

# POPULAR GOVERNMENT

November-December 1963

*In This Issue:*

**Legislative**

**Representation**

**in North Carolina:**

**1963**

**Published by the  
Institute of  
Government**

**The University  
of North Carolina  
at Chapel Hill**



## SAMPLE BALLOT ON CONSTITUTIONAL AMENDMENTS

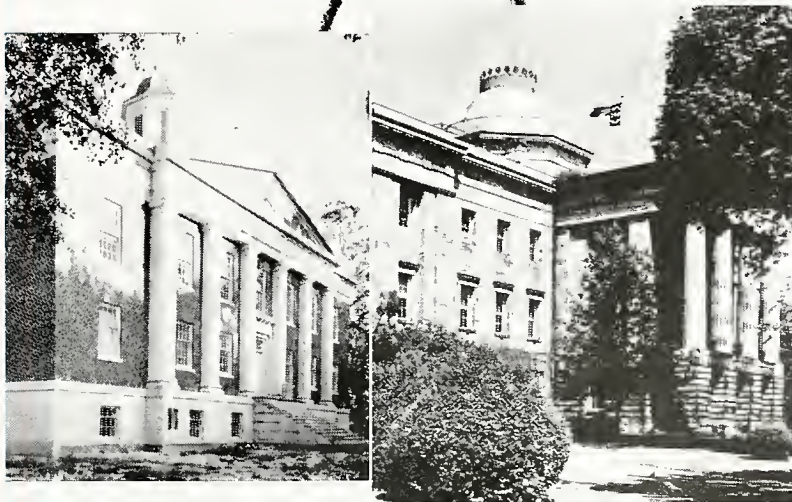
### INSTRUCTIONS TO VOTER

1. To vote **FOR** any amendment, make a cross ☒ mark in the square to the left of the word **FOR**.
2. To vote **AGAINST** any amendment, make a cross ☒ mark in the square to the left of the word **AGAINST**.
3. If you tear or deface or wrongly mark this ballot, void it and get another.

### SPECIAL SESSION AMENDMENT

1.

- ☐ **FOR** constitutional amendment increasing membership of Senate from fifty (50) to seventy (70), providing for compulsory redistricting of Senate, and reducing number of Representatives from one hundred twenty (120) to one hundred (100).
- ☐ **AGAINST** constitutional amendment increasing membership of Senate from fifty (50) to seventy (70), providing for compulsory redistricting of Senate, and reducing number of Representatives from one hundred twenty (120) to one hundred (100).





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Vol. 30

November-December, 1963

Nos. 3-4

POPULAR GOVERNMENT is published monthly except January, July and August by the Institute of Government, the University of North Carolina, Chapel Hill. Editorial, business and advertising address: Box 990, Chapel Hill, N. C. Subscription: per year, \$3.00; single copy, 35 cents. Advertising rates furnished on request. Entered as second class matter at the Post Office, Chapel Hill, N. C. The material printed herein may be quoted provided proper credit is given to POPULAR GOVERNMENT.

## COVER

*The cover design shows the North Carolina voter weighing his decision on the so-called "Little Federal Plan." That decision will be made known on January 14, 1964, the day set for the vote on the proposed amendment to the North Carolina Constitution. For an analysis of this proposal, see the lead article in this issue by Clyde L. Ball on "Legislative Representation in North Carolina: 1963."*

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# LEGISLATIVE REPRESENTATION IN NORTH CAROLINA: 1963

By CLYDE L. BALL

*Assistant Director, Institute of Government*

On January 14, 1964, those voters of North Carolina who are sufficiently interested in the question of how many members shall compose the General Assembly of North Carolina, and from what constituencies they shall be elected, will go to the polls to vote for or against a proposed amendment to the Constitution of North Carolina. This balloting will mark an additional, but not necessarily final, step in the battle over legislative representation in North Carolina for the 1960-1970 decennium.

The proposed amendment would modify the present constitutional provisions as to both the number and the allocation of seats in both houses of the General Assembly. It is the purpose of this article to record the history of the proposal and to explain the changes which it makes in the existing constitution.

## EVENTS PRIOR TO 1963

The history of legislative representation in North Carolina through the 1961 session of the General Assembly has already been chronicled in detail in earlier issues of *Popular Government*<sup>1</sup> and will not be repeated at length here.

It seems desirable, however, to restate here the existing constitutional provisions and to summarize briefly the events leading up to the 1963 regular session of the General Assembly.

### *House of Representatives*

Article II, Sections 5 and 6 of the Constitution of North Carolina read as follows:

"§ 5. *Regulations in relation to apportionment of representatives.*—The House of Representatives shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the House of Representatives, although it may not contain the requisite ratio of representation. This apportionment shall be made by the Speaker of the House of Representatives at the first regular Session of the General Assembly convening after the return of every enumeration by order of Congress. The formula set out in Section 6 of this Article shall be applied by the Speaker and the new apportionment entered on the Journal of the House of Representatives on or before the 60th calendar day of the Session. When so entered, the new apportionment shall have the same force and effect as an Act of the General Assembly, and shall become effective at the next election for members of the General Assembly.

"§ 6. *Ratio of representation.*—In making the apportionment in the House of Representatives the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one representative; to each county containing twice but not three times the said ratio there shall be assigned two representatives, and so on progressively, and then the remaining representatives shall be assigned severally to the counties having the largest fractions."

Thus, with each of the State's 100 counties guaranteed a seat in the House, there remain 20 seats to be allocated to the more populous counties. The statement in Art. II, Sec. 6, of the formula for allocation of the extra seats is more complex than is its application. Any person who has reasonable competence in arithmetic and who is supplied with the appropriate population figures can apply the formula, and all persons correctly applying the formula must necessarily arrive at the identical result. In short, there is no room for discretion in applying the formula; one either comes up with the right answer or he comes up with a wrong answer.

After a decade of failure to comply with the constitutional mandate, the 1961 General Assembly reapportioned House seats in strict conformity with the constitutional provisions. The same session also approved a constitutional amendment transferring from the General Assembly to the Speaker of the House the duty of making the decennial reapportionment. The proposed amendment was submitted to the voters of North Carolina at the November 1962 general election and was approved by a vote of 311,586 to 231,329.<sup>2</sup> The amendment was certified by the Governor to the Secretary of State at 12:26 p.m., November 30, 1962,<sup>3</sup> and at that time became part of the Constitution of North Carolina. The problem of apportionment of House seats seemed to have been resolved for a long time to come.

### *Senate*

Article II, Sections 3 and 4 of the Constitution of North Carolina read as follows:

"§ 3. *Number of senators.*—The Senate shall be composed of fifty senators, biennially chosen by ballot.

"§ 4. *Regulations in relation to districting the State for senators.*—The Senate districts shall be so altered by the General Assembly, at the first session after the return of every enumera-

1. See Sanders, "Legislative Representation: 1961," *Popular Government*, vol. 28, no. 3, p. 1 (November, 1961); vol. 28, no. 4, p. 7 (December 1961); vol. 28, nos. 5-6, p. 1 (March-April, 1962). Generally, the material in the historical summary in the present article is covered in detail, with appropriate citations, in the Sanders articles, and for this reason repetitious specific footnote citations are omitted from this article. Where the authority for a statement is other than the Sanders articles, the citation is given here.

2. 1963 NORTH CAROLINA MANUAL 308.

3. *The News and Observer*, December 1, 1962, p. 18.

tion by order of Congress, that each Senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, unless such county shall be equitably entitled to two or more senators."

The courts of North Carolina have not ruled on the precise meaning of the clause requiring Senate districts to contain "as nearly as may be" an equal number of inhabitants. The provision has been in the Constitution since 1868 and was from the beginning interpreted by the convention which wrote the provision and by the General Assembly to allow some districts to be represented by two senators, and therefore to contain roughly double the number of inhabitants of a one-senator district. Accordingly, under the existing language, each district should contain, as nearly as may be, 91,123 inhabitants for each Senate seat allocated to that district.

Whereas application of the constitutional language to House apportionment is a simple exercise in arithmetic with no room for the exercise of discretion, application of the provisions governing Senate districts is a complex matter which constantly requires the exercise of judgment and discretion. The number of possible groupings of 100 county units into districts each of which may be represented by one or by several senators is virtually unlimited. True, many of the possibilities would grievously offend the equality of population principle, but there are dozens of possible groupings in which the population variations are quite similar.

Indeed, in the absence of agreement as to the yardstick by which compliance with the equal population requirement is to be measured, it is possible to get strenuous good-faith disagreement as to which of two plans most nearly meets the requirement. For example: Plan A may have 40 senators each of whom represents within 5,000 of the statewide average per senator, but the remaining ten senators may vary from the average by as much as 75,000. Plan B, on the other hand, may have only 20 senators within the 5,000 range, but none of the remaining 30 senators may vary from the average by more than 40,000. Which is nearer to the required arrangement? Or, Plan X may require a minimum of 43% of the total population to elect a majority of the senators, but at the same time may have two senators who represent more than double the state average; whereas Plan Y permits 39% of the total population to elect a majority of the senators, but no senator represents as many as twice the population of the smallest district. Which of these two plans best meets the constitutional standard?

There are other possible yardsticks for measuring compliance with the constitutional language, but these examples serve to illustrate the difficulties. In short, Senate redistricting is not susceptible to a simple nor to a precise solution, and any given solution may not be either surely right or clearly wrong. The decisions which have to be made are by nature the most political of political questions—questions which by tradition and logic seem to belong properly to the political branch of government.

It is not surprising, then, to find that legislative efforts to comply with the constitutional mandate to redistrict the state for senators have been less successful than efforts to apportion the House seats, and that proposals to remove the redistricting duty from the legislative branch have met with strong opposition from legislators who co-operated in the move to transfer the House apportionment duty from the legislature to the Speaker of the House.<sup>4</sup>

Thus, just as the General Assembly failed to reapportion House seats in the decade following the 1950 census, it like-

wise failed to redistrict the Senate. Furthermore, even in those preceding decennial sessions when the Senate districts were rearranged, the constitutional requirement of equality of population was not closely approached. All efforts to allot more than one senator to the metropolitan counties failed, so that inevitably the senator from Mecklenburg represented nearly three times the state average per senator. In 1953 the rural counties succeeded in pushing through the General Assembly an amendment which would have limited any county to a single senator. The amendment was defeated by the voters 147,588 to 200,436, but 59 counties returned a majority in its favor.<sup>5</sup>

The very first bill introduced in the 1961 House apportioned House seats in conformity with the constitution, and that bill was enacted without serious difficulty. The 1961 legislature proved no more able than its predecessors, however, in redistricting the state for senators. Two bills to redistrict under the existing constitution, and a half dozen bills to amend the constitutional provisions relating to the Senate all died at one stage or another of the legislative process. If apportionment of the House seats appeared to be settled for a long time to come, districting of the state for senators was a very unsettled and live issue indeed when the 1961 General Assembly adjourned *sine die*.

#### THE 1963 REGULAR SESSION

When the 1963 regular session of the General Assembly convened in February, at least three distinct pressures were operating to produce action on a Senate redistricting bill: (1) the moral obligation to obey a clear constitutional duty weighed heavily upon some legislators who were painfully aware that the General Assembly was well into the second decade of outright disregard of the constitution which its members were sworn to uphold; (2) a resurgent Republican movement was in a position to make political capital of the failure of an overwhelmingly Democratic legislature to perform its duty; and (3) the cases spawned by the United States Supreme Court's holding in *Baker v. Carr*,<sup>6</sup> the Tennessee reapportionment case, had made it abundantly clear that a state legislature which ignored its duty with respect to legislative representation was inviting the courts to assume and discharge that duty, and that the courts were prepared to accept the invitation.

