

## Who will lead NC public schools? The superintendent's race could go down to the wire.

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North Carolina voters appear to be as divided as the two candidates who are waging a contentious fight to lead the state's public schools.

Multiple polls show Democrat Mo Green has a 2-to-3-point lead over Republican Michele Morrow in the race for state superintendent of public instruction. The race has received more attention than normal for a down-ballot race due to CNN's coverage of Morrow's history of controversial social media posts.

"The polls look a little better for Green than Morrow," Chris Cooper, a political science professor at Western Carolina University, said in an interview. "If these trends continue, you have to consider Green a slight favorite. That said, this is a purple state defined by tight margins so anything can happen."

Green is the former superintendent of Guilford

County Schools, the state's third-largest school district. He is the former executive director of the Z. Smith Reynolds Foundation, a group that funds progressive causes.

Morrow is a registered nurse, conservative activist, homeschool parent and former Christian missionary. Morrow defeated incumbent Superintendent Catherine Truitt in the March GOP primary.

### MORROW AND GREEN HAVE POLAR OPPOSITE VIEWS

The candidates have polar opposite views on a number of education issues. The election results will say a lot about how North Carolinians value public education, according to David McLennan, a political science professor at Meredith College.

Morrow supports expansion of the state's Opportunity Scholarship program and says public schools should better spend the money they now have instead of get-

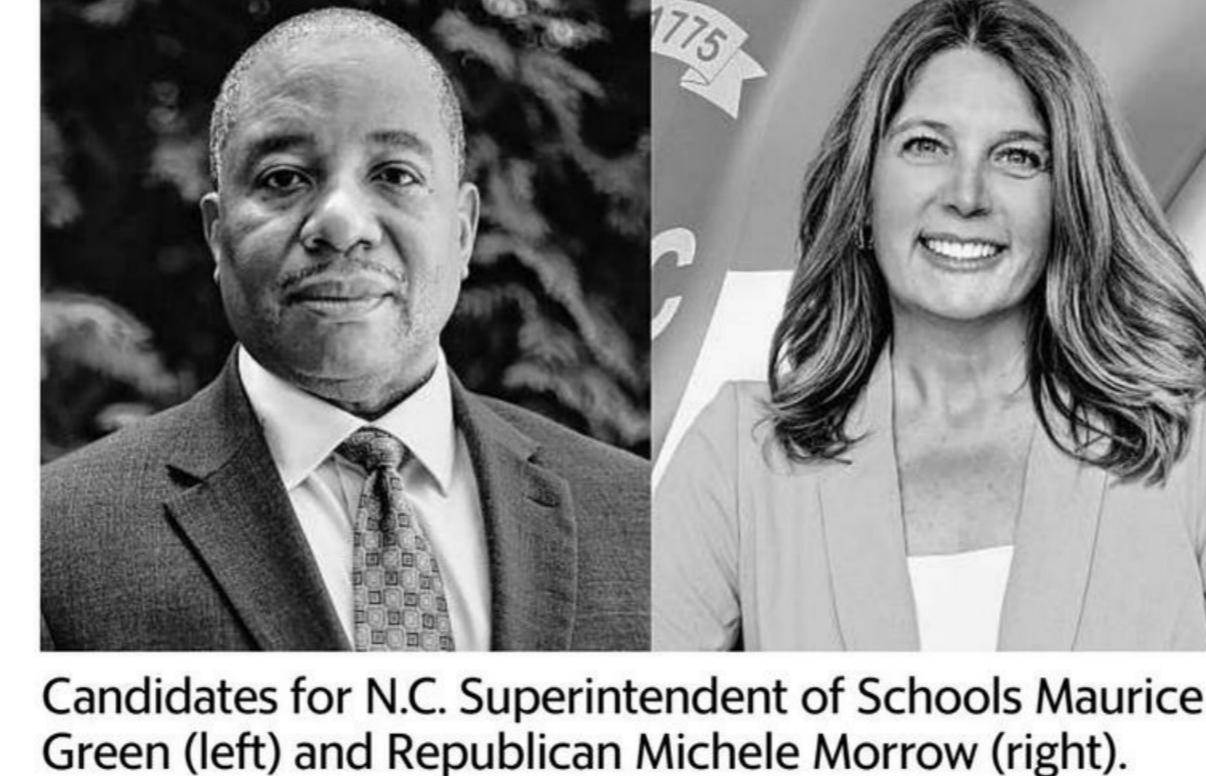
ting additional dollars. Morrow is also opposed to the Biden's Administration's expansion of Title IX protection for transgender students.

Morrow has told her supporters "this is the American Revolution 2.0," "we either willingly fight now, or we will be forced to fight on Nov. 6th" and "this is war."

"Morrow represents the Moms for Liberty side of the education debate," McLennan said in an interview. "She was at Jan. 6th. She's made posts that are unbelievable."

Green opposes expansion of the state's private school voucher program and says state lawmakers aren't providing enough money for public schools. Green also says that schools should strive to allow transgender students to participate in school activities in a safe and welcoming environment.

