



IN MY OPINION



Mary C. Curtis

The judicial system must stay impartial

It's been a wild season of judicial musical chairs in Mecklenburg County. As Chief District Judge Fritz Mercer moved Judge Nancy Norelli from criminal court to family court and back again, the only thing missing in the game was a clear set of rules.

Why are so many so upset? Maybe it's because the initial move was made behind closed doors, after police officers complained about several Norelli rulings that didn't go their way.

Mercer, who ended the week with praise for Norelli and an offer to resign as chief (he'd remain a district judge) in the wake of criticism, earlier said that police comments figured in his first decision to move Norelli.

Maybe it's because of the timing of Mercer's move. In Charlotte, the wound of two slain policemen is still fresh. The safety of police concerns everyone, not just the officers and their families. But the answer is not to give police a disproportionate say in which judge serves where.

There is an N.C. Judicial Standards Commission that investigates complaints against judges. Though Wake Forest University law professor Ron Wright emphasized the importance of all litigants having a say, Charlotte lawyer Jim Cooney noted: "Can you imagine how the public would react if a judge who was convicting too many people was removed because defense lawyers were complaining?"

Maybe it's because the right thing to do changed from day to day. If, as Mercer said, his reason for transferring Norelli was simply, "I needed someone with strong civil background for family court," then why did he return her to criminal court after the firestorm?

It's in everyone's best interests to maintain an efficient, effective and independent judiciary, no matter how tough a balancing act that can be.

No matter how often he's changed his actions and his reasons, Mercer's offer to resign validates the seriousness of that goal. So does the list of judges who signed a statement of support for Norelli that was as much support for the judiciary: "We are proud to serve the citizens of Mecklenburg County and intend to continue to do so without regard to any outside influence."

The law is inexact, often open to interpretation. America's criminal justice system — with judges, prosecutors, defense attorneys, grand juries, appeals, etc. — can be messy. It has flaws. Its all-too-human participants make mistakes.

But it works better than most.

If I ever have to have a "day in court," I want it to be in an American court. I want to walk in believing that I have an honest shot at justice. Norelli sure does. After her reassignment, she hired a lawyer.

I don't know how much court time Observer Forum writers have logged. But their letters express unease with how this week has played out.

As one wrote: "Police are trained to take control on the street. However, in a court of law some need to be reminded they are neither prosecutors nor judges, but witnesses sworn to impartiality."

Why are so many so upset? Maybe it's because citizens who have to play by the rules expect public servants to do the same.

Mary C. Curtis: mc Curtis@charlotteobserver.com.

Study finds a staff divided

Probe on dropouts at Myers Park High reveals administrators' disagreements, acrimony

At issue: How struggling students are treated by high-performing school

BY ANN DOSS HELMS AND PETER SMOLOWITZ
 ahelms@charlotteobserver.com
 psmolowitz@charlotteobserver.com

Myers Park High leaders are split on whether their school

mistreated at-risk students, according to a 157-page report released Friday by Charlotte-Mecklenburg Schools.

After a two-month investigation, the answers remain elusive.

Last month, lawyers who spent 480 hours investigating the school said they found no evidence Myers Park forced struggling students to drop out or falsified attendance records.

They did find problems with record-keeping and enforcement

of attendance policies.

"(If administrators took action that was outside of required rule or practice, they did not do so because of fame or fortune (incentives or bonuses), and they did not do so because of the status of the student (at-risk or race)," the report by Landis Wade and Trevor Johnston concludes. "Rather, motive appears to be related to the chronic attendance and chronic discipline issues of particular students."

In response to media reports examining the school's dropout patterns and records, Wade, Johnston and CMS staff spent weeks trying to track down former students and their families. They had trouble finding many, and the reports they got were inconclusive, they say. (Before releasing the report, CMS deleted all details about students' complaints to protect their privacy.)

Reports on personnel investigations are normally confiden-

tial. The school board voted to release this one to address local and national articles alleging that one of the state's most successful schools sacrificed struggling students to protect its status.

The report paints a picture of a staff trading accusations of wrongdoing and favoritism. One counselor still working at the school made most of the allegations against former Principal Bill Anderson and others on

SEE DROPOUTS | 5B

"I can see Tony just smiling."

MARGARET RAYE
 UNCC GRADUATE AND MOTHER



T. ORTEGA GAINES-ogaines@charlotteobserver.com

Margaret Raye will graduate today from UNC Charlotte, dedicating her degree to her son, who was killed in September. Years ago, volunteering at his day care inspired her to pursue a career in child development.

Bittersweet graduation

Mother pressed on, despite son's death

BY LINDSAY POLLARD
 lpollard@charlotteobserver.com

When Margaret Raye's 18-year-old son, Tony, was shot and killed in September, she lost the will to finish college.