The basic considerations which underlay the legislative representation issue in 1963 were unchanged from previous sessions.<sup>7</sup> There was still the contest between the small counties and the large counties, based partly on the desire of the small counties to retain power for its own sake, and also partly on an apparently genuine belief among many small-county legislators that the rural environment breeds greater virtue, that life in the cities tends to corrupt, and that the welfare of the state demands that "big city machines" not gain control of both houses of the state legislature.

In the Senate, redistricting bills were referred to the Committee on Election Laws and Legislative Representation. The chairman of this committee was Senator Staton Williams of Stanly County, a staunch advocate of the small-county position.

House bills on redistricting were referred to the Committee on Senatorial Districts. The chairman of this committee was Representative John Henley of Cumberland County, an advocate of the large-county position.

On February 6, a few minutes after House Speaker Clifton Blue assumed office, Representative Henley introduced House Bill 1, to redistrict the state for senators. On June 26, the House recessed until 2:30 p.m. to allow a new redistricting bill to be printed for distribution to the members. In the five-

4. E.g., Senator Lindsay C. Warren, Sr., sponsored in the 1961 Senate the bill to have the Speaker reapportion the House. He was violently opposed however, to the recommendation made by the North Carolina Constitutional Commission, of which he was a member, that a committee submit a redistricting proposal to the General Assembly, and that the proposal become law if the legislature failed to act by revising it or altering it. See *Personal Statement of Lindsay C. Warren in Report of the North Carolina Constitutional Commission*, p. iii (1959).

5. 1955 NORTH CAROLINA MANUAL 255-58.

6. 369 U.S. 186 (1962). For a discussion of *Baker v. Carr*, see Ball, "Reapportionment of State Legislative Seats," *Popular Government*, vol. 28, No. 7, p. 1 (May 1962).

7. For a statement of facts about the essential nature of the legislative representation controversy and its roots, see Part Three of Sanders, "Legislative Representation: 1961," *Popular Government*, vol. 28, nos. 5-6 (March-April 1962).



month period between these two events a total of 13 bills dealing with Senate districting had been introduced. As in previous sessions, some bills sought to implement the existing constitution, and a greater number sought to amend the constitution to arrive at a more acceptable number or basis for Senate districts.

#### *Bills to Implement the Constitution*

*Senate Bill 6* [Identical with House Bill 1]. This bill, introduced by Senator Currie of Durham on the first day of the session, was identical with the same sponsor's SB 66 introduced in the 1961 session. The earlier bill had passed the 1961 Senate but only after it had been amended to become only a token effort which was disowned by the original sponsor. Senator Currie stated frankly that the bill did not completely accomplish redistricting solely on a population basis, but that it was the greatest step in that direction which had any chance of success.

The bill would have left 19 of the existing 33 districts intact and would have given Mecklenburg, Guilford and Forsyth two senators each. The population per senator would have ranged from 51,615 to 148,418 (as compared with the prior range of 45,031 to 272,111).

The identical bill was introduced in the House as HB 1 by Representative Henley. Throughout the session the Currie Bill was the base from which proponents of redistricting under the existing constitution fought their battles.

*Senate Bill 22*. This bill, introduced on the second day of the session by Republican Senators T. E. Story of Wilkes and Charles W. Strong of Guilford, was identical with HB 30, introduced by Republican Floor Leader William L. Osteen in the House. The bill established 32 districts and departed from tradition by creating some multi-county three-senator districts. It also gave Mecklenburg County three seats. The population-per-senator figures for the various districts in this bill approached very closely the statewide average. The bill was reported unfavorably in both houses.

*Senate Bill 166*. This bill, introduced by Senators P. D. Midgett of Hyde and Perry Martin of Northampton, would, like the Currie Bill, have allotted two seats each to Mecklenburg, Guilford, and Forsyth. Instead of the 32 districts provided by Currie, SB 166 established 41 districts, thus decreasing to six the number of two-senator districts made up of more than one county. The population per senator ranged from 51,082 to 148,418. Two coastal districts and one mountain district ranked at the bottom of the population scale: the 3d (Dare, Martin, Washington and Tyrrell—51,082); the 4th (Beaufort, Hyde and Pamlico—51,629), and the 41st (Cherokee, Clay, Graham, Swain and Macon—51,615).

*Senate Bill 215*. This bill, introduced March 29 by Senator Strong by request, was identical with HB 423. It established 35 districts and allocated three seats to both Mecklenburg and Guilford. The population-per-senator average for each district approached the statewide average rather closely, but inadvertently the bill allocated only 49, rather than 50 seats.

The bill was reported unfavorably by the Senate Committee on Election Laws and Legislative Representation.

*Senate Bill 697*. On June 24, after his SB 6 was saddled with its piggy-back constitutional amendment, Senator Currie introduced a new bill. The attempt to mollify the small counties by taking only limited steps toward equality of population had apparently failed; the small-county group attacked SB 6 as being patently defective if population was to be the sole basis of Senate districts. Accordingly, Senator Currie introduced this new bill which represented an effort to achieve equality of population, "as nearly as may be," that is, subject to the constitutional provisions forbidding the dividing of a county and requiring that districts consist of contiguous counties. The bill created 30 districts. The smallest population per senator occurred in the 6th district, which grouped Johnston

and Wayne, with a total population of 144,995, into a two-senator district. The largest figure occurred in Cumberland which with its population of 148,418 was allotted a single senator. Cumberland County, which had during the period from 1941 through 1963 shared two senators with Bladen, Brunswick and Columbus, apparently felt that getting a full-time senator by itself was such an improvement over the existing plan that it was willing to become the most under-represented county under the new districting. At any rate, Cumberland constituted a one-senator district in all of the bills to redistrict under the existing constitution. Under this second Currie Bill, Mecklenburg got three seats, and Wake joined Guilford and Forsyth as a single-county two-senator district.

Coming as it did two days before final adjournment, Senate Bill 697 never received serious consideration.

*House Bill 1*. Introduced by Representative Henley [and identical with Senate Bill 6, the Currie Bill], this bill got off to a flying start and was reported favorably on April 18 by Rep. Henley's Committee on Senatorial Districts. When it reached the House floor, however, consideration was repeatedly postponed until other bills on the subject had been considered and debated in committee and in the offices, corridors and other meeting places of the legislators.

*House Bill 30*. This bill, identical with Senate Bill 22, was introduced February 5 by Representative William L. Osteen, House Republican Floor Leader. The bill was reported unfavorably by the House Committee on Senatorial Districts.

*House Bill 423*. This bill, identical with SB 215, was introduced March 29 by Republican Representative Hardy Carroll of Guilford. It was reported unfavorably by the House Committee on Senatorial Districts.

#### *Bills to Amend the Constitution*

*Senate Bill 7*. Also introduced on the first day of the session, this bill by Senator Robert Lee Humber of Pitt County would have increased the Senate membership to 60, changed the basis of Senate districts from solely population to "related geographical, population and area interests," and provided for a committee composed of the President of the Senate, the President *pro tempore* of the Senate, and the Speaker of the House to make a proposal for redistricting at the sessions following the decennial federal censuses. If the General Assembly failed to act on the proposal, it would become law upon adjournment *sine die* of the regular session. The bill did not change the existing district lines, but allocated the 10 additional senators to the 7th, 10th, 13th, 16th, 17th, 20th, 22nd, 26th, 28th and 31st districts. Thus the initial districting would have allotted two Senate seats to five different one-county districts: Guilford, Mecklenburg, Forsyth, Gaston, and Buncombe.

Although several constitutional amendments were introduced, and there was intense maneuvering for support by the proponents of the various proposals, the Humber bill was the rallying point for the proponents of a constitutional amendment, and it was this bill which the Senate joined to Senator Currie's SB 6 in the now-celebrated "piggy-back" arrangement which ultimately stymied all action.

*Senate Bill 30*. On February 14 Senator Lunsford Crew of Halifax County introduced SB 30 to offer a somewhat novel approach to the matter of Senate representation. The General Assembly would continue to establish senatorial districts and to allocate 50 Senate seats to those districts. Redistricting might be accomplished from time to time (not necessarily after censuses) and would be done on the basis of present and reasonably projected population distribution, shifts and trends; traditional, historical and geographical groupings of counties; mutually shared area economic and governmental interests and problems; and any other factors which the General Assembly might deem reasonably to bear upon the achievement of thorough, fair, and representative government. The bill pro-

(Continued on page 16)

# *Planning in Great Britain - A Series*

## PART I: THE SETTING

*Assistant Director, Institute of Government*

By PHILIP P. GREEN, JR.

[*Editor's Note: Mr. Green is currently in London, under a Fulbright Fellowship, studying the operation of English planning laws. In sending us this, the first in a series of articles on his findings, he writes as follows: "The traveler in a strange land, whether his name be Marco Polo or John Gunther, is subject to an almost overpowering temptation to report his experiences to his friends back home. If he succumbs, the most superficial impressions are apt to be treated as 'the latest report from the front.' At the risk of falling into this trap, I should like to describe my findings while they are fresh, for whatever value they may be to North Carolina officials. I am therefore embarking upon an uncharted series of articles, the later of which may well contradict the earlier ones. I hope our readers will understand and forgive."*]

### *Introduction*

Great Britain's experience with town and country planning constitutes a fascinating field of study for planners from throughout the Western World. Its great pioneering thinkers, including such figures as Ebenezer Howard, Sir Raymond Unwin, Sir Patrick Abercrombie, and Sir Frederic Osborn have provided much of the theoretical basis on which city planners in all corners of the globe have built. Its legislators have provided governmental officials with a range of powers to meet particular planning problems which is almost unmatched elsewhere. And because of their history and their widespread recognition of the problems of their "tiny isles," the English people seem to have understood, appreciated, and supported the efforts of these officials in remarkable fashion. The end result is a living laboratory, in which many of the types of problems soon to be faced by American cities and states have already been treated, successfully or unsuccessfully, for sufficient periods to allow the drawing of meaningful conclusions as to the efficacy of proposed solutions.

### *The Land and the People*

Great Britain is one of the most densely-populated nations in the world.

Within its 94,511 square miles—including England, Wales, Scotland, and Northern Ireland—are packed over 53,000,000 people. The great bulk of these are in England—roughly 45,000,000 people in 50,331 square miles. For comparison, North Carolina has roughly one-tenth the population of England in a land area almost the same—49,067 square miles.

This population is not spread evenly over the land. Instead, it is concentrated—notably in the Southeast and the "industrial Midlands." More than 8,000,000 people live in the London area, and approximately 9,000,000 more are residents of five great "conurbations" to the north. On the other hand, Wales and Scotland, except for the Glasgow and Edinburgh regions, are very thinly populated, as is true of many rural areas within England itself.

The high population density is the reason commonly assigned for England's extensive planning and regulation of land use. Against a relatively scarce supply of land are levied conflicting demands for housing, industry, agriculture (England imports approximately 40 per cent of its food supply), recreation, and other uses. Planning is the method for coordinating and assigning priorities among these uses.

It must not be thought from what has been said, however, that England is completely urbanized. On the contrary: less than 10 per cent of the land is devoted to various forms of urban development. Although some 30,000 acres a year are added to this, they represent only a very small segment of the total, and the visitor notes a vast quantity of agricultural, grazing, and forest lands.

### *Characteristics of Development*

Certain distinctive features mark English development. Some of these result from regulation, some from the workings of economic factors, some from historic factors. The first, as might be expected, is a tendency for housing to be built at higher densities. The great bulk of English housing takes the form of row houses, semi-detached, two-family houses, or "flats." Even in the

relatively "open" New Towns built since 1947, residential densities range from eight to 15 homes per acre—with the more recent construction tending toward the higher figure. There is far less single-family housing than is customary in America.

