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FOREWORD

MOVING VIRGINIA INTO THE FOREFRONT OF INNOVATION AND PROGRESS

*The Honorable James S. Gilmore, III**

It is a great honor to write the Foreword to the *University of Richmond Law Review's Annual Survey of Virginia Law* for the second successive year. The University of Richmond has consistently been one of the finest institutions of higher education not only in Virginia, but throughout the United States. The Law School shares that proud tradition, and so does this Survey, which is now in its seventeenth year of publication.

In the following pages, you will read articles from a host of accomplished legal scholars, experts, and practitioners. They have written on topics ranging from corporate and business law to criminal law and environmental law. These works, which are the accumulation of decades of legal experience, are both insightful and useful.

As for my contribution to this survey, I begin by highlighting some of the most important pieces of legislation enacted in Virginia this past year. Additionally, I discuss how these laws have empowered Virginia's citizens to improve the Commonwealth's quality of life. Ultimately, enhancing the state's standard of living is my goal as chief steward of the Virginia state government.

In 1787, Thomas Jefferson wrote to James Madison, "Above all things, I hope the education of the common people will be at-

* Governor of Virginia, 1998–present, Attorney General of Virginia, 1994–1998. B.A., 1971, University of Virginia; J.D., 1977, University of Virginia.

tended to, convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty.” This is an enduring principle of our Founding Fathers and one that Virginians uphold two-and-a-quarter centuries later.

Education has been a top priority of my administration. We are spending \$1.2 billion more each year on K–12 education—an increase of thirty-five percent. We hired 4,000 new teachers to reduce class sizes and kept the long-standing promise to dedicate all lottery profits to public schools. Further, these resources were utilized with one goal in mind—implementing high academic standards so that no child is left behind in a failing school.

Thanks to the hard work of students, parents, teachers, administrators, and school board members, we are succeeding by virtually all measures. According to the test known as the “Nation’s Report Card,” our fourth graders demonstrated greater improvement on math scores than every state but one, and our eighth graders demonstrated greater improvement than every state but two.

The most compelling proof that Virginia’s policy of educational accountability is succeeding is evident in the results of this year’s Standards of Learning (SOL) tests. Compared with the results of tests given in the spring of 2000, the performance of Virginia’s students in 2001 increased on twenty-five of the twenty-eight SOL tests taken by elementary, middle, and high school students. Since the first year of SOL testing in 1998, student achievement has increased on all tests, including double-digit increases on twenty-three of the assessments. Moreover, the achievement of African-American students on the tests increased significantly, especially in mathematics and history. This progress should make every Virginian proud; our continued devotion to accountability and high academic standards is ensuring that every child in Virginia earns a quality education.

Just as we have approached education in a new way, we have implemented major reforms to innovate Virginia’s transportation system. This year, we passed laws and took executive action to advance new contracting methods such as design-build, expand the use of the Public-Private Transportation Act, and ensure that contractors complete their work in accordance with environmental laws and regulations. In fact, we have implemented 120

reforms at the Virginia Department of Transportation. Also, we have boosted transportation funding by ninety-six percent state-wide and 117 percent in northern Virginia.

The result of these reforms and funding increases is that more road construction projects are underway now than at any time in our history. Obviously, that has had a tremendous impact on our highway department. Thus, one may conclude that these projects are taking longer to complete. In fact, they are not. Roads are being built nine to twelve months faster than in the past, and Virginia's taxpayers are saving hundreds of millions of dollars. Our transportation system is full speed ahead into the 21st century.

When I campaigned for Governor, I pledged to make Virginia a global information technology leader. The opportunity to empower individuals through the use of information technology is greater now than at any other time in history. It has been my goal to put Virginia at the center of this revolution.

We created the first Secretary of Technology in the nation, developed the most comprehensive Internet policy in the world, and launched the first state portal that citizens can tailor to their own information needs. This year, we established the Virginia Research and Technology Advisory Commission. The commission is working to enable Virginia colleges and universities to leverage state funds for both federal and private research, and development grants. These initiatives have fostered a climate in which technology has blossomed in state government and throughout the Commonwealth. Today, state and industry leaders from the farthest reaches of the globe know Virginia as the Digital Dominion.

