

THE YOUNGSVILLE CITIZEN ~ STATESMAN

FRANKLIN COUNTY

COMMUTER NIGHTMARE

Traffic solutions limited; bypass best option **Page 12**



BORN TO BE A PUBLIC SERVANT

Doug Berger's professional life has been one of diverse jobs, starting as a teacher, then law, and politics, but the common thread throughout was his desire to help others and fight for those who needed a helping hand.

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Advocate for education,
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Born to be a public servant

Once a teacher, Doug Berger left the profession to better provide for his family; he realizes the financial burdens educators still face today

BY ANNA MEADOWS

Doug Berger was born to be a public servant. He's worked with emotionally volatile youths as a crisis intervention aide under Wake County's Willie M Program; he worked in the 1980s with the Public Interest Research Group to demand university campuses stop investing in companies that provided infrastructure support for the apartheid South African government, he's been arrested for blocking attempts to establish a hazardous waste landfill in Warren County. He's been a criminal prosecutor in Johnston County and served as a North Carolina senator for eight years. He's even coached football teams as an assistant.

But by far, the most rewarding public service for Berger was his years as a middle school and high school teacher in Kinston.

"If you can get more teachers like him, I guarantee you can keep a lot of kids out of the prison system," said Russell Warren, a retired career military officer who was one of Berger's students at Kinston Junior High School in 1985. Warren suffered from hearing loss as a youngster, and when it was finally discovered and he received an operation to correct the problem, he found he was behind other students. "Mr. Berger understood this, and he helped me. He engaged with us one-on-one, and that made the difference.

Warren grew up in the projects of Kinston "on welfare," he said. His father, a Vietnam veteran, suffered from post-traumatic stress disorder, which government officials at the time didn't recognize as a mental health crisis, so he was absent from Warren's life.

"I was a good kid, but I could have gone either way. There were drugs and gangs in Kinston that could have influenced me, but Mr. Berger and I talked a lot, and he helped me see other pathways for my future."

Candida Brown, now a social worker in Wayne County, was a student of Berger's in middle school.



Doug Berger knew he had to make more money to provide for his young family, so he left the teaching profession 35 years ago to become a lawyer. The Berger family, from left, Celia, Annie, Doug and Justus.

"He was the most amazing teacher in my entire educational career," Brown said. "He came to the classroom with such energy. Other students were upset if they couldn't get in his class. We held mock trials and learned the voting process and how a bill becomes law.

"He was ahead of his era, and he loved teaching. In his eyes we weren't just kids, we were citizens of the United States and we mattered. He made us understand that."

Berger taught N.C., United States and world history, but he was not one to prepare dry lectures for his classes. He had classes hold mock trials and he co-sponsored a quiz bowl. He taught students how

to debate based on facts and not emotion, recalled Megan Henderson, a former junior high school student of Berger's who is now a communications manager for a United States Department of Energy research lab in Washington state. "Doug was encouraging, motivational, and taught us how to think critically. He was my most favorite teacher. It's a shame that the teaching profession lost such an asset."

So why did Berger leave the profession after three years?

"I was making \$15,000," Berger recalled. "I left because of low teacher pay. I would go back to it even now if teachers were only compensated for the work they do." Berger was married in 1986 with a

2-year-old daughter and another child on the way in 1988 when he decided he should return to law school. "It just made economic sense," he recalled. His wife Annie taught developmentally disabled adults who were hearing impaired, but even with the two teaching salaries combined, it would be tough to raise a family on their income.

"You have to invest in teachers like Mr. Berger," Warren said. In poorer counties, especially like Lenoir where Kinston is located, students don't always have the resources to start school on stable footing or the means to buy supplies. "Teachers in schools these days are taking care of the kids like they are their own. You have to pay them what they are worth."

That is why Berger, now a candidate for Franklin County commissioner, has pledged to not only increasing the local supplement paid to entice teachers to Franklin County, he is also committed to fully funding the Franklin County Board of Education's request for funding each year. While the state of North Carolina uses a complicated formula to provide money to school districts, local funds from the county subsidize that figure. The school board makes their yearly request, but final approval comes from the county commissioners.

Currently Wake County is Franklin County's biggest rival at recruiting and retaining new teachers. While the state of North Carolina offers a base starting salary of just over \$37,000 annually, Wake provides an incentive to first-year teachers in the form of a \$6,690 supplement that comes from county coffers. Currently, according the Teach North Carolina website, first-year teachers in Franklin County receive a one-time \$1,000 sign-on bonus plus a supplement of just under \$3,000 a year, or 8 percent of base state salary pay.

Berger wants to change that. "We want the best teachers for our children, but we have to pay them what they are worth, or

Workhorse for education

Doug Berger used time in N.C. Legislature to be an advocate for education and the welfare of students

BY ANNA MEADOWS

While county commissioner candidate Doug Berger had many proud moments serving as a North Carolina senator from 2004-2012, his work on education and children's issues were some of the most gratifying.

Berger crafted anti-bullying legislation, got the N.C. Street Gang Violence Prevention Act passed, and was a key vote in passing the NC Education Lottery bill that provides supplemental funds for public schools in the state.

"He was a hard worker," said former N.C. Association of Educators lobbyist Brian Lewis. "There are show horses in any political body and there are work horses. Sen. Berger wasn't a show horse. He just wanted to fix problems."

Lewis first met Berger when Lewis served as executive director of Covenant with N.C. Children—now renamed N.C. Child—a nonprofit child advocacy organization. "Whether it was child safety or mental health, early childhood education, juvenile justice, family economic security, or foster care, we worked with legislators to find solutions and create meaningful legislation."

Berger was instrumental in collaborating with Lewis. "He was always the voice of common sense. Politics today is either red hot or ice cold, but he was policy oriented. He was not there to score political points. He didn't play that game."

In 2008 the N. C. General Assem-

bly adopted the N.C. Street Gang Violence Prevention Act. "We were looking for a balanced approach, focusing on prevention, not locking kids up. Doug Berger was a voice of reason during our negotiations. He brought in every side to discuss the policy. I was in a room sitting across a table with some people I never thought I would, but he wanted to get all sides to the problem. He wanted everyone's input. In the end he was able to help craft legislation that was remarkably reflective of all views. Maybe everyone didn't get everything they wanted in that bill, but they walked away from that meeting feeling they had been heard."