Even with such housing the strong tradition of a "garden" for every house is reflected throughout England. No matter how tiny, the front and rear yards will normally be enclosed with a hedge, fence, or wall, and there will usually be continually blooming flowers to supplement some of the finest lawn grass in the world.

A very high proportion of this housing is rental housing. The tradition of home ownership has come late to the lower and middle-class Englishmen—perhaps because of the low wage scales exemplified by the \$55 a week "normal" earnings of automobile workers, who are among the higher paid industrial workers. Furthermore, a surprisingly high percentage of all development is on land held only under a long-term lease.

A striking feature of British development is the general lack of "fringe" and "strip" development. Urban areas tend to have sharp boundaries about them, rather than fusing erratically into the countryside. In some cases these boundaries are formed by playing fields and other open areas in public ownership; in others, planning controls have simply held property in agricultural rather than urban types of development.

Considerable attention has been paid to the "character" of development; and the discord of strikingly dissimilar land uses or architectural types, which is all too common a part of the American scene, occurs far less frequently in England.

Related to this is the general lack of outdoor advertising outside of business areas, the control over the appearance of signs which is evidenced in many business districts, and the provision of landscaping, flower plots and pots, and other aesthetically pleasing features.

All of this adds up to a generally tidy landscape, reflecting a high regard for



history and "amenity"—the catch-all descriptive word which the English use to include openness, beauty, character, and the "rightness" of things. To be sure, there are large areas of slum-like neighborhoods in all the major cities; particularly in the Midlands, the Industrial Revolution (which was born in England) has left behind vast areas of congestion and substandard conditions. The "sprawl" of a city like London has to be seen to be believed; but where New York or Los Angeles rolls helplessly in the face of growth, London has fought valiantly through the creation of its Green Belt, the building of New Towns, and the decentralization of industry to place limits on its outward development.

### *Local Government Organization*

The pattern of local governmental organization in England is quite similar to that in the United States—which is not surprising, since our early settlers brought with them a background of English law and government.

Probably the basic units of local government are the administrative *counties*—historically, the "shires." Currently there are 62 counties in England and Wales. These include the County of London and the County of Middlesex, which will be replaced in April, 1965, by the new Greater London government. Scotland has 33 counties, and Northern Ireland has six.

As in the state of Virginia, the larger cities are administratively distinct from the counties. They are known as *county boroughs*, created by Royal Charter under the authority of Parliament, and are normally towns over 75,000 population. Outside the London area, in England and Wales, there are 83 of these county boroughs. There are also two in Northern Ireland. A slightly different system prevails in Scotland. Within their boundaries, these county boroughs exercise *all* the functions of local government, including those exercised by the counties elsewhere.

In the counties, smaller units of government perform specific localized functions. These smaller units are sometimes referred to as "county districts." These include *non-county boroughs*, which are smaller chartered towns ranging from 10,000 to 100,000 population; *urban districts*, which are towns without charters; and *rural districts*, which are further divided into *rural parishes*.

Almost all of these units of government are headed by elected councils. The only exceptions are some very small rural parishes, which may be governed by a parish meeting, similar to the town meetings in our New England states. There is a chairman—or, in the case of the boroughs, a mayor—elected by the council. Because many of the councils

are rather large, almost all function through committees which take specific responsibility for particular functions. These, in turn, work closely with paid department heads. This type of fragmented responsibility for particular functions corresponds rather closely to the "commission" form of city government occasionally found in America.

The allocation of functions among the different local units has in general been made on a pragmatic basis. As in America, no local governmental unit has any authority not delegated to it by statute—but the statutes derive from the national Parliament rather than from a state legislature. As in North Carolina, some acts are mandatory, some permissive; some are general, and others are local or private, applying only to particular units.

Counties and, of course, county boroughs are responsible for such functions as education, fire protection, police protection, road construction and maintenance, and health services. Their responsibility is total for each of these functions save road construction and maintenance where it is shared with the national government. Since 1947 they also have had the primary responsibility for town and country planning. They are empowered, however, to delegate the administration and enforcement of development controls, corresponding to our zoning and subdivision-regulation ordinances, to the district governments.

The smaller units of government, in addition to exercising functions delegated to them by the counties, generally have responsibility for such services as housing, water and sewerage, sanitary regulations, lighting, recreation grounds and parks, etc.

The counties and county boroughs have sole responsibility for levying taxes, which are known as "rates." The counties turn over to the district governments the amounts collected for them. Property valuation, however, is performed by officers of the national Board of Inland Revenue (similar to state valuation officials in some of our states), who are responsible for making a general revaluation every five years and for making necessary revisions during the intervening periods.

A very considerable proportion of governmental revenues comes from grants by the national government. For example, this proportion amounted to 42% in 1960-61. Prior to 1958, these grants tended to be made for specific services which the government wished to stress. Such services included education, health and welfare, and town and country planning. Now, however, these specific grants have largely been replaced by a general grant, calculated under a formula taking into account the size, composition, density, and growth of popu-

lation, and similar factors relating to the particular unit.

In the absence of state governments, the ministries of the national government tend to exercise the types of functions with reference to local governments which are performed at both the state and federal levels in America. The departments particularly concerned are the Ministry of Housing and Local Government, the Ministry of Education, the Ministry of Health, the Home Office, the Ministry of Transport, and the Ministry of Aviation. The latest Cabinet to be named includes a combined President of the Board of Trade and Secretary of State for Industry, Trade, and Regional Development, who will be responsible for economic development programs at the local level.

With respect to local programs, these departments function in many ways like our state and federal governments: issuing circulars, rules and regulations; approving projects involving expenditure of national grant funds; providing information, etc. In the field of planning, however, all local development plans must be approved by the Minister of Housing and Local Government, and appeals may be taken to him from the decisions of local authorities in specific cases.

In the absence of a formal Constitution, the courts generally play a much more restricted role with respect to local governments than do courts in America. Usually the major question involved in a court case is whether there has been an appropriate grant of statutory authority to undertake a specific action, and if so, whether there has been compliance with the terms of the statute. Where he has been given a supervisory role, the Minister normally has much greater latitude in dealing with local problems than do the courts.

### *London Government*

The description which we have given of the division of governmental functions, while generally applicable, differs in some particulars from the local governmental organization in the London area. London presently is governed by a great number of local authorities—some 117 in all. The largest of these, in terms of territory, is the County of London; the County of Middlesex and portions of the counties of Essex, Hertfordshire, Kent, and Surrey are also within the built-up area. The ancient City of London governs the one-square mile in the center of the city, while there are 28 "metropolitan boroughs" and a variety of metropolitan and regional authorities offering particular services.

As a result of recommendations by a Royal Commission in 1960, the London government is in the course of a thoroughgoing reorganization which will re-

sult in a single Greater London Council exercising area-wide functions relating to planning, traffic regulation, main roads, refuse disposal, and fire protection, and some responsibility for housing, parks and recreation, sewerage, and drainage.

All other local governmental functions will be turned over to 32 new London boroughs, which will range in population from 180,000 to 360,000. They will have primary responsibility for housing, personal health, welfare services, roads other than main roads, libraries, and environmental health, enjoying much wider responsibilities than the present metropolitan boroughs.

The boundaries of Greater London will extend considerably beyond the old counties of London and Middlesex, the added areas being removed from existing county jurisdictions.

### *Socialism*

The visiting American is naturally interested in the range of governmental services and functions in England, in view of the label of "Socialism" which is attached to the English government by many speakers in our country. On examination, he finds that the differences between England and the U.S. are less great than sometimes pictured.

The Labour Government elected in 1945 nationalized the railways, the trucking industry, such public utilities as the gas and electrical industries and the steel industry, and established the National Health Service under which most doctors and dentists practice today. The Conservative Government which came to power five years later denationalized the steel and trucking industries. Although the Labour Party still talks of nationalization of basic industries, for the most part it mutes such talk in the face of apparent voter disinterest. Consequently, the great bulk of industry and commerce in Britain is still privately owned and operated and is likely to remain so.

The most noticeable differences relate to health and welfare services and housing. Despite the furor against "socialized medicine" in the United States, it has proved very popular in England, and there is no suggestion by any political party that there be a return to the old system of private medical practice. As a matter of fact, the system does allow those who wish to do so and who can afford it to deal with a private physician and pay for hospital services in much the same manner as if they were in the United States.

The range of welfare services is generally similar to those in the United States, although somewhat broader. It may be of interest that midwives and "Health Visitors" visit new mothers in their homes before and after confinement, "Home Help" may look after children

and otherwise assist in the homes of invalids, and in certain circumstances meals are taken to the homes.

In the immediate post-war period of materials shortages, the Labour Government restricted all residential building to that by public authorities. Although this policy was changed by the Conservatives, approximately 40 per cent of all the new housing built last year was built by local authorities. Housing is regarded as one of the major functions of local government. Perhaps 20 per cent of local revenues are from rents paid to such governments. Despite the construction and operation of thousands of publicly-owned dwellings, there is still reportedly a 10-year backlog of applications in some areas. The larger cities, faced with an absolute shortage of space within their boundaries for providing public housing, began before World War II to construct "housing estates" well beyond their limits. These became the predecessors of the governmentally built New Towns and the expanded towns, which are rounded communities possessing their own industries and businesses rather than serving only as "bedroom suburbs."

It may be of incidental interest that in addition to operating the mail and telephone systems, the General Post Office also runs a savings bank program which is apparently quite popular. An American would note the similarity to our Savings Bond programs.

### *Fundamental Problems*

A broad view of England's major problems must be taken in analyzing the effectiveness of its planning programs. These problems are national in scale, and the national government is actively concerned with them. In addition, it is now recognized that there must be more activity at the regional level and that the existing units of government frequently do not have adequate jurisdiction (in a territorial sense) to deal with these problems appropriately. A Local Government Commission has recently made recommendations for consolidating many of the local units of government, and the national government has also announced plans for sharply increased activities on a regional basis.

What are these problems? An all-pervading one is how to strengthen the economy. When even the United States is concerned with its growth rate, it can be appreciated that an England which has relinquished its empire since World War II must be in a much more difficult position. The working out of coal fields, the failure of its agricultural lands to feed its population, the decline of the textile industry, etc., constitute one facet of the problem. Another was the extensive damage sustained in World War II. The increasing demand of the working classes (apart from demands for material goods) for improved housing, edu-

cation, and social services places increased burdens on the national budget, which can only be met within a rapidly growing economy.

Related to this basic problem of maintaining and improving the total economy of the islands is the uneven distribution of industry. London, as seat of the government but also as one of the great ports of the world, a worldwide financial center, and a major market for consumer goods, has enjoyed a booming economy. So have areas within the Midlands. Once-thriving areas in other parts of the country—such as the North-East and Scotland—have been having more difficult going. And still other areas, such as Wales and Northern Ireland, are faced with a prospect of building from a very low economic base.

The net effect of this maldistribution of economic opportunity has been to bring about widespread immigration from other parts of Great Britain into the London and Midlands areas. This has increased the economic difficulties in the areas losing population, while at the same time bringing about heavy congestion, housing shortages, transportation difficulties, etc., in the receiving areas.

The Government has been torn between a desire to compete successfully in foreign markets, taking maximum advantage of favorable locational and other factors (which might argue for continued concentration of industry and commerce in the Southeast), and a desire to relieve congestion in this area and thereby avoid increased housing and transportation costs and provide better living conditions—as well as relieving some of the economic discomfort in other parts of the land.

Thus we have a "physical planning" policy of circling London with a Green Belt of undeveloped land, building self-sustaining New Towns to receive some of London's "excess" population, actively encouraging new industries to locate in less favored localities, and urging old industries to move out from the London area. This is opposed by an "economic development" policy of improving London's position in the field of international commerce, which has resulted in creation of several hundred thousand new office jobs within the city and a desire to do nothing which might impede efficient functioning of the economy.