Green has told supporters that "the very soul of public education is on the ballot this November."



Candidates for N.C. Superintendent of Schools Maurice Green (left) and Republican Michele Morrow (right).

"If Green were to win, people would see it as 'yes we still value K-12 public education and we don't want to take on the path that it's been on the last few education cycles,'" McLennan said.

### CANDIDATES CALL EACH OTHER EXTREME

Both candidates have tried to paint the other as too extreme to become superintendent of the state's 1.5 million public school students.

Green has run campaign ads pointing to Morrow's past social media posts about killing Democrats such as former President Barack Obama and encouraging former President Donald Trump to use the military to stay in power in 2021.

Green also has pointed to statements Morrow has

made such as calling public schools "an absolute cesspool of evil and lies."

Morrow has focused on donations that the Z.

Smith Reynolds Foundation gave during Green's tenure to "leftist" groups that are concerned about issues such as Black Lives Matter, LGBTQ+, social justice and systemic racism.

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ers, according to McLennan, the political science professor. McLennan said that it's a standard line being used by Republican candidates against their Democratic opponents.

But Green's attacks against Morrow may not have as much of an impact due to all the attention on the presidential and gubernatorial races, according to Cooper, the political science professor.

"Most voters are unaware that they're voting for a superintendent of public instruction, much less who is running and what their views may be," Cooper said.

Cooper said the superintendent's race may come down to who wins the presidential ballot. Even then, Cooper noted that the state's voters have a history of splitting their tickets, such as in 2020 when Democrats won four Council of State races even though Trump took the state.

"It's going to be a fairly close election, more so than a few other offices," Cooper said. "The candidates have differentiated themselves from each other."

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## FROM PAGE 1A VICTIMS

and could hear Holmes and Sherrill crying for help, according to a lawsuit filed by the men's families. But rescuers got lost in the heavy smoke and called a mayday before they found the building's stairway on their own.

In May, the families of Holmes and Sherrill sued Mill Creek Residential, the site's developer; MCRT Carolinas Construction, the contractor; and its subcontractors alleging that a series of their failures led to the workers' deaths.

Safety precautions taken by MCRT Carolinas at the site the day of the fire steps didn't match the construction site's written emergency action plan, state labor officials found. The plan described three exits from upper floors, but only one existed the day of the fire, for instance.

The building lacked code-required water connections, which would have helped firefighters suppress the blaze and rescue Sherrill and Holmes, the families' lawsuit alleges.

And an air horn — a loud warning device commonly found at construction sites — never sounded, labor department records state.

"The violations prevented egress, impeded firefighter rescue efforts and thwarted fire suppression efforts, thus allowing the fire to spread, effectively unchecked, until it killed Demonte Sherrill and Reuben Holmes," the families' suit alleges.

In answering the complaint, an attorney for MCRT Carolinas wrote this month that if his clients are found to be negligent, then Holmes and Sherrill were also negligent for failing to care for their own safety and evacuate, court records show.

Other workers on the sixth and seventh floors followed evacuation orders and left the building safely, wrote Christopher Derrenbacher, attorney for MCRT Carolinas.

"Unfortunately, Defendants did not evacuate the building..." Derrenbacher wrote.

In an email to The Charlotte Observer, a Mill Creek Residential spokesman declined to discuss the filing, saying company officials "do not/cannot comment on pending

litigation."

### ALL OR NOTHING DEFENSE ARGUMENT

According to workers of contributory negligence is common in North Carolina, said Camille Payton, a Charlotte lawyer who has represented the victims of workplace accidents.

And it often works, she said.

The threat of the all-or-nothing argument can convince injured workers to settle a case or settle for less money than a jury might award, Payton said.

If a case with a contributory negligence defense goes to a jury, the jury is first asked if the defendant's negligence caused the person's injury.

"If they check yes to that one, it's all over," Payton said.

The argument is effective among jurors due to a natural human tendency to think that they would have acted differently or somehow prevented an injury, said Charlotte attorney Vernon Sumwalt.

But it's a defense that blames victims, he said.

And in the SouthPark case, he said, that's a bold move.

"You're not going to sit there in a burning building and say, 'This is pretty,'" Sumwalt said. "If you can evacuate, you're going to evacuate."

### FEW STATES ARE LIKE NORTH CAROLINA

Only North Carolina, Alabama, Maryland and Washington, D.C. allow the contributory negligence defense, which would bar victims from any financial compensation if a jury says that the victim's negligence played even a small role in the injury.

All other states have a variation of a different standard, which, for instance, states that if a victim is 1% at fault for the injury, then the victim would receive 1% less than the total award.

Nine times since the 1950s, lawmakers here have tried shifting to the standard that might reduce compensatory payments rather than eliminate them completely, said John McCabe, a Cary attorney and member of North Carolina Advocates for Justice, a nonprofit organization of trial lawyers.

All failed, including two

recent attempts.

In 2021, three Republican lawmakers filed the Victims' Fair Treatment Act, a bill that sought to allow those who were injured to be compensated even if they were partially responsible for the accident.