In 2005 Berger was a key vote in the passage of the N.C. State Lottery Act, which resulted in a 24-24 vote. Then Lt. Gov. Beverly Perdue had to cast the tie-breaking vote. The Education Lottery has provided \$9 billion to state school



Doug Berger served from 2004 to 2012 as a North Carolina state senator. During his legislative career he made education a top priority.

systems since its inception in 2007. Funds are allocated to reduce class size, supplement school construction and provide college scholarships.

In 2009, Perdue took office as governor in the middle of an economic recession and introduced a budget plan that sought to divert lottery funds away from local school construction to cover the state budget shortfall.

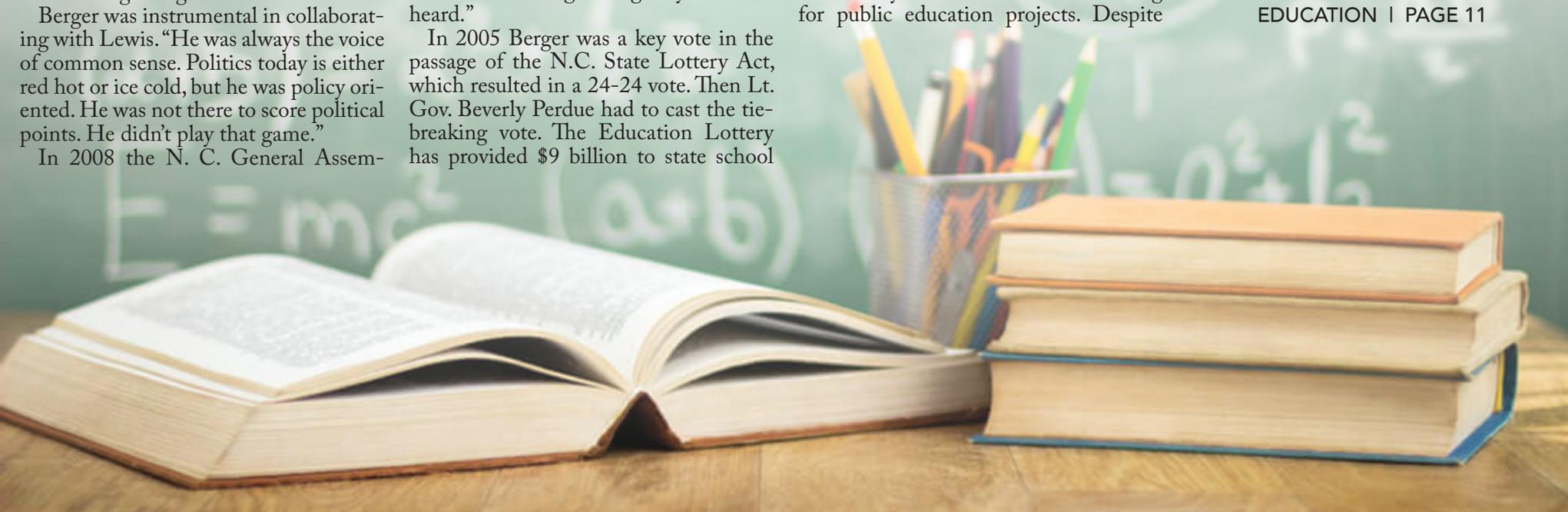
"I am proud of the fact that despite the fact we were both Democrats, I spoke publicly against her proposal because it violated the promise we made to the people of North Carolina that lottery funds would only be used to increase funding for public education projects. Despite

the fact that her office sought to silence me on the issue, I was one of the few Democratic voices that criticized her plan publicly, and in the end she withdrew the proposal."

Berger was part of the legislative team that passed a budget in the 2005-06 year that provided teachers with the highest salary increase they'd seen in 16 years. In 2009, he worked with other senators to prevent teacher positions from being cut at the local level. "We faced a recession at the time, and there were legislators advocating we furlough teachers."

Berger's advocacy for school children was not confined to the state level. He helped secure funding through the state to pay faculty at the newly established Franklin County Early College High School in 2010, but another problem arose. There was no facility to house the students and faculty. Then county commissioner Sidney Dunston and Berger met with Franklin County Schools superintendent Eddie Ingram and Vance Granville Community College president Randy Parker to hammer out a deal: the facility would be housed on land at the VGCC Franklin County campus near

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We're Mayberry, not Manhattan

The collapse of the Griffin's Restaurant building earlier this month came as a shock to long-time and new residents of Youngsville.

Since the collapse of the iconic building in downtown Youngsville, residents have shared cherished memories of meeting for breakfast there to hash out news of the day or talk about local events. Every politician who wanted to be elected to a town or county-wide office knew that visiting Griffin's had to be an essential part of their campaign stops.

Loss of the beautiful painted mural on the side of the two-story structure is also a devastating blow to the town. The larger-than-life mural depicted important historic moments and made us all proud that we had chosen to live in or near a community like the fictional town known as Mayberry.

The mural reminded us that Youngsville began as a railroad town. It reminded us of a time when tobacco and cotton were the cash crops that sustained farm families in the area. It reminded us that the Youngsville Phantoms won the NC state basketball championship in 1956, 1968, and 1970.

My wife Annie and I currently live in the Kingswood subdivision adjacent to Hill Ridge Farms. We both grew up in rural Johnston County and attended neighborhood churches within walking distance of our homes. We each had a passion for reading and spent many hours at our local public libraries for hours reading book after book.

We wanted our children Celia and Justus to experience the same small town rural lifestyle that we had enjoyed growing up, so we chose to move to Youngsville in 1991 when I was hired to serve as assistant criminal prosecutor in Franklin County. I was 31 years old at the time, and that decision was half a lifetime ago. I am now 62.

Annie secured a job as an educator for the deaf in Wake County and eventually Wake County. Our first home was on Franklin Street adjacent to the Youngsville Rescue Squad building. Behind our house was the Girl Scout hut where our daughter Celia was a member.

Our children could walk to the downtown library next to the police station on Cross Street. We attended Youngsville Baptist Church, and our children attended Youngsville Elementary School. We would pick up our mail at the post office on Main Street.

Over the course of our lifetime here in Youngsville Annie and I have witnessed many changes. Woodlief's Feed Supply store has been replaced by Winslow's Custom Homes. Bruce Allen's store at Main and College streets is now a Speedway gas station. The post office and library have moved to new buildings away from downtown.

When my family first moved to Youngsville area children were bussed to Bunn High School. Now students attend a new facility on Cedar Creek Road between Youngsville and Franklinton.