Related to both the physical planning and the economic development problems is the challenge to transportation. The number of automobiles in England more than doubled during the past decade and the present figures will probably double within the next decade. Present British highways, for the most part, are almost unbelievably poor, even in terms of present traffic loads. In London, rush-hour traffic jams as great as five miles in

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# PUBLIC WELFARE AND JUVENILE DELINQUENCY:

## *Administration by Objectives*

By DOROTHY J. KESTER

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*The author directs a Public Welfare Workshop session.*

The State Board and County Departments of Public Welfare in North Carolina have a large and quite specific interest in the prevention and treatment of juvenile delinquency. Most of the state's more socially and economically fortunate citizens are not aware of this function of public welfare, but a legal mandate is given to the State Board under G.S. 108-3 "to promote the welfare of the dependent and delinquent child and to provide, either directly or through a bureau of the Board, for the placing and supervision of dependent, delinquent, and defective children."

County Boards of Public Welfare have a similar charge under the provisions of G.S. 108-11(2) and County Directors of Public Welfare, under G.S. 108-14(7) are directed "to serve as investigation officer and chief probation officer for all juvenile courts in the county (unless there is a separate court with its own probation staff, which is true in only six counties), and to have oversight of dependent and delinquent children including those on parole or probation, of such dependent children as may be placed in the county by the State Board and of those children conditionally released from state institutions for juvenile delinquents."

These provisions of the law place on Public Welfare a responsibility to provide services designed to help prevent delinquency as well as to offer treatment after the young offender has already run afoul of the law. The Training Center on Delinquency and Youth Crime at the Institute of Government is also concerned with all aspects of delinquency, but chiefly from the standpoint of providing training that will enable the practitioners in the field to perform their functions with maximum effectiveness.

On the premise that it is more efficient use of the training resources at the Center to concentrate the expenditure of time, talent, and class facilities on staff with administrative and teaching responsibilities who in turn can train the "grass roots" personnel, a series of workshops and seminars was planned with the State

Board to be offered to county directors of public welfare and to casework supervisors. The intent is to help directors increase their skills in administrative planning in order that the community may realize maximum benefit from the staff skills, money, and service programs available to the agency and that the most important services receive appropriate emphasis in both planning and execution. For supervisors the Training Center focus will be on developing teaching skills so that personnel without graduate social work training may learn on the job to render agency services in the most effective way possible.

The first of these scheduled workshops took place at the Institute of Government October 21-25, 1963. Participants in this session were the public welfare directors of North Carolina's fourteen largest counties.

Dr. Marshall Dimock, a leading U. S. authority on public administration, chairman of the department of public administration at New York University until June of this year, now engaged in writing and private consultation, served as resource person and special consultant for this workshop. Following the multidisciplinary approach to training that characterizes the Training Center's plan of operation, the group also had sessions with Richard McMahon, Program Analyst for the Training Center, who represents the discipline of psychology, and with Dr. John Reed, the Center's sociology consultant. As Coordinator of Community Training for the Center, the author represented social work and served as moderator and training session leader for the week and will do so for all future sessions.

One thing which became progressively clear during the week's work is that the definition of specific program objectives sounds much easier than it is. In an operation as big as Public Welfare, with Federal law and policy being handed down to the State, and with State law and policy being handed down to the counties, it seems that there is very little room for local discretion in ad-

ministrative planning, even though North Carolina has "a county administered, state supervised plan." There are certain areas, however, in which there is wide latitude for local discretion in determining program priorities, how extensive or intensive the service shall be, how many and what kind of staff shall be employed, how much in-service training they shall receive, and how public welfare services shall be coordinated with the services of other public and private agencies.

The administrator's perception of the relative importance of some of these questions governs to a large extent the quality of public welfare service in any given community. Should his county content itself with the distribution of financial assistance and certain inescapable services to the juvenile court or should he extend agency efforts toward the stabilization of families in a social-economic-emotional sense? How important are problems of marital discord as being conducive to the development of delinquency? What should the agency do about the failure of certain clients to provide discipline and guidance to their children? How important is the protective service extended to children through casework service to neglectful parents? How are any of these questions weighed in relation to heavy backlogs of overdue reviews of eligibility for public assistance—overdue because of staff shortages? It is the old headache of "how to slice the pie when there isn't enough to go around."

These are the hard questions of administrative planning that a county director of public welfare has to decide. Wise use of the resources available to him, both within his own agency and in the broader community, can make an enormous difference in the life of any particular dependent or delinquent child; it can matter a great deal in the social health of the community as a whole. It will govern the nature and effectiveness of his long range planning with the Board of Commissioners, and of the

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# THE CORONER AND TRAFFIC DEATHS

By JAMES C. HARPER

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There are two statutory approaches to the duties of the county coroner in traffic death cases in North Carolina. One is the classic "foul play" approach, the other a relatively modern requirement that has for the most part gone unheralded since its enactment ten years ago. The first approach is based on the requirement that the coroner investigate all deaths occurring in his county where there is reason to suspect a criminal act or default on the part of some person.<sup>1</sup> The latter is predicated on a section in the motor vehicle laws which provides that the coroner must report to the Department of Motor Vehicles within five days all deaths resulting from collisions of motor vehicles in his county.<sup>2</sup> While the former provision pertains to the "coroner's case" irrespective of whether the death occurred in an automobile accident or otherwise, the newer section in some cases requires the coroner to make an inquiry into the circumstances surrounding a death that would not in any other sense come within his jurisdiction.<sup>3</sup> The net effect of these two sections seems to be that the coroner is responsible for inquiring into every traffic accident that occurs within his county where a fatality is involved, even though the death may have occurred at a later time in another county.

It appears at first glance that there would be no particular problems involved in complying with both statutory provisions. Yet with respect to compensation for reporting traffic deaths that are not of the *inquest* type and in cases where there has been an intercounty removal of a victim, difficulties arise. This is true notwithstanding that in most traffic death cases some member of the State Highway Patrol or other law enforcement officer will investigate and make a

full report of the accident, including in some instances the bringing of manslaughter charges against a driver.

It will be the purpose of this article to raise the issues from a practical standpoint and provide some clarification with regard to the problems faced by the coroners. In Part A two areas will be discussed in which there is some overlapping and some conflict, and in Part B an attempt will be made to relate the classic duties of the coroner to the investigation of a traffic death.

## A. Problems that May Be Anticipated

### 1. Compensation for investigating traffic deaths

G.S. 20-166.1(f) does not provide for compensation of the coroner for inquiring into traffic deaths for the purpose of reporting on Form RDI-21.<sup>4</sup> The original statutory provision<sup>5</sup> for compensation of coroners provides for the payment of a fee for "holding an inquest over a dead body."<sup>6</sup> That this section contemplates only the usual "coroner's case" is beyond doubt. But while G.S. 152-5 provides for a fee to be paid the coroner for "each inquest," several local acts, enacted to modify G.S. 152-5 as to certain counties, contain language which has the effect of providing a fee for each "investigation" of a death.<sup>7</sup> However, G.S. 20-166.1(f) does not require the coroner to *investigate*, but only to *report*.

The language contained in G.S. 153-9

4. A current report from the Driver Education and Accident Records Division reveals that approximately 25% of the coroners are substantially complying with G.S. 20-166.1(f). The question asked by several officials is whether this duty is compensable.

5. G.S. 152-5.

6. Unless changed by local act the prescribed fee is five dollars for each *inquest* plus five dollars for each additional day necessarily involved.

7. SL 1959, c. 1105 (Alamance County); SL 1953, c. 567 (Cabarrus County); SL 1961, c. 572 (Graham County); SL 1951, c. 516 (Onslow County); SL 1963, c. 1199 (Mcdowell County); SL 1959, c. 372 (Richmond County); Pub. Loc. 1939, c. 579 (Moore County); SL 1957, c. 114 (Pitt County).

(12a) relating to the powers of the boards of county commissioners to fix the compensation of coroners expressly provides that they may "... fix ... all fees and commissions which may be charged by ... coroners ... for the performance of any service or duty permitted or required by law. ..."<sup>8</sup> (Emphasis added.) Similarly, the language of several local acts authorizing the payment of a salary in lieu of fees to the coroner provides that he shall be paid such salary for the performance of his *official duties*.<sup>9</sup> Thus, by virtue of the express provisions of the foregoing statutes, there does not appear to be any doubt that the coroner in more than one-half of the counties may be compensated for complying with G.S. 20-166.1(f), whether or not he actually *investigates* each accident involving a death.

With regard to the remaining counties (approximately 40) in which the coroner is still compensated on a "per inquest" basis, although it is not entirely clear whether he may receive a fee for performing whatever duty is required in order to comply with G.S. 20-166.1(f), there seems to be no doubt that he must perform that duty.<sup>10</sup> Therefore, at least two queries must be left unanswered for lack of authority. On the one hand, whether or not the coroner must *investigate* each traffic death (though not a

8. SL 1953, c. 1303; G.S. 153-9(12a). This act now applies to 35 counties.

9. SL 1951, c. 520 (Bertie County); SL 1951, c. 540 (Buncombe County); Pub. Loc. 1921, c. 75 (Cleveland County); PL 1941, c. 73 (Cumberland County); SL 1951, c. 199 (Currituck County); Pub. Loc. 1933, c. 44 (Gaston County); Pub. Loc. 1933, c. 365 (Johnston County); Pub. Loc. 1939, c. 102 (Pasquotank County); SL 1951, c. 1214 (Pender County); SL 1951, c. 551 (Rutherford County); Pub. Loc. 1937, c. 473 (Warren County). In addition, Alexander, Anson, Dare, Durham, Franklin, Harnett, Jackson, Lincoln, New Hanover, Union, Vance, Wake, and Yancey Counties have placed the coroner on a salary since 1953. See Pace, *County Salaries and Fees in North Carolina*, Institute of Government, 1962.

10. Attorney General's Letter to Fred Folger, 27 May 1952. See also *Hill v. Stansbury*, 223 N.C. 193 at p. 195, 25 S.E. 2d 604 (1945).



coroner's case) in order to comply with G.S. 20-166.1(f) is a question which seemingly could be answered in some cases in the affirmative and in others in the negative, depending upon the extent and accuracy of any prior investigations of the accident in which the death occurred. On the other hand, whether or not the coroner who is paid "per inquest" could receive his normal fee for whatever he was required to do in order to complete the RDI-21 form is a matter for local decision.