Clearly, education, transportation, and technology empower people to improve their quality of life. Tax relief can have a similar effect by enabling people to save for college education, to invest in small businesses, or to buy items as basic as school clothes for children. Tax relief must be an even greater priority during this time of economic uncertainty.

This year, we continued the phase out of the car tax in full and on time. The Personal Property Tax Relief Act is the largest tax cut in state history, but it is only one of the sixteen tax cuts we have enacted over the last three years. When all of the tax cuts are fully implemented, the citizens and businesses of Virginia will

be paying \$1.6 billion less in taxes than they were four years ago. This money empowers our people with financial freedom and ensures that our economy continues to grow and prosper.

As a candidate for Governor, I pledged to create 250,000 new jobs by the end of this administration. To date, 275,000 new jobs have been created—25,000 more than originally anticipated. These numbers are even more impressive when one considers Virginia's overall economic performance. For instance, in May, northern Virginia's job growth was 5.1 percent—the highest rate in the nation. In July, our statewide unemployment rate dropped to 2.9 percent—well below the national average of 4.7 percent. Furthermore, *Site Selection* magazine recently ranked Virginia's economic development as one of the top ten in the nation.

During the first three quarters of 2001, Virginia's economy continued to grow despite the pressure of a slowing national and global economy. We worked hard to create jobs, attract investment, and encourage existing businesses to expand. We cut taxes, reduced red tape, and provided billions of dollars for education to bolster our pro-business environment.

One of Virginia's greatest triumphs during the last four years has been the twenty-one percent reduction in violent crime. Furthermore, many effective criminal justice laws were enacted last year, and they are now beginning to show results.

Drug dealers and their networks are feeling the weight of one of the most aggressive drug enforcement programs in the country—SABRE. Since the establishment of SABRE in July 2000, the State Police have made nearly 10,600 arrests and seized approximately \$138 million in illegal drugs, cash, and weapons while assisting 177 local, regional, and federal authorities.

In addition to cracking down on illegal drugs, we stiffened penalties for criminals who carry illegal guns. Under our Virginia Exile program, 160 felons have been convicted of possessing illegal guns and sent to prison for a minimum of five years. The program is now active in ten communities throughout Virginia and has served as model for other states.

Whether it is illicit drugs or illegal guns, we have taken steps to reduce crime in our communities. Thanks to this leadership and the devotion of countless law enforcement professionals, Vir-

ginia's overall crime rate dropped to its lowest level in a quarter century.

The terrorist attack on September 11 was undoubtedly the defining event of 2001. Although no state could have fully prepared for that situation, Virginia has developed plans to address the terrorist threat. In May 1999, I issued Executive Order 41, which established a statewide plan to provide a coordinated response to a terrorist attack on Virginia soil. That same month, by Executive Memorandum, I established the Governor's Task Force on Domestic Preparedness. Its members were drawn from my cabinet, the State Police, the National Guard, and personnel in emergency management, health, transportation, agriculture, information technology, and environmental quality.

It is important that both our government and our communities are prepared to respond to a potential terrorist attack. For that reason, I created the Virginia Preparedness and Security Panel, which includes men and women from the business and education communities, local emergency responders, and legislators. The panel will submit its report by the end of November and may recommend legislative action for the 2002 Session of the General Assembly.

Currently our primary focus is preventing future terrorist attacks and ensuring the prosperity of the state economy. However, we should not let terrorists take away from the many accomplishments of the people of Virginia in 2001: the largest road-building program in state history; the largest tax cut in state history; the lowest crime rate in a quarter century; the lowest unemployment rate in nearly a half century; the sixth-best educated state in the nation; the seventh largest hi-tech state in the nation; and an inclusive society that has turned the divisions of the past into a common destiny for all Virginians.

Virginia has always risen to even the most difficult challenges. We have done so for two-and-a-quarter centuries, and we are doing so now. We must pull together and dedicate our energy to protecting Virginia's citizens from potential terrorist attacks. At stake is nothing less than the rights and liberties for which generations of Americans have willingly laid down their lives on battlefields at home and abroad. The war against terrorism can be won, and by the grace of God, and the enduring spirit of this nation, it will be won.