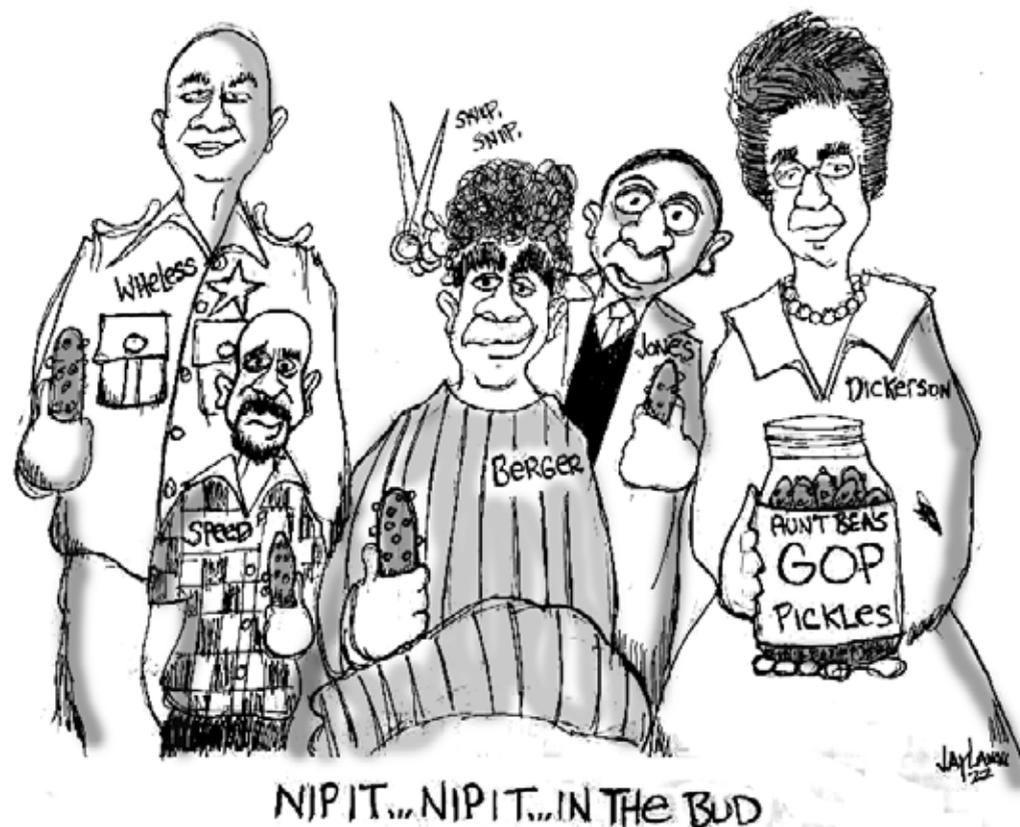
These changes have been good for our small town, and I have participated in facilitating some of these changes. In 1996, I went door to door persuading area residents to vote for the school bond that led to construction of Cedar Creek Middle School where my son attended and played on the school baseball team.

Most changes in the Youngsville area over the past 31 years have lured new residents who are attracted to the smalltown charm. However, we recently have seen an explosion in uncontrolled growth in Franklin County, and particularly in the Youngsville area. The downtown is jam-packed with traffic every day and on US 1 here on our side of the Wake-Franklin border. While 50 percent of the county population now lives in the Youngsville-Franklinton area, there is no sheriff's substation on our side of the county to provide our communities with swift protection.

Great opportunities abound for Franklin County and for the Youngsville area if growth is managed properly. Managed growth will provide revenue to build the sheriff's substation we need. Managed growth will provide the revenue to increase supplemental pay for our public school teachers so we can retain quality teachers and prevent them leaving for better-paying jobs in Wake and Durham counties.

If you elect me, I will support growth policies that will ensure we have the road, law enforcement, and school infrastructure we need to support more growth. I will support policies that will make the entire Franklin County area remain more like Mayberry, not Manhattan!

— Doug Berger



Berger is more than politics; Time to sacrifice Harry

Good Morning. I watched Asher Johnson write many of these types of columns over the years. Some of his favorite topics would be talking about hummingbirds, some dessert or food some one dropped off at the newspaper or some long lost resident of Franklin County stopping by to catch up. But I'd have to say his favorite topic to write about was local politics.

Anyone who knows anything about Franklin County, knows there is plenty of local politics to talk about. One local politician who Asher loved to write about was Doug Berger. Asher had many nicknames for Doug; none I will repeat here, but Asher loved going after Berger and his antics within the local political arena.

I first met Berger after a couple of months of drawing cartoons at *The Franklin Times*. It was in Franklinton at some festival. He came up to me and wanted to know where I got my conservative values. I told him from John Wayne. He laughed.

Over the years, Berger and I had multiple run-ins on local issues, some leading to screaming matches. He was showing his "passion," and I was just pissed.

After I left the newspaper, Berger and I decided to not discuss politics anymore and focus our conversations on baseball and everyday life.

I found politics wasn't a factor in the majority of his life and he was someone who loved his family and was very loyal to his friends.

Doug is running for Franklin County commissioner at-large against incumbent Harry Foy. I've known Foy for about as long as Berger. They are both longtime fixtures in Franklin County. They both have their distinct personalities and have both rubbed people wrong as well as made people glad they are involved.

Berger is known for an enthusiastic voice in local matters, and Foy is known for voting "No" when it comes to protecting the citizens of Franklin County.

Foy is unbeaten in his long political career, but I have to say this is the time he needs to lose.

The Franklin County Republican Party finally wrestled the control of the Board of Commissioners away from the Democrats, and as conservative as I am, this is not a good thing.

The local GOP is led by a group of misfits. Berger beating

Foy will shift the power back to the Democrats, if all other elections go as they should.

Franklin County Republican commissioners are not leaders. One has been a silent seat warmer and proxy for his dad for years. One has run for office so many times, the odds were in his favor to at least win once. The chairmanship will remain as is for years to come, if voters don't change the majority of the board. A chairman needs to be more than a firm handshake and rhetoric. The vision for the future needs to be about Franklin County and the people, not about someone's political aspirations.

Defeating Harry Foy is a means to an end — getting strong, visionary leadership back for Franklin County.

For you longtime fans of Foy, Foy can return to the board, running against David Bunn in Foy's home district in the next election. Foy is definitely a better choice than Bunn.

Franklin County's future will be in better hands with Berger on the Board of Commissioners. Foy needs to be sacrificed for the good of the county.