Another issue left unanswered by the statutes is whether in the case of multiple deaths resulting from a common

one county and the victim died in another. In such a case, there *could* be two coroners doing an official act. Possibly the coroner in the county where the death occurred would simply provide the coroner in the county where the accident occurred with the details of the accident and the cause and manner of death so that the latter could file his report. Even so, the coroner in the latter county (where the accident occurred) would have done an official act in compliance with the law for which he should be paid. Certainly the coroner in the county where death occurred, after having investigated the death in accordance with

ably would be no further issues raised by the integration of the requirements of G.S. 20-166.1(f) into the existing practices under G.S. 152-7. But in many cases an accident will occur in County A and the victims will be removed to a hospital or funeral home in County B. The coroner in County A is required (under G.S. 20-166.1(f)) to report any fatalities on Form RDI-21,<sup>12</sup> while the coroner in the county where the death occurs is responsible (under G.S. 152-7) for investigating the death *if it appears to be a coroner's case*.<sup>13</sup> Thus it appears that in the event of an accident in one county, resulting in death in another,

<p style="text-align: center; margin: 0;">Coroner's Case Number</p> <p style="font-size: small; margin: 5px 0;">Pursuant to Article 3, Section 20-166.1(f), Motor Vehicle Laws of North Carolina, which reads as follows:  <i>"... EVERY PERSON HOLDING THE OFFICE OF CORONER IN THIS STATE SHALL report to the Department the death of any person as a result of a collision involving a motor vehicle and the circumstances of the collision within FIVE days following such death. Every hospital shall notify the coroner of the county in which the collision occurred of the death within the hospital of any person who dies as a result of injuries apparently sustained in a collision involving a motor vehicle."</i></p>	<p style="text-align: center; margin: 0;">Form RDI-21</p> <p style="text-align: center; margin: 10px 0;">NORTH CAROLINA DEPARTMENT OF MOTOR VEHICLES  DRIVER EDUCATION &amp; ACCIDENT RECORDS DIVISION</p> <p style="text-align: center; margin: 20px 0;"><b>CORONER'S REPORT OF  MOTOR VEHICLE DEATH</b></p>
<p>Did the Accident occur within the Incorporated Limits of a City or Town?   <input type="checkbox"/> Yes   <input type="checkbox"/> No</p>	
<p>Person Killed _____ Address _____</p>	
<p>Age _____ Sex _____ Race _____ Passenger, Driver _____ Day and _____  or Pedestrian _____ Date of Accident _____</p>	
<p>Hour _____ A.M. _____ P.M. Date of Death _____</p>	
<p>Location of Accident _____</p>	
<p>(Street Address, or Mileage and Direction from City or Landmark as indicated on official county map)</p>	
<p>Name of Driver _____ Address _____</p>	
<p>City of _____ County of _____ Highway _____  Place of _____ Description of Accident _____ Number _____  Death _____ Cause of Death _____</p>	
<p>Remarks: _____</p>	
<p>Date _____ County _____ Signed _____ Coroner _____</p>	
<p style="font-size: small;">NOTICE: All known information must be given for deaths for which an inquest is pending. These should then be marked "Inquest Pending." Deaths resulting from injuries received in other counties must also be included. All deaths resulting directly or indirectly from injuries received in a motor vehicle accident must be given regardless of the time elapsing between the time of the accident and the time of death, up to twelve months. The report MUST be complete. Use reverse side of this report if necessary.</p>	
<p style="font-size: small; text-align: center;">Mail reports to North Carolina Department of Motor Vehicles, Driver Education &amp; Accident Records Division, Raleigh, N. C.</p>	

cause—such as is frequently found in automobile accidents—the coroner is entitled to a fee for investigating the death of *each* person or only one fee for the entire investigation. The Attorney General has provided an answer—that he is entitled to only one fee.<sup>11</sup> But—assuming that a fee is paid in *all* cases where the coroner is required to act—suppose the case where an accident occurred in

11. Attorney General's Letter to P. G. Cain, 16 Sep 1948. But see SL 1955, c. 337 §2 which authorizes the coroner of Brunswick County to receive two fees for investigating two deaths at the same time.

the classic requirements of his office, would be entitled to compensation. Of course, if both coroners in such a situation were on a salary in lieu of all fees, the significance of the issue would diminish; but if both were on a fee system, it appears that two fees would be paid for substantially the same thing—the investigation of a traffic death.

#### 2. Intercountry transit of traffic victims

Were county lines never crossed by victims of traffic accidents, there prob-

ably would be no further issues raised by the integration of the requirements of G.S. 20-166.1(f) into the existing practices under G.S. 152-7. But in many cases an accident will occur in County A and the victims will be removed to a hospital or funeral home in County B. The coroner in County A is required (under G.S. 20-166.1(f)) to report any fatalities on Form RDI-21,<sup>12</sup> while the coroner in the county where the death occurs is responsible (under G.S. 152-7) for investigating the death *if it appears to be a coroner's case*.<sup>13</sup> Thus it appears that in the event of an accident in one county, resulting in death in another,

12. The statute is silent as to method of reporting, but the Department of Motor Vehicles has prepared Form RDI-21 to be used in complying with the statute.

13. Harper, *Manual for Coroners and Medical Examiners*, Institute of Government, 1963, pp. 56-59.

amount to savings in time, effort, and money.<sup>14</sup>

While the problems between two adjacent counties relating to a systematic and efficient interchange of important information concerning a traffic accident and resulting death might not be so great—especially where the death of the victim ensued immediately—remoteness in distance between the place of the accident and the place of death would seem to handicap the accuracy of the records in both counties, especially if investigation of the circumstances of the death should become necessary at a later time.<sup>15</sup> Nevertheless, under the present state of the law, a death resulting from injuries sustained in a traffic accident within twelve months *must* be reported to the Department of Motor Vehicles by the coroner in the county where the accident took place. And it *could* involve an investigation and inquest by the coroner in the county where death occurred, notwithstanding the passage of a year or less and a distance between the two locations of several hundred miles.<sup>16</sup> On the other hand, so long as two coroners are required to act in such a case, there might be some advantage in that neither would have to travel to the other county to obtain the necessary information, due to the probability that reports prepared by each could simply be forwarded to the other.

In concluding the discussion of this particular issue, it appears that while G.S. 20-166.1(f) does not seriously affect the ordinary discharge of the coroner's duties in every case, the coroner may, nonetheless, be put in a disadvantageous position in at least ninety-nine counties<sup>17</sup> where there is no provision which requires that he be *notified* of a traffic death, except as contained in G.S.

20-166.1(f).<sup>18</sup> A practical suggestion is that each coroner in the State arrange with the members of the State Highway Patrol and other law enforcement agencies in his county to have every fatal accident reported to him immediately upon the occurrence of a death, and to have copies of the reports prepared by the investigating officer forwarded to him.

#### B. "Criminal Act or Default" in Traffic Accidents

When (other than for purposes of completing Form RDI-21) should the coroner be concerned with a further investigation of a traffic death? G.S. 152-7(1) provides that "Whenever it appears that the deceased probably came to his death by the criminal act or default of some person . . . [the coroner] shall go to the place where the body of such deceased person is and make a careful investigation and inquiry as to when and by what means such deceased person came to his death . . . Provided . . . the coroner shall not proceed to summon a jury . . . if he shall be satisfied from his personal investigation that the death of the deceased was from natural causes, or that no person is *blamable* in any respect in connection with such death. . . ." (Emphasis added.) Thus, according to the foregoing statutory provision, the coroner should investigate traffic deaths whenever it appears that someone is *blamable* in some respect in connection with the death.

Generally, all traffic accidents are investigated by members of the State Highway Patrol or other law enforcement officers. There is no requirement that the coroner be called, except as provided in G.S. 20-166.1(f).<sup>19</sup> But if he is called to the scene of a traffic fatality, must he go?

It is the law that when some responsible person signs an affidavit indicating that someone is probably to blame in the death of another, the coroner is required to investigate.<sup>20</sup> And if the highway patrolman calls the coroner and tells him that a traffic case appears to be a "coroner's case" he should investigate. Certainly, where the physician at the receiving hospital notifies the coroner that an accident victim actually died of gunshot or stab wounds, or was poisoned, or was apparently unconscious *before* the impact of the collision, he should proceed with an investigation. But when the coroner learns that a person has died as a result of a traffic accident—nothing else appearing—must he investigate beyond the extent required to complete Form RDI-21? While there does not ap-

pear to be a ready answer to this question, perhaps a familiarity with what is a criminal act or default in a traffic accident will help.

#### Culpable negligence

Conceding that there could be a question of first degree murder in a given set of circumstances surrounding a traffic fatality,<sup>21</sup> and that *hit-and-run* offenses are felonies which, where a death results, may give rise to murder charges,<sup>22</sup> the majority of criminal prosecutions arising out of traffic accidents involve the lesser charge of manslaughter as a result of *culpable negligence*.

The North Carolina Supreme Court has stated, with respect to a charge of manslaughter arising from (1) the negligent doing of some act which is in itself lawful, or (2) by negligently failing or omitting to perform a duty imposed by law, that the act or failure to act on the part of the accused person must be the *proximate cause* of the death and that the negligence on the part of such accused person must have been culpable.<sup>23</sup>

*Accident* in legal terminology as related to automobiles means the "unto-ward and unforeseen occurrence in the operation of the automobile which results in injury to the person or property of another."<sup>24</sup> Equity calls an accident "an unforeseen event, misfortune, loss, act, or omission as is not the result of any negligence or misconduct in the party."<sup>25</sup> *Proximate cause* is defined as "that which, in a natural and continuous sequence, unbroken by any efficient intervening cause, produces the injury, and without which the injury would not have occurred."<sup>26</sup> *Culpable* means "blamable; censurable; involving the breach of a legal duty or the commission of a fault."<sup>27</sup> From this maze of definitions—read together with G.S. 152-7(1) concerning the determination of whether anyone was "blamable" in connection with a death—it may be concluded that in order for anyone to be charged with a "criminal act or default" in connection with a traffic death in North Carolina,

14. For example: An accident occurs in County A in which a person is seriously injured and who later dies in County B, two hundred miles away. If the coroner in County A investigates the *accident* and the coroner in County B the *death*, presumably each would make his records available to the other thus saving the coroner in County B from being required to travel to County A.

15. G.S. 20-166.1(e) provides ". . . When any person involved in an automobile collision shall die as a result . . . within a period of twelve months following said collision . . . it shall be the duty of investigating enforcement officers to file a supplemental report setting forth the death of such person." Apparently the Department of Motor Vehicles has construed this section to include coroners under *investigating enforcement officers*. See Form RDI-21 (inset).

16. A person who unlawfully causes the death of another may be prosecuted if the victim dies within a year and a day following the assault. See *State v. Pate*, 121 N.C. 659, 28 S.E. 354 (1897).

17. Provision is made by local act in New Hanover County that the coroner be notified of all deaths in the county which occurred without medical attention. Pub. Loc. 1921, c. 229.

18. G.S. 20-166.1(f) requires that the *hospital* in which a traffic victim dies must report such death to the coroner in the county where the accident occurred.

19. *Ibid.*

20. G.S. 152-7.

21. G.S. 14-17 contains the definitions of murder. For purposes of this discussion no mention of the higher degrees of homicide is deemed necessary. See Harper, *Manual for Coroners and Medical Examiners*, Institute of Government, 1963, Ch. VI.

22. G.S. 20-166(a); 20-182. Cf. *State v. Smith*, 238 N.C. 82, 86, 76 S.E. 2d 363 (1953).

23. *State v. Neal*, 248 N.C. 544, 103 S.E. 2d 722 (1948).

24. *Ohio Casualty Co. v. Marr*, 98 F.2d 973 (C. A. Okla. 1938).

25. *Engler v. Knoblauch*, 131 Mo. App. 431, 110 S.W. 16 (1908).

26. *Suayne v. Connecticut Co.*, 86 Conn. 439, 85 A. 634 (1913).

27. *Cum v. State*, 55 Ga. App. 376, 190 S.E. 371 (1937).



he must have been at least culpably negligent. Ordinary negligence is not enough,<sup>28</sup> and therefore, even though in most traffic accidents someone is actually "at fault," the degree of fault is not of that kind required to make it a coroner's case. Thus, keeping the foregoing definitions in mind, the coroner must make his initial determination not on the basis of *fault* alone, but rather after a consideration of whether the person at fault was probably guilty of culpable negligence.

