

Where's The Freedom in Forced Annexation?

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By JASON KAY

RALEIGH – There is a word thrown about the legal profession that often doesn't get the degree of consideration it deserves. That word is "jurisdiction."

At first blush, the word seems obscure and has too many syllables to be exciting. But believe me, if jurisdiction is ever exerted over you, you'll be intensely interested.

Jurisdiction is a government's right to impose rules and hold its people accountable. Jurisdiction allows governments to levy taxes, impose fines, and put people in jail.

In a democracy, how we justify jurisdiction is critical.

If a foreign nation, let's say France, told us where to live, or what taxes to pay, we'd probably show them the door. But why? After all, France is (roughly) organized and democratic. It is a legitimate government. So why not bow to France's authority?

The answer, for most Americans, is that we have not – directly or indirectly – consented to France's jurisdiction. We don't live in France, and we won't let a foreign power exercise jurisdiction over us. (I'm pretty sure we had a war about that one time.)

But what if a different government, let's say Chapel Hill, came to tell you that you failed to pay Chapel Hill property taxes. Your response will almost completely depend on whether you have ever lived there.

Now let's stir the pot a little. Suppose Chapel Hill makes you live there. Not by moving you to Chapel Hill, but by moving Chapel Hill to you. Then what would you say about paying property taxes? You probably wouldn't like it for this reason: you never consented to its jurisdiction.

Forced annexation has been happening all over North Carolina for 50 years. North Carolina is one of a handful of states that gives cities broad involuntary annexation powers.

The process is frighteningly similar to the following one-character play. City asks itself, "City, should we make people live here to generate tax money?" City replies, "Why yes, City, we should." Note the absence of a character named "Citizen."

If you are thinking this must be unconstitutional, for all practical purposes you would be wrong. The North Carolina Supreme Court has repeatedly turned aside constitutional challenges. The reasoning varies, but it mainly goes like this: since you choose to live (or stay) in the state, the state can tell you what city you live in, whether you like it or not.

The reason people don't like it – and they don't like it – is partly due to the money they have to pay. Sometimes it ain't chicken scratch – annexed residents not only have to pay new taxes of

several thousand dollars a year, but they also have to pony up additional fees to initiate services. These can run more than \$6,000 in some cities, and over \$11,000 in Raleigh.

But the chief reason they're upset shouldn't be overlooked for a little thing like \$11,000. The reason they're upset is jurisdiction.

You see, most county residents start out happy with their government services. They are content with their level of trash service and police protection. They even like their wells and septic systems.

When along comes a city, we'll call it Corleone, with an offer that can't be refused.

Eyeing the tax dollars of new residents, Corleone tells the county folk that they would be much happier if they were part of the Corleone family. Then they could have city police, city water, and city garbage pick-up – perks these county folk can have for the low, low price of a few thousand dollars a year plus a big initiation fee.

If the county folk say no, then Corleone, in disbelief that such a fair offer would be refused, just forces them.

If annexation is such a fair deal for about-to-be residents of a city, why resort to force?

There are a litany of people for whom the rationale "it's for your own good, trust me" just doesn't ring true.

After 50 years of forced annexation, it's time legislators gave some fresh thought to the issue. Thankfully, a subcommittee is finally doing that.

Let's hope they consider that little part of the Declaration of Independence that talks about governments "deriving their just powers from the consent of the governed." Let's hope they also think about jurisdiction.

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