— Jay Lamm



Doug Berger's life has been one of activism. Above, Berger is arrested taking part in a protest in Warren County in 1982 to block toxic waste being dumped in a new landfill.

Fighting the good fight

Doug Berger has led a life of activism, standing up to injustice

BY ANNA MEADOWS

It was a humid August morning in 1982—with the promise of another scorcher on the way—when the crowds assembled on an isolated rural highway in Warren County, just north of Franklin County. The air was filled with anger, disappointment, and a sense of betrayal—but mostly fear—as the peaceful protesters began positioning themselves along Limer Town Road near the community of Afton. Their cause: to block trucks from entering a newly established landfill that would dump 60,000 tons of soil contaminated with the highly toxic chemical PCB.

Why fear? It was well known that the protesters, after all, had committed themselves to nonviolent civil disobedience. “We knew it was to be nonviolent, at least on our side,” said Armenta Eaton, a noted civil rights activist from Franklin County. “I was hoping [the police] wouldn’t be violent.” Three hundred North Carolina State Troopers were amassed against the crowd, guns strapped to their sides and hard billy clubs hanging from their belts. “After it started, though, I never felt fear. The police didn’t treat us badly. The fear I felt then was over whether this chemical would get in the ground water or into the air. Water and air know no boundaries.”

Some brave protesters laid in the highway to block the dump trucks. They were picked up like sacks of potatoes by two or more troopers and taken to a paddy wagon,

then off to Warren County jail for processing. Eaton was arrested three times, spending one night there before she was bailed out.

Local residents had been protesting for years since the proposal first came to their attention in the late 1970s that the landfill would be housed in their county, but now national leaders were involved, including those from the NAACP, the Southern Christian Leadership Conference, and Ralph Nader’s Public Interest Research Group (PIRG). The national media took notice. As the protests followed for the next six weeks, more than 500 people were arrested for blocking the highway. *The Washington Post*, *The New York Times*, and other national newspapers, as well as the three big television news outlets dispatched reporters, and protesters came from across the state and country to participate.

Martin Luther King’s successor for the presidency of the Southern Christian Leadership Conference, Joseph Lowery was arrested; as was Floyd McKissick Sr., a civil rights attorney from Durham who was among the first African American students admitted to the University of North Carolina School of Law in Chapel Hill in the 1950s; and Congressman Walter Fauntroy from Washington D. C..

Also arrested was Doug Berger, now a candidate for Franklin County Commissioner. At the time he had graduated from UNC and was taking off a year before studying law in Chapel Hill and was working as a field

organizer on campus for PIRG. One of his first assignments was to spur interest among students to come to Warren County and join the marchers.

“We were happy to have them,” Eaton recalled of the university students involved. “It was good to see socially and environmentally conscious young people there. They had their whole lives in front of them, but they were amenable to contributing to a better future, not only theirs but ours as well.”

From those protests, Warren County became the birthplace the Environmental Justice Movement in the nation, Berger recalled. “It was the perfect marriage of environmentalism and civil rights.” Despite what state political leaders and the courts claimed, later studies proved that toxic landfills and industrial facilities that handled cancer-causing agents or spilled toxic fumes as a byproduct of their manufacturing processes were disproportionately located in minority communities. The first such study was conducted by the United Church of Christ’s Commission for Racial Justice. The commission conducted a five-year study of the issue, and found that race was the primary factor in placement of facilities, even more so than poverty, property values, or homeownership.

Berger first became interested in environmental issues at the age of 10 when then President Richard Nixon issued a proclamation in 1971 establishing Earth Week

THE WORKER'S FRIEND

Doug Berger has always been an advocate for the working people and a voice for the voiceless

BY ANNA MEADOWS

(Editor's note: The name was changed and some details made vague in the first part of the article to protect the family's privacy.)

Jonathan had been battling the odds. A former arborist with a degree in forestry, he was working for a tree and stump grinding service in the central part of the state when he suffered an injury related to his job. He was now a paraplegic with no use of the lower half of his body. He had retrained himself as a computer analyst and secured a good-paying career with a medical facility, but now he and his wife wanted to move from their 850-square-foot home into a larger house to accommodate a family. He and his wife after all, were still in their 20s and were longing for children of their own.

The problem the couple was facing? His former employer's insurance company was refusing to pay any of the costs even though they had covered his medical care.

The case came before Doug Berger in 1996. Berger was then a deputy commissioner (judge) with the NC Industrial Commission (NCIC), hearing cases and rendering decisions on workman's compensation claims.

Jonathan and his wife didn't expect the insurance company to pay for their new home outright, but they did expect compensation for special alterations to accommodate his wheelchair. That, and fertility treatment so they could have a child.

In the end, Berger ruled that the insurance company should pay reasonable costs to alter the home so that Jonathan could take care of himself as much as possible and help his wife with chores around the house. Berger also agreed that the couple should be compensated for three tries at having a child through artificial means.

"There were three options for treatment, and each held a 30 percent chance of success, so I believed that three attempts was reasonable," Berger recalled. "The couple was successful and later welcomed a new baby into their lives."

It was one of the most rewarding rulings Berger made in his ten-year stint as a deputy commissioner for the Industrial Commission.

Berger has always been a friend to the working people of North Carolina. He learned his lesson well at an early age. His father Jack was the owner of a small welding shop in Smithfield, and Berger never forgot his roots.

"We lived in an 800-square-foot house, all four of us, until I was 16. When we moved into a doublewide on the same lot and started renting the house out, I thought we were moving up in the world," Berger said laughing.

Berger has always been an advocate for working people and voice for the voiceless. After earning his bachelor's degree, he worked for the Public Interest Research Group (PIRG) fighting for divestment by the University of North Carolina of its funds from companies operating in South Africa's apartheid-tinged economy and joined the struggle to help Warren County residents fight a toxic waste landfill in their county [see related article]. He then was employed for nearly 6 months as a crisis intervention aide for the Willie M Program in Wake County where he assisted emotionally and devel-

opmentally delayed volatile youths before he entered law school at UNC. He left law school and became a public-school teacher for 3 years in Lenoir County and then finished his law degree at UNC in 1989 and began working as a criminal prosecutor in Johnston County in 1990.

"People may think that as an advocate for the voiceless, I would have chosen a career as a defense attorney, but I felt that victims of crimes deserved a voice too," Berger said. He then took a job as a public prosecutor in Franklin County and in 1994 was appointed to the deputy commissioner position with the NCIC.