Hypothetical example can be risky, but it may safely be stated that when an automobile being carefully driven at a lawful rate of speed suddenly skids or slides, or collides with a soft shoulder or encounters some other unforeseeable hazard, any damage done thereby to person or property, including death, could properly be called the result of an *accident*. On the other hand, when a driver heedlessly drives his automobile into a pedestrian crosswalk at an unlawful rate of speed, unmindful of the rights and safety of others and in sheer disregard of the law, with the consequence that some person is killed, he could be found to be guilty of culpable negligence in the operation of his automobile. A rather clear case, determined by the North Carolina Supreme Court to be sufficient to sustain two convictions for second degree murder, involved a person who, having custody and control of an automobile, became intoxicated and allowed another intoxicated person to drive. As a result of the operation of the automobile at a high rate of speed, at night without lights turned on, down the wrong side of a city street, a young girl passenger in another car was killed. Both the person who had custody and control of the car and the driver were convicted of second degree murder.<sup>29</sup> The driver did not appeal from his conviction but the other defendant did. The Supreme Court said:

"It would be idle to say that Michael's reckless driving was unintentional or that he did not know the speed of the car was excessive when the collision occurred. Indeed, it is not unreasonable to infer that he was conscious of a 'malignant recklessness of the lives and safety of others' when for the last time he drove the car down the street. It is hardly less evident that the defendant [the one who was not driving] a short time before had commanded a speedy removal of the car to avoid arrest, and that although

intoxicated he was not irresponsible. Over the car he had absolute control; he had procured or assisted in procuring the whiskey; and he was responsible at least in part for Michael's condition. . . ."<sup>30</sup>

Although the case from which the foregoing quotation was taken involved an issue of intoxication as well as one of agency, it is cited here to illustrate that type of conduct with respect to the operation of an automobile which is clearly criminal.

In a recent case where the Supreme Court reversed a conviction for manslaughter, the facts were these:<sup>31</sup> The car in which the deceased was riding was in the middle (passing) lane of a three-lane highway, headed north. After the deceased's car had traveled approximately 500 feet in the passing lane, and while abreast of the car being overtaken, the car driven by the defendant, headed south, suddenly crossed over the line between the right-hand southbound lane and the passing lane, so that it collided with the deceased's car, left front to left front. The speed limit on that portion of the highway was sixty miles-per-hour and there was evidence that the defendant was exceeding the limit. There was also evidence that the car driven by the defendant had been "weaving" and that the front of the car had been seen to "nose down" as it came near the rear of a car going in the same direction (as if it had been suddenly braked) an instant before it collided with the deceased's car. Evidence showed that the defendant was sober. In holding the evidence insufficient to support a charge of manslaughter, the Supreme Court said:

"The evidence supports the inference that the death of Mrs. . . . was proximately caused by the negligence of defendant. 'It is settled law with us that a want of due care or a failure to observe the rule of the prudent man, which proximately produces an injury, will render one liable for damages in a civil action, while culpable negligence, under the criminal law, is such recklessness, resulting in injury or death, as imports a thoughtless disregard of consequences or heedless indifference to the safety and rights of others.' *State v. Becker*, 241 N.C. 321. . . ."<sup>32</sup>

To emphasize the proposition that each case must be considered in light of the particular facts and circumstances, the Court further stated:

"No two cases are factually the same. It is not always an easy task

to distinguish between ordinary negligence and reckless conduct. Each case must be decided according to its own peculiar circumstances."<sup>33</sup>

Thus somewhere between the two foregoing cases—one resulting in affirmed convictions for second degree murder and the other reaching the conclusion that the defendant was not guilty of culpable negligence—lies the case where the conduct of a person in the operation of his motorcar may be determined to be such a "criminal act or default" as will invoke the jurisdiction of the coroner. In other words, while all fatal automobile accidents are the concern of the county coroner for purposes of reporting the deaths to the Department of Motor Vehicles, some cases require further investigation.

#### *The Test of Reasonable Foreseeability*

While it has been pointed out that no single rule can be formulated by which the coroner may be guided in every case, the North Carolina Supreme Court in the *Fuller* case<sup>34</sup> provided a lucid standard:

"The unintentional violation of a prohibitory statute, unaccompanied by recklessness or probable consequences of a dangerous nature, when tested by the rule of reasonable foreseeability, is not such negligence as imports criminal responsibility. But if it is accompanied by recklessness or probable consequences of a dangerous nature, when tested by the foreseeability rule, amounting altogether to a thoughtless disregard of consequences or a heedless indifference to the safety and rights of others, then such negligence, if injury or death ensues, is culpable."<sup>35</sup>

Still, the coroner is *not* responsible for the decision of whether a person is guilty or not guilty of homicide, but only for determining in the first instance whether there is probable cause to hold such person in connection with a death. However, the coroner must be guided by the same rules that apply in the courts if he is to be able to make a proper determination. If, during the course of his investigation,<sup>36</sup> it appears to the coroner that there is reason to suspect *culpable negligence* on the part of some person (usually the driver of the car in which the deceased was riding or the driver of an-

(Continued on page 38)

33. *Ibid.*

34. 259 N.C. 111, 114 (1963).

35. See also *State v. Gurley*, 257 N.C. 270, 125 S.E. 2d 445 (1962); *State v. Roop*, 255 N.C. 607, 122 S.E. 2d 363 (1961); *State v. Roberson*, 240 N.C. 745, 83 S.E. 2d 798 (1954).

36. G.S. 152-7(1).

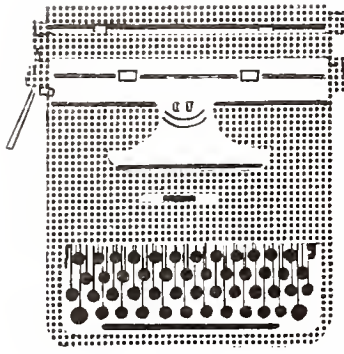
28. Ordinary negligence (sometimes called simple negligence) will result in civil liability, but it is not sufficient to sustain a criminal charge. See *State v. Fuller*, 259 N.C. 111, 130 S.E. 2d 61 (1963).

29. *State v. Trott*, 190 N.C. 674, 130 S.E. 627 (1925).

30. *Ibid.*, p. 680.

31. *State v. Fuller*, 259 N.C. 111, 130 S.E. 2d 61 (1963).

32. *Ibid.*, p. 113.



## ● NOTES FROM . . .

### CITIES AND COUNTIES

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#### CITIES

*Franklin* will hold a bond election to raise its share of a matching federal grant of \$210,900 for construction of a sewage treatment plant. The grant has been approved by the Department of Health, Education and Welfare under the accelerated public works program.

Annexation of two tracts of land near *Beaufort* is underway following surveys and reports from the town commissioners.

*Smithfield's* Board of Commissioners has approved a proposal for financing construction of a building to house both the Smithfield Public Library and the Johnston County Library.

Unanimous approval by the *Lincolnton* Board of Aldermen is a major step toward adopting an overall plan for the orderly development of the town. Federal aid is being sought for a two-year study of the community and its potentialities.

A population increase of some 480 citizens is the result of the annexation of Wade Village by the Town of *Wadesboro*. The town has also adopted new garbage ordinances and has begun efforts to approve the issuance of \$148,000 in bonds to be used in matching funds with the federal government to improve the Wadesboro water system.

Sewage disposal improvements in *Kings Mountain* are ahead of schedule. Bonds will be issued later for construction of a new sewage disposal system.

*Waynesville* and *Hazelwood* have purchased a ten-acre site on Richland Creek near Pigeon River for construction of an up-to-date sewage disposal plant. Bonds for the project were approved a year ago and the assistance of a federal grant is being sought.

Detailed plans for the downtown-waterfront urban renewal area are being made at the request of the Redevelopment Commission of the City of *Wash-*

*ington*. Survey and planning funds have been approved by the Urban Renewal Commission. Washington is also working toward an east end renewal program.

*Lillington* town commissioners are in hopes that a proposed new water tank to boost local water pressure will eliminate one of the major obstacles standing in the way of industrial projects.

Temporary solution of garbage disposal problems for *Jefferson* and *West Jefferson* has come about through purchase of a five-acre tract of land in the Bristol area.

Under the accelerated public works program, *St. Pauls* will use a grant of \$92,300 for construction of a sewage treatment plant and inceptor. A bond issue will be proposed to secure matching funds.

#### ROLL OUT THE BARREL KERNERSVILLE STYLE

Sanitation department members in *Kernersville* have adopted "Roll Out the Barrel" as a theme song. The garbage crew now uses rubber barrels that hold two ordinary residential garbage containers of refuse. They empty the containers into the barrels and then roll them to the waiting truck. Built to roll, the barrels save on the manpower necessary to carry them.

Aside from labor saving, they afford a time saving, too. One truck made 334 pick-ups in the Town of *Kernersville* in a single working day, believed to be a local record.

Ground-breaking ceremonies for the \$80,000 Visitor Center Museum at *Brunswick Town* coincided with a commemoration of the 1784 Spanish attack.

*Cherryville* residents have expressed interest in initiating a low-rent Federal Housing Administration project. Action is being taken by the city board.

Revision of the site plan for *Wilson's* Warren Street urban renewal project has been accepted by the Planning and Zoning Commission.

Citizens in *Tarboro* will be asked to approve a trio of bond issues to finance street paving, a new fire station, and electrical improvements. Voters will go to the polls in December or January to express their views on the \$710,000 projects.

The City of *Kinston* has sold the old city hall property at public auction.

*Edenton* will build a new municipal building and renovate the present one into a fire station. A grant from the Community Facilities Administration for \$68,000, half the estimated cost of the project, has been approved under the accelerated public works program which has already given substantial assistance in construction of a sewage disposal system for Edenton.

*Wilson* commissioners have accepted a low bid of \$152,595.85 for a six-part water main project. The project will be financed on a matching funds basis with the city's share coming from a \$2.5 million bond issue approved by voters in 1959.

Water rates in *Hertford* are being increased to provide an estimated \$12,000 a year to be set aside as a reserve for financing a future sewage disposal plant, requested by the North Carolina Department of Water Resources, on recommendation of its State Stream and Sanitation Committee.

*Mount Airy* voters defeated a proposal to establish ABC stores in the community by a 257 vote margin.

Subdivision and sidewalk ordinances have been adopted by the aldermen in *Madison*.

*Rose Hill's* application for a public health service grant for an intercepting sewer pump station and secondary sew-



erage treatment plant has been approved. Total cost is \$128,500 with the federal share totalling \$38,550.

*Albemarle* city councilmen have approved an ordinance to establish machinery for the franchising of ambulance service within the city.

Bids received for the construction of the visitor center-museum at the *Bentonville* Battleground fall within the \$40,000 earmarked for the project. Construction is underway and should be completed in time for a dedication ceremony in March.

Nearly completed is the \$150,000 municipal sewage system in *LaGrange*. The system consists of two large lagoons and a pump station.

*Harkers Island* will have a new postal facility, estimated to cost \$15,000.

*Hamlet* citizens voted almost 2-1 in favor of establishing Alcoholic Beverage Control, following in the wake of *Wadesboro* and *Monroe* which have already approved stores.

Ground has been broken in *Soco Valley* Community for a \$670,000 water and sewer system project. Participants in the ceremonies included U. S. Public Health Service officials, and Cherokee tribal and agency representatives.

Revenue bonds and federal grants will assist *Morehead City* in construction of sewer lines, a sewage disposal plant and purchase of the water company. The expenditure is geared for the 1964-65 budget.

In order to keep the water and sewer departments self-supporting, the *Mount Airy* board of commissioners reluctantly voted a 10 per cent sewer charge increase.

*Lincolnton* joins the roll of communities adding fluoride to their water supplies.

*Kenly* citizens responded to a community canvass and donated \$7,500 toward purchase of a new fire truck. The town will take care of the balance of the cost.

Because of its low taxable property value, *Micro* has been unable to sell bonds to finance a water supply and distribution system. Citizens have formed a non-profit corporation to solve the water problem.

Effective October 1 was an increase in tapping costs for water and sewer facilities in *Henderson*.

