, there would be no community."

What has helped residents survive is the area's abundant fauna. "The deer hunting was fierce in here," remembers Rascoe. "We'd hunt deer in the morning and rabbit in the afternoon." Even more important was fishing. "Food in the river is largely what kept my grandparents and my parents alive during the summer months," he says.

When folks wanted to fish, they'd drive down Coniotte Road, past land owned by a white man named Carlton "Bro Dick" Gillam. A commanding presence in this otherwise modest black community, 72-year-old Gillam operates two huge farming operations, where he raises cattle and grows peanuts, soybeans and corn.

Gillam is one of the biggest landowners in the state—the largest owner in Bertie County except for timber and paper companies like Georgia Pacific and Champion International. In 1985, Gillam, his farming operation and an affiliated business owned more than 11,800 acres, according to a report by the Institute for Southern Studies.

Everyone in Bertie County knows the Gillam name. Eight miles from Indian Woods, in the tiny county seat of Windsor, the law firm of Gillam and Gillam sits across from the courthouse. Carlton Gillam's brother Carroll sat on the State Highway Commission during the early 1970s. And nephew John Gillam III, a former state legislator, is best known for pumping more than \$283,000 of his own money into a losing congressional bid in 1984.

In Indian Woods, Gillam's mark is everywhere. Turn onto Indian Woods Road from the main highway, and an Adopt A Highway sign marked "Gillam-Outlaw Farms" greets you. Turn again onto Coniotte Road, and another Adopt A Highway sign says, "Gillam Farming." An American flag and a faded North Carolina flag flank the entrance to Gillam's farm operations, and the landscape is dominated by his massive irrigation equipment.

Gillam shuns publicity. *Bertie Ledger-Advance* news editor Jeanette White cannot remember the newspaper's ever publishing an article about him. "He's a very private person," she says. He would not talk to *The Independent* for this article. He reportedly plays a behind-the-scenes role in local politics—but not a public one.

Gillam is an active supporter of Republican Lt. Gov. Jim Gardner, who is now running for governor. Last year, he contributed \$500 to Gardner. A full-page newspaper advertisement, sponsored by Business Leaders for Gardner, lists Gillam as a supporter. And the Gillam family is part of a business network with the Spruill family, which donated an additional \$14,000 to the lieutenant governor's recent campaigns. The Spruills and the Gillams own land together, and one Spruill serves as an officer of Gillam-Outlaw Farms.

Until the Coniotte Road incident, Gillam's relationship with the residents of Indian Woods was a civil one. "He seemed to have been all right with everyone," says Leon Clark. Gillam



Indian Woods resident James Outlaw doesn't understand how the state can close off a route that people have traveled for years to fish for their families. PHOTO BY M.J. SHARP

attended local funerals and visited people in their homes—more contact than most affluent whites had with their black neighbors.

Still, the relationship was often tenuous as it appeared. Residents resented the power he held over their economic lives. Gillam was both landlord and employer for many people in Indian Woods. For a long time, "the only relationship between wealthy landowners and the community was sharecropping," says John Rascoe.

Residents say Gillam has bought land that once belonged to local black farmers. When local residents were trying to raise money to turn the old Indian Woods Elementary School into a community center, Gillam bought the building instead and used it for storage, according to Rascoe. Gillam has since torn it down.

"He always felt like he could control us—like a bunch of cows," complains Willie Ruffin Jr.

Gillam's efforts to "control" his neighbor's comings and goings peaked in May 1989, when he appeared before the Bertie County Board of Commissioners. Gillam told the commissioners that people were throwing trash, including dead hogs, onto his land alongside Coniotte Road. He proposed a solution: The road should be removed from the state system, giving him more control over who drives down to the Roanoke River.

"I absolutely have no intention of stopping anyone who wants to fish with a pole," he promised. Without fanfare, the commissioners passed a resolution asking DOT to remove the road from the system. DOT studied the traffic and land-use patterns along the road and agreed it should be abandoned. In a routine vote, the state Board of Transportation quietly gave its approval.

It was only after the commissioners' meeting that residents of Indian Woods learned what was going on. They were stunned. "That

road has been a source of food for the community," says James Outlaw, the schoolteacher. Slowly the community began contacting public officials, and found a sympathetic ear from Ernest Carl, a deputy secretary at the N.C. Department of Environment, Health and Natural Resources.

In a February 1990 letter, Carl wrote, "This department opposes abandonment of state roads which provide access to waterways unless there are mitigating circumstances." In the Indian Woods case, he wrote, "we were not aware that abandonment was proceeding."

The Bertie Board of Commissioners even reversed its original request in November 1990 and asked DOT to take back the road. "These people felt like they were being cheated out of a highway," commissioner Edwards explains.

But it was too late. Carlton Gillam was already erecting a gate across the road. Though he had once promised he would not keep people from fishing, he was now telling his neighbors not to trespass on Coniotte Road.

Neither DOT nor the Board of Commissioners knew Gillam planned to erect the gate. Jack Murdock, DOT secondary roads officer, assured Indian Woods residents that the gate was illegal. When DOT removes a road from the state system, it does not close the road to the public. "We always operated under the assumption that once a public easement, always a public easement," he says.