Stephen Gheen, an adjunct professor of law at NC Central University, met Berger when Gheen, working as an attorney for the NC Attorney General's Office, became a liaison to the NCIC.

"Doug was the leading voice to protect workers and injured workers in North Carolina at the Industrial Commission,"

Gheen recalled. They worked together on a case in which a worker had been horribly burned in a propane explosion at his job. The man's employer did not have workers' compensation coverage and was in bankruptcy court to discharge the workers' compensation claim and State penalties for failure to have workers' compensation insurance at the time of the accident.

Gheen, at Berger's insistence, went to the judge in federal bankruptcy court - to establish that the State's penalties were not dischargeable in bankruptcy. Suddenly, the employer was cooperative and came up with a settlement to pay his former employee's tens of thousands of dollars in compensation for being left totally disabled.

Later Gheen became Chief Deputy Commissioner at the NCIC and among his staff of 40-plus attorneys was Berger. This time the pair tackled the problem of long haul trucking companies not providing workers' compensation coverage for their truck drivers while driving in North Carolina. Statistically, it is well known that tractor trailer accidents cause terrible injuries to drivers if not outright fatalities when they occur.

"Doug led the way to reinforce that these truckers must be protected with workers' compensation insurance" Gheen said. "He did the extensive research and established that the Industrial Commission had jurisdiction in these cases."

Berger and Gheen ended up writing a paper on the

issue which was disseminated across the country so that trucking companies would understand that the NCIC would punish them if they did not provide workers' compensation coverage for their drivers in North Carolina.

"Doug upset a lot of powerful people," Gheen said of Berger's tenure at the NCIC. "His guiding light was to make sure that workers in the state are provided the benefits they are due by law. He never did anything to put a feather in his own cap nor did he think about doing anything that would (benefit him in any future ambitions). He was always a friend to working people."

"Someone once told me that Doug Berger was someone who would make holes in walls (with the cases he was involved in). The man meant it negatively, but Doug was happy to put those holes in those walls. Every hole he made he was trying to make sure that workers got their benefits."

In 2000, Berger ran for NC Labor Commissioner, not because he wanted the glory of the title, but because he wanted to continue to steer the NCIC toward protecting workers. He was narrowly defeated by Cherie Berry in a tight 50.1-49.9 race.

He took his passion of advocating for working people with him while he served for eight years as a NC Senator in Raleigh, starting in 2005. By this time, he was employed by a major law firm in Durham where he was hired to exclusively represent injured workers in civil cases before the NCIC. He continues his work there to the present.

"I was proud of my work in the Senate," he recalled. "I didn't care about politics or political posturing. I was there to work for the little guy."

During his career in the Senate Berger received several accolades from organizations representing



Doug Berger poses with the statue of Andy and Opie Taylor, fictional characters from "The Andy Griffith Show" which is based in a rural North Carolina town. Berger believes Youngsville is growing at a pace that will take away its small town charm. "Mayberry not Manhattan" is his battle cry for smart growth and keeping Youngsville's rural hometown feel.



An advocate for all people, Berger has a passion to help children have a better future. Working tirelessly during his legislative career, he pushed an education and anti-bullying agenda to provide better and safer schools.

Fiscally responsible environmentalist

Doug Berger had a sound environmental record in the North Carolina Senate and now has a long term plan for Franklin County

BY ANNA MEADOWS

Doug Berger's environmental record speaks for itself. He was endorsed by the North Carolina League of Conservation Voters for the four terms he ran for a seat as a NC senator representing Franklin, Granville, Vance, and

Warren counties, as well as by the Sierra Club.

"He had a good environmental record," said Dan Crawford, director of governmental relations for NCLCV, which gave Berger an overall 89 percent on their yearly scorecard during his eight-year tenure in the N.C. Senate. "He understood that protecting the environment was protecting the economy. His voting record shows that."

The NCLCV is the state's oldest environmental advocacy organization in state, having first launched in 1968. Crawford has worked with the organization for 14 years.

Berger was a supporter of climate change legislation before it became popular, Crawford recalled.

"He also supported erosion control measures, energy efficiency, and drought preparation," Crawford said. "He voted in favor of coastal storm management and a land-fill moratorium."

Berger said he is passionate about safeguarding natural resources.

"We have to protect the earth: the water we drink, the air we breathe, the soil we get our food from," Berger said. "The earth is our home. If we forsake it, we have nothing left."

Berger was behind efforts that led to the Franklin County Board of Commissioners to unanimously oppose Virginia's attempts to allow a uranium mine within 50 miles of Kerr Lake Reservoir along the North Carolina-Virginia border. The reservoir is not only a recreational facility but the source of drinking water for many communities, including Franklin County.

"We knew at the time that Kerr Lake was a valuable resource to us, and the cost of contamination of our water supply was too high a



Doug Berger worked with Franklin County Board of Commissioners to oppose Virginia's attempts to allow an uranium mine within fifty miles of Kerr Lake Reservoir, a water source for Franklin County.

price to pay," he said. Uranium mines are usually constructed in arid climates in areas that are sparsely populated. Berger and others were concerned that a uranium mine in the wet southeastern United States would allow seepage of uranium into the ground water and rivers.

As county commissioner, Berger has definite environmental goals for Franklin County.

"We need to implement the best fiscally and environmentally responsible energy solution to reach the goal of 100 percent renewable energy by 2030 for county government and 100 percent renewable for Franklin County within 25 years," he said. He's been studying the model generated by Buncombe County and the City of Asheville to establish energy efficiency and renewable standards.

That model includes provisions to:

- Install and own renewable energy systems on government owned buildings and property.
- Implement streamlined permitting, zoning, and inspection processes for renewable energy systems.
- Lease land to the utility for local renewable energy generation.
- Investment in energy efficiency, renewable heating and cooling technologies.

Berger considered himself an environmentalist at the age of 10 when the first Earth Week was created and his fifth-grade teacher taught him and his classmates the meaning of the terms "ecology" and "environment." He was further inspired later by Henry David Thoreau's book *Walden*, a 19th century meditation on the natural world and society based on essays he wrote while living in a cabin near Walden Pond in eastern Massachusetts.

Berger: Defender of victim's rights and supporter of law enforcement

BY ANNA MEADOWS

It was early 1993 and Doug Berger faced a dilemma. As assistant district attorney, he had been presented a child abuse case in Franklin County. Berger, just a few years out of law school, knew such cases were difficult to prosecute. Even though the accused father and mother had previously had five of their six children removed from the home for abuse, the removal by the department of social services of three had occurred in other counties where the abuse took place. Would the judge allow testimony from the social workers in those counties?