*Dunn's* city council is investigating future city hall sites.

Under construction in *Wilson* is a sanitary sewer outfall line to serve the new *Wilson Memorial Hospital*.

In a highly favorable vote, *Warrenton* citizens approved a \$110,000 bond issue for a sewage treatment and disposal

## TRADING STAMPS:

### RAEFORD JOINS THE CULT

*Raeford* may have claim to a unique "first" in the United States as far as municipalities are concerned. And even if another town has done something similar, the plan in *Raeford* is bound to be the only one of its kind.

*Raeford* has gone into the trading stamp business—not on a wholesale basis, but in a very selective way. The future of the program is somewhat indefinite, but the first venture has been labeled a success. Town Manager J. E. Williams is the man behind the plan and he chuckles as he tells the story.

"With August being a dry and hot month," Williams said, "we knew a lot more water would be used, and this always brings on some complaints from consumers.

"Too, we added a flat 20 per cent sewer charge in August, and local residents would be paying for the first time on the bill due in September. So we here at the town hall were ready for a lot of conversation from folks when they came in to pay the water and sewage bills.

This led to the unique trading stamp plan. The town bought stamps and gave them to all customers who didn't complain about the bill when they paid it. One gripe, and it was no stamps.

Williams admitted that a number of *Raeford* residents talked themselves out of the stamps, but he added, "Of course there was a lot of fussing, but it wasn't as bad as I thought it might have been. We gave out every stamp we had."

The town manager felt the plan "went over so nicely" that the town hoped to do it again in the future. "It will have to be unannounced as it was this time, though, because we couldn't afford to tell everyone in advance or do it every month," Williams stated.

Williams, former town clerk at *Dunn*, said that this was the first time he had heard of a municipality giving trading stamps when bills were paid.

plant. Construction was scheduled to start on December 1.

*Smithfield* continues to take on more of the "new look" as merchants carry out individual phases of the "Smithfield Plan," which calls for extensive renovations in the central business district.

Salary increases for city employees come under the new *Carolina Beach* budget which is maintained under the current tax rate of \$1.75.

*Monroe's* fifty-year-old post office will be expanded with the aid of funds from the Community Facilities Agency.

Dedication ceremonies for the *Harry Woodson City Hall Annex* in *Shelby* followed an open house at the building which provides four additional rooms for the Police Department.

New water rates in effect in *Siler City* are expected to make very little change in consumers' bills.

Service units for the buildings and grounds, recreation, public works, and traffic engineering departments now occupy a ten-building complex in *Greensboro*. The \$900,000 project is staffed by 425 employees responsible for servicing 418 city vehicles, maintaining 800 acres of city parks, 12 miles of highway median strips, 10,000 water meters, 4,300 water hydrants, and 472 miles of water mains, and storing items as diverse as flags and voting machines.

*Rich Square* is experimenting with annual water bills, although customers may continue to be billed monthly if they desire. The annual bill offers economies in billing costs.

*Wilkesboro* will use water from the *Yadkin River* to be processed in a new million and a half dollar water plant, currently under construction.

In-town customers of the *Rockingham* water department will benefit from a year-long experiment in cutting sewer charges during the summer months to provide relief for customers who feel that water for lawns should have no added sewer charge.

Improvements in the city's fire, water, and inspection departments have resulted in a lower fire insurance rating for the *City of Graham*.

Funds allocated by the *North Carolina Highway Commission* will be used for drainage improvements at *Nags Head*.

Extensive renovations of the *Jacob S. Mauney Memorial Library* in *Kings*

Mountain have included expansion into part of the former teacherage.

Mebane voters have approved a \$100,000 water bond issue, expected to answer its water shortage problem.

An October dedication ceremony was held for the new \$20,000 post office at Holly Ridge.

By a seven to one vote ratio, Davidson residents okayed bond proposals totaling \$459,000. Water, electricity, and sewers are covered in the action.

A ten million gallon water reservoir is under construction at the Hilton water plant in Charlotte.

Pittsboro town commissioners have agreed to finance recent sewer line additions by assessment of property owners.

Final plans for two low-rent housing projects in Selma have been completed and the project is expected to be under construction soon. A similar project is under way in Elizabeth City at a cost of a million and a half dollars.

Municipal water improvements have been recommended for Red Springs by the state board of health. The system will be studied by a consulting engineer in order to determine the exact needs for future expansion.

New traffic signals to assure safer left turn movements have been installed at a dangerous Dunn intersection which has been the scene of scores of accidents, several deaths, and numerous injuries.

Madison water users are now paying a 40 per cent sewer charge, intended to keep the tax rate as low as possible. The additional funds will be earmarked for retirement of outstanding sewer bonds.

Liberty aldermen have agreed to provide water and sewer facilities for a new industry being promoted by the Liberty Industrial Corporation.

On site construction of a downtown fire station and a water line to circle the northern sector of Washington will begin by mid-December. Grants under the area redevelopment association make federal matching funds available for the projects.

Williamston plans to use \$166,000 for extensive street and water system improvements. Half the money is a grant from the community facilities administration and other financing comes through a Powell Bill allotment, the sewer rental fund, and matching funds from the town's general fund.

City traffic consultants in Winston-Salem, following a study of off-street parking conditions downtown, recommended that the Board of Aldermen turn thumbs down on a proposal from local merchants to remove parking meters from the central business district.

Underway in Scotland Neck is a large-scale utilities improvement project financed with federal funds and a locally approved bond issue.

Open for traffic is the new Oregon Inlet bridge, named for Congressman Herbert C. Bonner, which connects Nags Head with Hatteras Island.

Dedication of a new airstrip at Kill Devil Hill, a few hundred feet from the site of the first flight by the Wright Brothers, is scheduled to coincide with the 60th anniversary of the flight.



Wadesboro will receive \$148,000 under the federal accelerated public works program to renovate the existing water plant.

Three well sites will be dug in the Polkton area to increase the water supply sufficient to serve both town and industry needs.

A federal grant and loan will finance construction of a water system in Roper.

Contracts have been let for a new post office in Clayton, and construction is expected to be completed by April, 1964.

Since October 1st Dunn has been installing underground 55-gallon garbage containers in a beautification and sanitation program.

Belmont's city council has okayed a twelve-month thoroughfare planning study with the North Carolina State Highway Commission.

Powell Bill funds for use in non-highway system street work have been allocated to 420 North Carolina communities. The six largest grants are to Charlotte, Greensboro, Winston-Salem, Raleigh, Asheville, and Durham; and the

six smallest allocations are to Falkland in Pitt County, Bear Grass in Martin County, Lasker in Northampton, McDonalds in Robeson, Harrellsville in Hertford, and Brunswick in Brunswick County.

Funds are still short for the airstrip proposed in Raeford. When the \$10,000 goal is reached and plans are drawn for the airport, an equal amount in federal funds will be available; however, the project must be completed by January 2.

To establish a reserve for financing a new sewage disposal plant, water rates in Hertford are being increased.

Federal funds amounting to \$28,200 have been approved for a sewer project in Beaulaville.

Spring Hope's town board has earmarked \$2,840 to pay for a new municipal well.

Tax rates for the fiscal year will remain the same as last year in Hertford, which has set up a \$225,000 town budget.

Albemarle's city council has voted to ask for a special local bill in the General Assembly to provide an election on operating Alcoholic Beverage Control stores in the city.

Kill Devil Hill is making plans for a town hall, but needs additional bids before taking definite action.

Waynesville's proposed by-pass has received a reprieve in the form of a time extension needed to secure right-of-way.

Recent renovations to Siler City's water treatment plant have increased capacity from one million to two and one-half million gallons daily.

In Wilson the board of commissioners is looking into the future as it surveys a series of municipal improvements designed to meet the needs of a growing Wilson over a 20-year period.

Further work at White's Mill Pond Restoration Project five miles southeast of Scotland Neck will proceed under an additional federal grant of \$4,200. Total cost of the project is \$27,000, with the North Carolina Wildlife Resources Commission footing half the bill for the 300-acre lake.

Reduction in electrical rates for the Town of Windsor will benefit large-scale users.

Construction on Siler City's long-

(Continued on page 22)



# WINSTON - SALEM'S

## YOUTH WORK PROGRAM

A report has just been prepared by the Public Works Department and the staff of the City Manager of Winston-Salem outlining Winston-Salem's unique summer Youth Work Program. The program was designed to beautify the city and at the same time to reduce the number of high school boys who were unemployed during their summer vacation, and was tried out for the first time last June. City officials, together with Winston-Salem's Committee for a Model Community, were able to raise initially a total of \$92,996 to sponsor it—\$71,144 from a local private source, the Mary Reynolds Babcock Foundation, and \$21,852 from the city. Local newspapers announced the program on May 30th.

buses. Sixteen bus drivers were hired for this purpose.

After four weeks, it was decided to continue the project for the rest of the summer. Public response was in favor of the program and progress was visible. An additional 105 boys were taken on, with eight more supervisors and two additional bus drivers. Another \$35,000 came from the Mary Reynolds Babcock Foundation, \$9,300 from other sources, and \$2,833 from private property owners who had benefitted from the work of the boys, making a total of \$140,129 raised to finance this project. (The program stipulated that when work was done for private parties, the owners would be required to pay  $\frac{3}{4}$  of the actual cost.)

On August 23 the program ended. All together, 447 boys had been hired at a total cost of \$135,483. Of this amount, \$108,512 was paid in wages, and most of the remainder went towards the cost of renting equipment (for hauling trash to the city landfills), equipment operation. Social Security, small tools and miscellaneous items including medical supplies, telephone and construction materials.

The amount of work accomplished was considerable: approximately 200 acres were cleared away during the ten weeks, or an average of four acres per day for 50 working days. It is estimated that an average of 40 truckloads per day of rubbish, brush and undergrowth were hauled to the city landfills. There were a total of 238 projects, 170 of which were on private property and 68 of which were for the city. These projects included stream clearance, overgrown private cemetery clearance, clearance along railroad rights-of-way throughout Winston-Salem, cleanup work in two city parks and collection of litter in general throughout the city. Efforts were made to inform the residents of Winston-Salem about the project and to encourage them to help keep the city free of litter.

There was no question in the minds of officials responsible for the program that its purposes had been well met: in addition to the beautification of the city, statistics showed that without the Youth Work Program there would have been a severe job shortage for teenagers. However, some minor difficulties were encountered. These included frequent cases of poison oak and poison ivy and insect stings and other minor injuries, account-

ing for a loss of 56 working days; too few small tools, or improper tools; insufficient organization and coordination (due in large part to the program's idea originating so late); not enough supervision (vandalism in some cases on the school buses); insufficient screening of applicants to determine motivation and ability to follow instructions; and a slow-down of work noticed at the end of the summer (football, school, vacations with parents). Despite these setbacks, however, the public works department feels that the project was worthwhile and that it accomplished many jobs which might otherwise have been postponed. The department thinks the program should be repeated, but with fewer students participating. The supervisors, many of whom spent time with the boys from a guidance standpoint as well, also agreed that the program was worthwhile.

Many of the boys saved a major portion of the money they earned, and 69 elected to have pay deducted for them and deposited in savings accounts in their names. The highest amount saved by any individual under this plan was \$210.96; the average saving was \$82.00. Many of the boys felt that the pay should be higher.

Thirty-five percent of the boys felt that more safety precautions should have been taken and that more medical supplies should have been provided. All but two felt the program should be continued, and 80% said they would be interested in working under a similar pro-

*(Continued on page 31)*

*Project: Before . . .*

The city's personnel department was in charge of recruiting, and visited all local high schools to interview interested boys. The boys were told what their job would be—cleaning up trash, litter and undergrowth from eyesore areas throughout the city. Their work week would encompass 40 hours at a pay rate of 75¢ per hour. There were 372 boys who registered immediately, and by the end of the summer there were more than 750 boys who had filled out application forms.