Still, the gate remained—and DOT claimed it couldn't reverse its decision. Coniotte Road didn't meet the standards the department sets for secondary roads, Murdock says.

What's more, he adds, the road didn't go all the way to the Roanoke River. It stopped about 350 feet before the water's edge. From there, fishers had to cross Gillam's land.

"In the past, we have not approved some abandonments that went all the way to the



water," Murdock says. "In this case, while the people were using their road to park their car and walk to the water, they were walking through private property. So we had no reason not to abandon the road."

But the people of Indian Woods were not ready to give up.

In February 1991, four Indian Woods residents wrote to Transportation Secretary Harrelson. The secretary agreed to let John Rascoe, the Indian Woods native who now lives in Greensboro, speak before the state Board of Transportation's secondary roads committee.

The Board of Transportation makes final decisions on North Carolina roads. Made up of 24 political appointees, the board consists mostly of business executives who make large campaign contributions to Republican Gov. Jim Martin and Lt. Gov. Jim Gardner.

The arrangements for Rascoe's appearance were made by Philip Godwin, who represents that corner of North Carolina on the board. Godwin, a Gatesville attorney, is a well-respected former state legislator. He served as Speaker of the House at the same time Carroll Gillam was the local State Highway Commission member. Godwin denies any favoritism toward Gillam: "I had no dealings with anybody as Speaker." He knows the Gillam family and calls John Gillam III a "nice young man." He says he had never met Carlton Gillam before the Board of Transportation meeting.

But the two men are cut from similar cloth. Both are conservative white Democrats born in the 1920s in rural northeastern North Carolina. Both are prominent in their respective counties, where they have extensive land holdings. And both support Gardner in his bid for governor. Godwin has made four contributions totaling \$1,200 to the Gardner campaign. He also belongs to Business Leaders for Gardner, whose advertisement Gillam signed.

Godwin says he was doing the Indian Woods residents a favor by allowing Rascoe to address the committee meeting. "That's the first time I've known anybody to appear before the secondary road committee," Godwin says. "He wanted to come and I made arrangements. We didn't even have to do that."

But DOT records raise questions about whether Godwin approached the issue with an open mind. Two months before the meeting, Godwin indicated the road should remain closed. In a letter to DOT's Jack Murdock, Godwin enclosed a copy of a little-known court case that seemed to give Gillam ownership of the road. The case, called *Whitehead vs. Hoppers*, was discovered by the law firm that represents both Gillam and Bertie County.

In the *Whitehead* case, a North Carolina judge ruled that when a single landholder owns all the property along an abandoned road, that landholder gets ownership of the road itself.

"Please read the case and see if you can distinguish anything different about the case and the one presently under discussion of Bertie County," Godwin wrote. In the same letter, he referred to a petition by Indian Woods



Rascoe Gilliam and Willie Ruffin Jr. are among the longtime residents of Indian Woods who must now fish outside the community—or not at all—unless the state reverses its decision. PHOTO BY M.J. SHARP

residents asking the state to take back the road. "It is my...understanding," he wrote, "that many of the signatures on the petition are people who do not reside on the road, but elsewhere in the county."

Godwin also wrote a letter to Rascoe, asking the former Indian Woods resident to "describe to me what your real interest is in this matter since your address is Greensboro." The letter mystified Rascoe. "My last name is so common in Bertie County, it should have been obvious to him," Rascoe says.

At the April 1991 meeting, Rascoe told the Board of Transportation committee that Indian Woods' residents didn't get a chance to comment before the state abandoned the road. But Godwin, the Board of Transportation member, said the issue was moot because Gillam now owned the land. The committee deferred to Godwin, and voted unanimously to keep the road closed.

"We just couldn't put it back on the system," Godwin says, explaining that Gillam now owns the roadbed. In fact, DOT did have other options. It could have bought the land back from Gillam; DOT condemns land all the time. Or it could have filed a lawsuit to get the land back, challenging the precedent set in the *Whitehead* case.

Godwin says it's not DOT's policy to condemn land for secondary roads, only for larger highways. And DOT's Jack Murdock says his department wanted to respect Gillam's property rights. "We wanted the property owner to be in agreement," he says. "You don't want to run over the top of anybody."

Six months later, Gillam rewarded the Republican Party, which controls the Board of Transportation, when he sent his \$500 contribution to Lt. Gov. Gardner.

Finding a good spot to fish in Indian Woods is getting more and more difficult. There is one snake-filled path to

the river, says John Rascoe, but most residents now fish outside the community. Or they don't fish at all.

The community doesn't plan to give up on Coniotte Road, though. Now they are talking to the local Legal Services office, hoping the organization will take their case.

Rascoe says that when DOT relied on one obscure court case to keep the road closed, it ignored the intent of the legislature: to preserve the public's right to use roads, and to give citizens a chance to be heard whenever that right is endangered.

"I've done a lot of fishing at the end of that road," he says. "I want to do more. But more important to me than any fish I catch is the principle. It's the issue of the little guy getting trampled to death by the big guy. That's not good. Period. It's not good." ■