Berger had already won the criminal case against the 42-year-old man before a district court judge who did not sentence the man to jail despite Berger's request. The man appealed his case to superior court hoping to receive an outright acquittal of the charges so he could keep his children. This appeal meant a jury trial and possible jail time for the father if Berger was successful. The abuser's wife would be tried separately. The couple had had some land they owned appropriated through eminent domain to build a highway, and they were flush with cash. They hired a savvy attorney out of Durham to plead their case.

Berger had discussed the matter with the Franklin County caseworker assigned to investigate the case. He knew the difficulties that lie ahead.

"But I knew I had to be the voice for that two-year-old girl who couldn't speak for herself," he said. "There were bruises, bite marks, and lacerations on the child that would not have come from normal play and accidents. When I saw the photos of whip lash marks on the back of one of the older children, I knew I had to act."

The defense attorney hired a clinical psychologist who testi-

fied he had examined the father and determined he was not impulsive or abusive and that he had good emotional control. The diagnosis came after the psychologist administered the Rorschach inkblot test and gave the father a written exam in which he had to answer true-or-false to each question.

The judge allowed testimony from social workers from Durham and Orange counties where three of the children had been removed from the home and from Franklin County DSS caseworkers who had previously taken state custody of two others. Berger presented two Duke University pediatricians who testified that the marks on the toddler could have only come from abuse.

"If I couldn't convince the jury that this father had been the cause of the abuse, he would have gotten off without meaningful punishment and it would have remained nearly impossible for the Franklin County Department of Social Services to remove the children from the home" Berger said. "I couldn't let that happen."

Berger riled the psychologist by referring to the Rorschach test as "inkblots" and questioning whether the answers to a true-or-false test was sufficient to determine the father's capabilities.

"It was a gamble," Berger recalled. "But he became emotional as I eviscerated his testimony."

In the end, Berger was successful, winning a jail time for the father. The Franklin County Department of Social Services was then able to remove the children from the home and they were successfully put up for adoption.

Berger served as a criminal prosecutor in Franklin County from 1991-1994. From 2004 to 2021, he represented Franklin County in the North Carolina Senate.

Berger's goals as county commissioner

Berger has two goals as county commissioner to protect law enforcement rights.

One is to work for due process for county deputies.

"Currently a North Carolina sheriff has the power to fire every member of the sheriff's department for no reason. Deputies should not have to worry whether they will have a job after each election that brings in a new sheriff," Berger said. "I believe the law should only allow a sheriff to terminate a deputy based on poor job performance, not because of politics."

His second goal is to increase deputy pay across the county. "Deputies put their lives on the line every day for the citizens of Franklin County. We need to increase their pay to reward these public servants for the risks they take protecting us."

The starting salary for Franklin County deputies is currently \$43,000 per year, but the deputy must already have completed Basic Law Enforcement Training (BLET) that they must pay for themselves. Just across the border in Wake County, that same person could be hired as a cadet at just under \$47,800 and obtain BLET training while earning that salary. After the training is completed—on Wake County's dime, the officer's salary would increase to more than \$49,000.

Berger: advocate for victim's rights in the legislature

BY ANNA MEADOWS

Two bills Berger is particularly proud of is passage of laws to protect victims in wrongful vehicle death cases.

One such case involved a Franklin County resident.

In 2011, Marbeth Holmes' parents were driving over one morning to visit her at her home on US 401 south of Louisburg. They never made it.

Another driver pulled out and hit the couple head-on, killing them both less than a mile from Holmes' house.

The resulting sentence the driver received was suspended and the loss of his driver's license for a short period. Holmes was infuriated, noting at the time that the sentence was the equivalent of a conviction for stealing a tank of gas or refusing to take a Breathalyzer. She had attempted

after the wreck to get a judge to compel the driver at fault to submit to blood tests to determine if he was impaired in any way, but there was no law on the books to justify her request.

She took her case to then NC Senator Doug Berger to see if he could change the law. He felt her case was justified.

The following year, Berger had garnered enough bipartisan support to have two laws passed that forever changed how reckless driver cases were handled across North Carolina.

The first law Berger got passed—in conjunction with NC Rep. Jeff Barnhart, a Republican—gave judges discretion to impose active jail sentences for first-time offenders and stiffer restitution and probationary terms.

Later that year, Berger, also with bipartisan support, got a law passed that mandated toxicology tests of drivers following

all serious vehicle accidents.

The moment was bitter-sweet for Holmes, who attended the governor's signing ceremony for each bill. Her efforts would not bring her parents back nor further punish the man who took their lives, but she was buoyed by the thought that others would not have to suffer as she did.

"Over the years, I have gotten letters from families [across the state and nation] telling me they benefitted from the toxicology law and thanking me," Holmes said in a recent interview. "There's a shared sense of pain and suffering at the loss of a loved one [in circumstances like hers]," but a sense of justice better served.

Blue Lives Matter

During his first year in office as a Senator, Berger was named Legislator of Year by the NC Fraternal Order of the Police for passage of a law that provided death

benefits for part-time law enforcement officers. During the next election he was endorsed by the Order and the NC Police Benevolent Association.

The law is particularly timely given the current spate of police shootings across the state, an alarming six cases in Wake County alone so far this year.

"Just like full-time officers, part-time officers put their lives on the line every time they put on that uniform," Berger said. "I felt the families deserved some compensation for their sacrifice."

He also led the fight to pass the Castle Doctrine, the law that protects homeowners from prosecution when they use firearms to stop criminals breaking into their homes.

"It's not right when criminals go free while law-abiding citizens get arrested for simply protecting their families and property," Berger said.

Play ball!

The love of baseball was instilled in him by his dad, now, Doug Berger passes it on to his grandchildren

BY ANNA MEADOWS

As an avid baseball fan, Doug Berger enjoys nothing more than to share his passion with his two grandsons Adam, 13, and Nick, 10.

They've attended World Series games in Washington, DC, and many Durham Bulls' games. One of the most memorable was the 2019 World Series game in DC when the Nationals took on the Houston Astros. Last year, Berger and all of his four grandchildren traveled to Baltimore to attend Cedric Mullins Day at Camden Yards, the home field for the Orioles. Mullins, an All-Star player who has 50 home runs under his belt since his debut with the Orioles in 2018, was a graduate of Louisburg College where he played baseball.