Among the sponsors were highly influential legislators: The former Senate Majority Whip Jim Perry of Lenoir County and Danny Britt of Robeson County, chair of the Appropriations on Justice and Public Safety.

McCabe, who called North Carolina's contributory defense law "inherently unfair" to victims, expected that bill might finally end it, he said.

"When you have prominent, powerful people looking to change this law that's a big deal," he said. "And they're in the majority party."

The fairness act died in a Senate committee.

In 2023, House Democrats filed a bill that would have allowed victims of injury or death — or their families — to be compensated if their negligence was less than or equal to the defendant's negligence.

That, too, failed.

Efforts to ban the con-

tributory negligence argument has met stiff opposition from influential industry groups, including the N.C. Chamber of Commerce and the Insurance Federation, McCabe said.

The contributory negli-

gence argument is based

on the long-held belief

that people have the

responsibility to keep

themselves safe, said Kate Payne, spokesperson for the state Chamber of Commerce.

Outlawing the defense

"would incentivize plain-

tiffs' lawyers — who can

collect nearly half their

clients' settlement costs

— to target the largest de-

fendants with every lawsuit," Payne said in an email to The Observer.

But one of the sponsors

of the 2023 bill, Rep. Tim Longest of Wake County,

said he believes it is only a

matter of time until North

Carolina lawmakers out-

law the defense argument.

"It offends our basic

sense of fairness," Longest said. "I'm confident that we will abolish contributory negligence eventually, and we will catch up with the other 46 states."

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## FROM PAGE 12A TRUMP

set records on its first day of early voting and already topped 1 million ballots cast over the weekend.

Trump expressed optimism about his chances in North Carolina.

"The early returns are phenomenal," he said.

No votes have been tabulated yet.

Michael Bitzer, a politics professor at Catawba College in Salisbury, said in a post on X that Democrats represent the largest portion of voters, with 366,580 votes. A total of 343,501 Republicans cast ballots before Monday.

Party affiliation, though, doesn't indicate who the person voted for.

Asked about his message to undecided voters, Trump said he's confident in his polling numbers.

He accused Harris of being "unfit" to be president and said he's campaigning on "full blast."

### TRUMP CLAIMS HE WAS FIRST

12:05 p.m. Trump claimed that he was "first" in North Carolina after Helene and that he didn't come to tour earlier

because of the scale of damage.

President Joe Biden took an aerial tour of Western North Carolina and visited the emergency operations center in Raileigh days after the storm. Vice President Kamala Harris visited North Carolina in early October. Her visit was to Charlotte rather than the hardest-hit mountain counties.

U.S. Rep. Edwards, a Republican whose district covers Western North Carolina, thanked Trump for visiting, saying he did more than a "flyover" — an apparent reference to Biden's flight in the days after the storm. N.C.

House Speaker Moore said he hasn't heard from the Biden administration since the storm but has heard from Trump.

Trump said he's dispersed \$7 million of \$8 million raised via a GoFundMe he started after the storm. He said charities that received money include Samaritan's Purse. He asked for local input on where the rest of the money should go.

**TRUMP THANKS NC VETERAN FOR CREATING AIRBASE**  
11:57 a.m. Trump

thanked military veteran Adam Smith for his work to set up a makeshift airbase where helicopters bringing aid could land.

Smith presented Trump with a small wooden cross and said communities like his are afraid they'll be forgotten. He thanked Trump for visiting Swannanoa to highlight the impacts of the storm.

"We're grateful for that," Smith said.

Trump also introduced two local business owners whose properties were damaged by the storm. One said a prayer for Trump.

"It's incredible, and I appreciate it," Trump said.

### TRUMP ARRIVES IN WESTERN NC

10:47 a.m. The former president exited a black SUV and was greeted by officials, including state House Speaker Moore and Rep. Edwards.

Trump said he was struck by the storm damage he saw as he arrived in Swannanoa.

"I'm with you, and the American people will continue to be with you all the way," he said.

Trump said the Biden administration's response to the storm was "not good" and said he would

handle disaster relief better if reelected. He thanked first responders and nonprofits who took action in the wake of Helene.

"We have seen the extraordinary love that binds us as Americans," he said.

He repeated his claims that the federal government's response was slow, saying other groups had to step in.

### TRUMP VISITING SWANNANOA

10:47 a.m. In Swannanoa, where Trump is scheduled to speak about noon, the damage from Helene is still evident almost a month after the storm hit.

Debris, including washed-out cars and an uprooted red shed, were strewn near behind where Trump will speak, in front of an auto body shop on U.S. 70.

A little ways down the road, broken pews sat in piles outside the Swannanoa Free Will Baptist Church.

### DEMOCRATS TARGET TRUMP HELENE CONSPIRACIES, MARK ROBINSON SUPPORT

Democrats preempted Trump's visit Monday by saying he's "spread disinformation and lies that put recovery workers at risk."

Among the Trump claims: that Democrats in Washington and Gov. Roy Cooper are blocking people and money from helping Helene victims.

Cooper called that "a flat out lie." Canton Mayor Zeb Smathers also called that "a 100