Her work suffered. Her faith waned.

But she decided she owed it to Tony to graduate from UNC Charlotte today. He was the reason she was in college studying child family development.

Tony Raye always asked for his mother when he was in day care. Raye always had to go back to get him, and child care workers eventually asked if she wanted to volunteer so she could be close to her son.

Volunteering led her to

choose a career in helping children, and she decided to go back to school.

She had just started her final year of college when Tony enrolled in his first year. He was studying nursing at Central Piedmont Community College when he was killed.

Classes gave Raye something to focus on. She considered quitting, but professors and counselors were patient. They gave her time to attend

court sessions linked to her son's shooting.

Still, Raye said she walked the campus with her head lowered. She saw Tony in every teen she encountered.

Tony would have worn those sneakers, she remembers thinking. He had that haircut.

Raye didn't take class assignments seriously: "There were days I could've cared

SEE SON | 3B

GENERATORS FAILED

Airport tower loses power

Nearly 50 planes were in nearby airspace or waiting to take off

BY STEVE HARRISON
 sharrison@charlotteobserver.com

Air traffic controllers at Charlotte/Douglas International Airport scrambled to use hand-held radios Friday afternoon after the control tower lost power and backup generators stopped working.

The tower lost power at 3:30 p.m. after a driver knocked down a power line pole at Old Dowd and Walkers Ferry roads, officials said. The generators went on and worked for about 55 minutes before they overheated and shut down, according to the Federal Aviation Administration. Commercial power was restored five minutes later.

The outage came during a busy time at the airport, with nearly 50 planes in nearby airspace or on the ground waiting to depart, said Charlotte controller Ben Murray, a member of the National Air Traffic Controllers Association.

Murray said there have been two other outages at the tower in the past 18 months.

He said the hand-held radios have static and other limitations. Some controllers were unable to communicate with planes using the radios, he said.

"I think there was a lot of luck involved (that there was no accident)," said Murray, who wasn't

SEE CONTROLLERS | 4B

WORKERS' PRIVACY AT ISSUE

Bill would disclose hospital execs' pay

CMC parent objects to scope of legislation

BY MARK JOHNSON
 mjohnson@charlotteobserver.com

RALEIGH — A bill approved by an N.C. Senate committee this week would require public hospitals to disclose the pay and benefits for their executives.

Carolinas HealthCare, the parent company of Carolinas Medical Center and 18 other N.C. hospitals, said it does not object to divulging its top executives' compensation, but a company

spokesman said the legislation covers too many employees and puts the company at a competitive disadvantage in hiring.

The bill is scheduled for a vote by the full Senate on Monday.

The legislation follows a legal fight between the Observer and Carolinas Medical Center. The newspaper ultimately lost a 2004 lawsuit over its request for the compensation package for former CEO Harry Nurkin. The hospital would not divulge information on bonuses and severance, saying they are part of the employee's personnel file.

"The hospitals get about \$300 million (a year) from sales

tax refunds," said Sen. David Hoyle, a Gaston County Democrat and the bill's sponsor. "... If somebody takes our money, we are entitled to know some information."

Carolinas HealthCare spokesman Alan Taylor said revealing the compensation of nurses and other personnel would give private hospitals a recruiting advantage.

"It wouldn't be a level playing field," he said.



Hoyle

N.C. A&T Grad | 2B

Student didn't give up after car crash, 4-month coma

A car accident cost Tensley Brandon his right leg, plus four months in a coma. Today, he graduates from N.C. A&T State University.

Courts | 3B

Prosecutors support judge in Black's corruption case

Federal prosecutors want to keep the judge who has overseen former N.C. House Speaker Jim Black's public corruption case.

The Source POLITICS AND PUBLIC LIFE IN THE CAROLINAS

Republican presidential hopeful is a happy loser

Republican presidential candidate Mike Huckabee is running hard. And early.

Huckabee, 51, plans a 2- to 3-mile run at 6:30 a.m. Monday in Columbia. The former Arkansas governor will be in the state for Tuesday night's GOP candidate debate.

Four years ago, Huckabee wasn't running far beyond the dinner table. The acknowledged "foodaholic" once carried around 300 pounds. At one Cabinet meeting, he sat down and crumpled a 100-year-old chair. He tried many diets, none successfully.

But in 2003 he was diagnosed with Type 2 diabetes and told he'd die in 10 years if he didn't change his habits. Change he did.

He watched calories and portions, cut out starches and fried food. Since then, he's lost more than 120 pounds and become an anti-obesity crusader. He wrote a book called "Quit Digging Your Grave With a Knife and Fork." An ordained Baptist minister, he has run four marathons.

"I consider this a matter of personal stewardship," he told a reporter last year. "My body does not belong to me. It belongs to the Lord." — JIM MORRILL



Before losing weight



After losing weight