"He's definitely elevated my love for baseball," said Adam of his grandfather, whose first inspiration was his dad Brice, Berger's son-in-law, who played baseball himself.

Both boys now play as part of a traveling baseball league, Adam with the Dirt Bags, and Nick with the Carolina Elite.

"Most of our weekends are spent traveling to games here and there," said their mother Celia with a laugh.

Berger came by his enthusiasm for the game through his own father Jack, the owner of a metal fabrication shop in Smithfield where Berger grew up.

"One of my fondest memories of my father is our trip to see my first major league game in Baltimore," Berger recalled. "There was a man in Smithfield who would organize annual bus trips to see the Orioles play."

The day before the trip, the young Berger, then 11 years old, broke his leg at football practice.

"I had a cast on my leg and was ordered not to walk until it hardened," Berger explained. "I was insistent that we not cancel the trip. I remember my dad having to carry me off the bus and throughout the trip. During the pre-game warm up, the Orioles' pitcher Pat Dobson was signing

autographs. My dad carried me down to the field and placed me over the fence onto a rolled-up tarp where I sat as Dobson signed my cast."

The elder Berger was dedicated to giving his son positive life experiences. "I remembered that dedication when I raised my son Justus to also love baseball," Berger said.

"My dad was a Brooklyn Dodgers fan growing up—the team with Jackie Robinson—and he taught me to pull for the underdog. This perspective had a heavy influence on the development of my political leanings."

Berger's grandson Adam also has a propensity for rooting for the underdog. His favorite team is the beleaguered Baltimore Orioles who haven't won a World Series championship since 1983.

Fantasy Baseball League Enthusiast

Berger, a collector of baseball cards since age 10, while in college started frequenting a used record store that also sold baseball cards. The owner, Myles Friedman, also traded the cards.

"As a regular customer, he invited me to join a fantasy baseball league he was starting. The league started with 12 members and has grown over the years to include 15 dedicated fans."

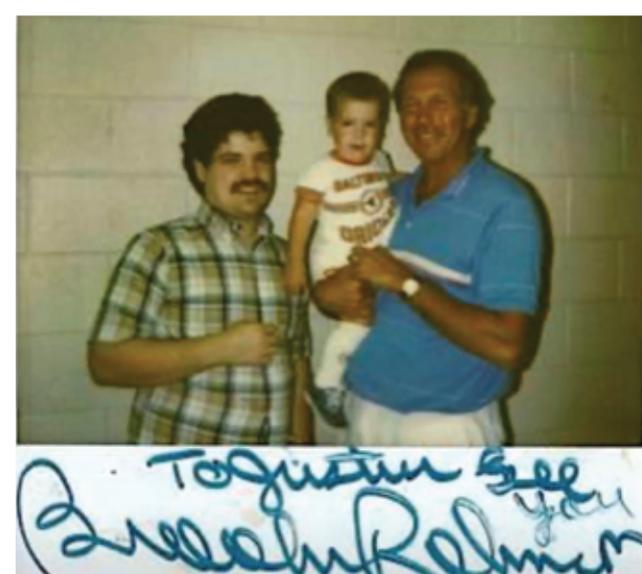
After 39 years, the league continues, the second oldest in the nation. "Members now live throughout the country," Berger said. "Every year we are required to cut our 30-man rosters to 20 players. We have an annual auction to bid on available players to build our rosters back up. We usually meet at a location in Chapel Hill."

Friedman and another member of the league ran a publishing business for several years that distributed a magazine used by major league teams during spring training in South Florida. They also published the first national fantasy baseball magazine in the United States. Another member, Will Lingo, has been working with the nationally recognized baseball magazine, Baseball



LOVE OF THE GAME

Above, Doug Berger and his grandsons, Nick and Adam attend a Major League Baseball game. Both grandson's play travel baseball. Right, Berger poses with Baltimore Oriole Hall of Famer Brooks Robinson. Robinson is holding Berger's son, Justus.



America, for more than 20 years. He currently serves as publisher and managing editor. Former *Franklin Times* cartoonist Jay Lamm has been a member of the league for 10 years.

Establishing a Baseball Rec League

In 1999, Berger and another Youngsville resident George Hale decided to reorganize the Optimist baseball program to participate in a program that had age appropriate league divisions and a championship tournament where Youngsville area children could compete against children in other communities. The recreational league Berger co-founded had two divisions: 9 to 10-year-olds faced coach pitching, then graduated to face player pitchers in the 11 to 12-year-old division. The Youngsville league joined with Franklinton and created

a four-team league—with two teams from Franklinton and two from Youngsville. "At the end of the season, we put together an all-star tournament that included teams from the Youngsville-Franklinton league, as well as leagues from Louisburg, Bunn, and Warren County," Berger said. This four team league was the first league to play at the first baseball field located at Luddy Park. Berger secured a grant for further development of Luddy Park while he was serving in the NC Senate so the players would have additional venues to play.

Today, Youngsville Recreation Department has carried on the tradition by taking over the league, which now hosts multiple T-ball and baseball teams each year as well other sports such as basketball and kick-ball.

SERVICE CONT' FROM PAGE 2

they will just come here to live for the lower of cost of living and then drive into Wake County to teach every week-day," Berger said. "We want those teachers who have invested in living here to embrace the community fully by working here too.

"That's why I'm committed to increasing the teacher supplement and to fully funding the school board's request each year. Those are my goals as county commissioner."

While the county commissioners have over nearly the last decade provided the full amount requested by the school board—and were proud of that fact—this current fiscal year the board didn't fund the entire \$22.86 million request to cover its operating budget, opting to allocate nearly \$1.4 million less. Ultimately the two boards came to a compromise to fund an additional \$689,000 more, but that still left a more than \$700,000 shortfall. That left school officials scrambling to fill the gap. Ultimately, the schools were forced to use funds from their reserve account to cover their costs.

"To recruit the best and brightest to teach our children, we have to be competitive," Berger said. "We want what's best for our children, and to take care of them and get them ready for the 21st century workforce and college, we must have quality teachers. We must invest in education in Franklin County."



WORKER CONT' FROM PAGE 7

laborers across the state. In 2005 he was presented a plaque as the Legislator of the Year by the NC State Lodge Fraternal Order of the Police for championing legislation that resulted in part-time police officers receiving death benefits.

In 2010 he was named Legislator of the

Year by the State Employees Association of NC (SEANC) Local 2008 for his work advocating for state workers and retirees.

"He was always for working families," said Flint Benson, a retired correctional officer and current lobbyist with SEANC, who worked with Berger on a number of issues. "Doug didn't care about party. He was willing to go the extra mile. He was



FIGHT CONT' FROM PAGE 5

on the anniversary of the first Earth Day celebration in the nation.

"My fifth-grade teacher taught us what the terms ecology and the environment meant," Berger said. "I wrote a letter to President Nixon telling him 'If there is anything I can do for my fellow man, I'll do it for the sake of my life [in relation to ending pollution]. My letter was blown up to poster size and placed in the school library for all to see."

He was inspired in high school by Henry David Thoreau's 19th century observations on nature and philosophy in the autobiographical book *Walden*.

"The book gave me an appreciation of nature," he said, adding that he was also motivated by Dr. Martin Luther King Jr.'s civil rights movement and King's commitment to nonviolent civil disobedience.

Berger, a former state Senator serving Franklin, Granville, Warren, and Vance

counties, was a strong supporter of environmental legislation during his eight-year tenure in the NC General Assembly, winning endorsements from the Sierra Club and scoring high on the NC League of Conservation Voters score card each year [see related article].

In the end, the landfill became a reality; the protesters couldn't stop it, and the trucks finished depositing the contaminated soil in September, but the movement continued. Local environmental leaders won concessions from then NC Gov. Jim Hunt to detoxify the site as soon as the technology was available. In 2002 the cleanup began and was completed in 2004 at a cost of more than \$17 million to the state.

PCBs, or polychlorinated biphenyls, were chemicals used in paints, plastics, adhesives, and industrial coolants. They were known to cause birth defects and cancers, and in 1977 were banned by the US Environmental Protection Agency.

vocal for benefits for state retirees and state employee workplace rights such as making sure a proper grievance policy was in place."

In 2011 he was named "A Friend of the Working People" by the NC AFL-CIO for his effectiveness on passage of legislation related to worker rights, including employee benefits and workers' compensation claims.

Soon afterwards businessman Robert Burns of New York purchased more than 30,000 gallons of the chemical believing he could sell it overseas for a profit, but the cost of shipping the PCBs was prohibitive, and in 1978 he found himself wondering what he should do.

The best option was to take the chemicals to a holding facility in Pennsylvania, but that meant Burns would lose more money on his scheme. Instead, he and his sons Randall and Timothy spent three months during cover of darkness spraying the chemical from tanker trucks onto North Carolina roadsides in 10 counties. It was not long before authorities became aware of the more than 200-mile stain and analyzed the soil. Burns received a one-year sentence in prison and his sons five years of probation for what became known in the state and national press as "the midnight PCB dumpings." A fourth conspirator, Robert Ward of Pennsylvania, was sentenced to two years in prison.

JACKSON 1/22

EDUCATION CONT' FROM PAGE 3

Louisburg, which made sense because the students would be taking classes at VGCC.

The Early College High School provides a five-year program of accelerated learning that readies students for working in the 21st century. Students take high school classes supplemented by courses at VGCC so that they earn a high school diploma as well as an associate's degree upon graduation. The college credits are transferable for students who wish to continue their education at a four-year institution.

"I've worked in politics for three decades," said Lewis. "If I lived in Franklin County, I'd feel confident that whatever the issue I could pick up the phone and have a meaningful conversation with him about it, that he would listen. He made good policy as a senator, and I think he will make good policy as a county commissioner."

COMMUTER NIGHTMARE

Traffic solutions limited; bypass best option

BY ANNA MEADOWS

When Doug Berger first came to Franklin County in 1991, a resident knocked on his door one day, asking if he would sign a petition against construction of a bypass around the town of Youngsville where he lived. Berger deferred, saying he would have to study the issue before he could commit one way or the other. Berger, who now lives just outside of Youngsville and still must negotiate through downtown to get to his office in Durham, is now glad he didn't sign that petition.

"People who have moved here did so because they were expecting an atmosphere like Mayberry," Berger said. "What they got instead was New York City."

Since the 1990s when Berger first came to Youngsville, residential subdivisions have popped up throughout the region, creating more traffic.

N.C. Highway 96 snakes through downtown Youngsville with an excess of 20,000 vehicles traveling the two-lane road each day, according to North Carolina Department of Transportation estimates. It is a major corridor for truck traffic and commuters traveling to U.S. Highway 1 to Raleigh or north to Henderson or Oxford. With little chance for widening the streets—buildings and sidewalks hug the narrow corridor—the best solution to alleviating the choking traffic is the proposed northern bypass, said Berger.

Traditionally, however, residents and the Town Board have opposed the measure, although the current board favors the construction. Past efforts to fight the bypass have left NCDOT soured to the idea of committing to the project. It's currently on the Metropolitan Transportation Plan with an estimated cost of more than \$37 million, but it is classified as "not regionally significant." Under current circumstances, the four-lane proj-

ect won't be funded and built until 2050.

"The current Town Board has committed funds to making transportation improvements on Main Street where NC 96 runs for three blocks, but the options are limited," Berger said. "Four-laning the corridor is out of the question because there simply isn't enough room. A bypass is the best solution."

Visiting the NCDOT's real-time traffic monitors shows the NC 96 corridor in the red almost all day long, but especially in the morning and afternoons when commuters leave for work or return home. The red lines on the map indicate excessive traffic with delays.

Berger believes the county commissioners need to work in tandem with its legislative delegation in Raleigh to press the issue to fund the bypass sooner. But that will still be a long-haul solution.

Other options Berger feels the county should explore in the interim:

The Franklin County Board of Commissioners should revise land use policies to reduce the number of new houses being built by increasing the lot size requirements in southern Franklin County.

The board needs to use its control over the water supply to induce the town to reduce the number of housing developments it approves in the extraterritorial jurisdiction (a roughly one-mile zoning buffer outside the city limits under control of the town).

"It's a shame that the town has so much downtown traffic because Youngsville has great restaurants, shops, and other businesses, but it's difficult for residents to get in and out of parking lots and parking spaces along the street. What we need is a pedestrian friendly downtown where trucks and cars aren't constantly whizzing by at the rate they are now. We have a beautiful town with so much potential."



Road Block

NC 96 runs through downtown Youngsville with an excess of 20,000 vehicles traveling the two-lane road each day. It is a major corridor for commuters traveling to Raleigh or north. There is little chance to widening the streets, and a northern bypass is the best solution.

PHOTO | JAY LAMM