The program itself began on June 17, on a four-weeks' trial basis, under the supervision of 25 high school teachers and undergraduate college students who were paid \$1.75 per hour. The boys were divided into crews and taken each day to different places in the city by school

*. . . After*



# LEGISLATIVE REPRESENTATION

## IN NORTH CAROLINA: 1963

(Continued from page 3)

vided for five additional seats to be assigned by the Secretary of State. One of these additional seats would be assigned to each of the five most populous districts, after each redistricting and after each decennial census. The General Assembly would be empowered to provide for rotation of seats among the various counties of a multi-county district.

SB 30 was reported unfavorably by the Senate Committee on Constitution.

*Senate Bill 181.* This bill, introduced by Senator David Clark of Lincoln on March 20, proposed a "little federal" plan which contained a number of the provisions ultimately approved by the 1963 Extra Session. A 100-member House would consist of one representative from each county. The Senate would consist of 80 members. The number of persons represented by any senator could not vary by more than 25% from the state average per senator. The districts would have to be so arranged that a majority of the senators could not be elected by less than 45% of the total inhabitants of the state. Basic responsibility for decennial redistricting would remain with the General Assembly, but if the legislature failed to redistrict in accordance with the constitutional standards, a Senate Redistricting Commission consisting of the President of the Senate, two electors appointed by him, and two electors appointed by the Governor would do the job. The Clark Bill included an initial districting which gave both Mecklenburg and Guilford five of the 80 Senate seats.

The Clark Bill was not just another bill dumped into the legislative machinery to test the attitudes of the members. Sponsors of the bill worked vigorously to move it to the front as the Senate's position on constitutional change; these efforts failed, however, as the Humber Bill, SB 7, assumed that role.

*Senate Bill 696.* On June 24 Senator Crew introduced SB 696 which was identical with his earlier SB 30, except that SB 696 provided for 10 additional seats to be assigned by the Secretary of State, rather than the five additional seats provided by the earlier bill.

The second Crew Bill, like the second Currie Bill, was introduced only two days before the end of the session, and was not acted upon by the Senate Calendar Committee to which it was referred.

*House Bill 314.* This bill was the House counterpart of the Clark Bill, SB 181. It was introduced in the House by Representatives Robert Calder of New Hanover and C. E. Leatherman of Lincoln. Like its Senate twin, it was not reported by the committee to which it was referred.

### *Legislative Action*

Early in the session the redistricting contest resolved into a fight between those who would redistrict under the present constitution and those who would insist upon a constitutional change.

Proponents of redistricting without constitutional change rallied behind the Currie Bill, SB 6, and its House counterpart, HB 1. On April 16, Representative Henley's Committee on Senatorial Districts met and at the urging of Representative Claude Hamrick of Forsyth voted to report HB 1 favorably. The action was taken over the protests of some members of the committee who wished to consider all redistricting bills then before the committee before acting on any one of them. The bill was reported favorably to the House on April 18. The strategy of backers of the measure was that the House could, by approving the bill and sending it on to the Senate, strengthen the hand of Senate supporters who would have to wait for

SB 6 to be considered along with all the other redistricting bills introduced in the Senate.

Immediate House action on HB 1 was prevented by House members who argued that the House owed to the Senate the courtesy of allowing the Senate reasonable time to produce its own version of redistricting before the House took action on any bill. Initial consideration of HB 1 on the House floor was set for May 1. A series of successive postponements delayed consideration until May 15. At that time three minor changes were made in district groupings (to conform the bill to thinking expressed in the Senate committee considering SB 6) and the bill passed second reading by a vote of 80 to 30. Third reading was set for May 22. Finally, on June 5, after two more postponements, the House made another minor amendment and passed the bill on third reading by a vote of 87 to 29.

While the House was working on HB 1, Senator Williams and the Senate Committee on Election Laws and Legislative Representation were holding hearings on the various bills relating to redistricting. Proponents of a constitutional amendment were convinced that the House would not accept a constitutional amendment unless absolutely forced to do so. Accordingly, the amendment supporters sought to tie the amendments set out in Senator Humber's SB 7 into a single bill with Senator Currie's SB 6. Finally, on May 20, the Senate committee, voting 8 to 7, tied the two proposals together by amending SB 6.

Those who opposed the amendment considered the possibility of submitting a minority report approving SB 6 without the "piggy-back" amendment, but this tactic was abandoned as impractical under the circumstances. When debate began on the Senate floor, Senator Currie moved to separate the two bills; the amendment was defeated by a vote of 29-19. The combined bill passed second reading on May 30 by a vote of 35 to 13. On June 4 the bill was amended to combine Cumberland, Bladen, Brunswick and Columbus into a three-senator district (a provision opposed by Representative Henley), and the bill passed third reading by a vote of 33 to 15.

Thus HB 1 to redistrict without constitutional amendment passed the House on June 5 and went to the Senate, just as the House received from the Senate SB 6 to redistrict and amend the constitution. The Senate sidetracked HB 1 to await House action on SB 6. The action was not long in coming. On Friday, June 7, the House Committee on Senatorial Districts reported SB 6 with an amendment striking out the constitutional amendment and revising the remainder to agree with HB 1, with the exception that the two-senator district containing Onslow County was divided into two one-senator districts (a move which Representatives Venters and Ragsdale of Onslow had sought unsuccessfully when HB 1 was before the House). The amended bill then passed both readings in the House on June 12 and went back to the Senate minus the constitutional amendment.

The Senate received the bill on June 13 and promptly, by a vote of 28 to 19, refused to concur in the House amendments. On the same day the Senate Calendar Committee reported HB 1 unfavorably. Thus SB 6 became the vehicle about which the issue was to be resolved.

On June 18 a conference committee reached agreement on a report which called for the House to recede from its amendments and thus retained substantially the text of the piggy-back bill as passed by the Senate. Four of the seven House conferees voted for the agreement; Representatives Hen-



ley, Hamrick, and Martin of Davie County voted against it. Only Senator Currie of the Senate conferees voted against the agreement. Final preparation and submission of the conference report was surrounded by some confusion as to the agreement with respect to the district in which Cumberland County was placed, and as to the right of dissenting conferees to record their dissent on the report.

On June 19 the conference report was submitted to both houses. The Senate adopted the report by a vote of 34 to 13. The House rejected it by a vote of 59 to 45. The House instructed its original conferees to resume meetings with the Senate representatives in the hope of reaching an agreement which would be acceptable to the House. In the Senate, Senator Lindsay Warren, Jr., of Wayne County, moved that the Senate name new conferees and instruct them to agree with the House position. After some parliamentary wrangling and almost an hour of spirited debate, Senator Warren withdrew his motion "in the interest of harmony." The original Senate conferees were then directed to resume negotiations with the House group.

By this time the controversy had been aggravated by personality differences, a growing antagonism between Senate and House, and by general weariness. The conferees found themselves completely stalemated. On June 26 Representative Henley announced to the House that all efforts had failed.

One last-gasp effort was made to accomplish some redistricting result at the regular session. Senator Gordon Hanes of Forsyth persuaded the conference committee to agree to support a new proposal which would provide for a Senate of variable size, with new seats (not exceeding 20) to be apportioned to existing districts on the basis of population. As Representative Henley announced the failure of the conferees to agree on SB 6, he requested that the House recess until 2:30 p.m. to allow the Hanes Bill to be printed, as all members would need a copy immediately upon its introduction. While the House was waiting Representative Henley gave the members a brief sketch of the proposal. When the House membership was informed that the bill contained no provision at all for redistricting under the present constitution, it immediately became clear that the bill could not possibly pass the House. Accordingly, it was never introduced.

Instead, Senate Resolution 703, a joint resolution requesting the Governor to call an extra session to redistrict the Senate, was introduced and passed both Houses in a matter of a few minutes. Moments later the 1963 Regular Session adjourned *sine die*.

#### THE 1963 EXTRA SESSION

Immediately after final adjournment of the regular session, Governor Sanford's office began the preparation of a redistricting bill to serve as a beginning point toward obtaining general agreement on redistricting prior to the convening of the extra session. The difficulties encountered were such that the rumor grew that the Governor would not call the extra session. Governor Sanford met this rumor by announcing to the press on September 11 that the session would be called to convene on Monday, October 14.

The proposed bill was distributed to members of the General Assembly and was modified at various regional meetings held over the state by representatives of the Governor with members of the General Assembly. In the course of these meetings the text of the bill was crystallized, and the signatures of 28 senators and 75 House members were obtained on the bills prepared for introduction.

In order to obtain the co-operation of a sizeable number of senators and of some representatives, the Governor's office also prepared a bill which would have amended the constitution to provide for a House consisting of one representative from each county and a 60-member Senate based on population. Decennial redistricting of the Senate would be done by a commission consisting of the President of the Senate, the President *pro tempore* of the Senate, one Senator appointed by the President, the Speaker of the House, and one Representative ap-

pointed by the Speaker. This bill was carried over the state for the purpose of obtaining sponsor signatures by Senate President Clarence Stone in company with Hugh Cannon, Director of the Department of Administration, representing the Governor. This team apparently found no great enthusiasm for the proposed amendment. Governor Sanford, in his address to the extra session, stated that "A number of people signed the 'little federal' plan but not nearly enough to warrant its introduction."

Prior to the actual convening of the session, proponents of both the "redistrict now" and the "amend the constitution" positions had given attention to the procedures to be followed at the extra session. Leaders turned to the last such session—that of 1956 which approved the Pearsall Amendments—as a guide. The rules which each house adopted for the 1956 extra session were adapted to the subject matter of the 1963 session and were presented to the respective houses for adoption.

The special House rules provided (1) that only bills pertaining to redistricting the Senate should be considered; all others should be declared out of order by the Speaker; and (2) that all bills should be referred to the Committee of the Whole House which should be presided over by the Speaker. The Speaker was authorized to appoint a subcommittee, if deemed desirable, to report to the Committee of the Whole. When the rules were presented for adoption, there was some objection as to the phrasing of the provision limiting the subject matter of bills. When the Speaker announced that he would construe the provision to allow bills which affected House seats as well as Senate redistricting, the rules were adopted without further objection.

The special Senate rules (1) limited the session to bills relating to legislative representation—the broader term being used to eliminate fears as to a too-narrow limitation—and (2) authorized the Senate, on motion, to sit as a Committee of the Whole to consider bills introduced. The rules also authorized the President to appoint a subcommittee to consider amendments to bills. In the Senate,—which does not provide for a Committee of the Whole in its regular rules—it was of great importance to the proponents of "redistrict now" to have the bills considered in Committee of the Whole rather than in the Committee on Election Laws and Legislative Representation which, as the regular-session experience had demonstrated, had a majority favoring the constitutional amendment approach. Proponents of "redistrict now" recognized the danger in the subcommittee provision, but the identical provision was in the 1956 extra session rules, and to eliminate it would create opposition on the grounds that the rules were being tailored to fit the special advantage of one faction.

President *pro tempore* Ralph Scott of Alamance presented the rules after having convened his Rules Committee in unofficial session. After considerable parliamentary argument and maneuvering, Senator Scott reconvened the Rules Committee after the session actually opened, and then submitted the rules as an official report of his committee. In this manner the rules could be adopted by a simple majority rather than by the 2/3 vote required to change rules already adopted. The maneuver was successful and the rules were adopted.

#### Bills Implementing the Existing Constitution

Senate Bill 2. Senator Warren of Wayne was joined by 27 other Senators in introducing Governor Sanford's redistricting proposal. The bill created 36 districts, with a population-per-senator range from 65,722 in the coastal district comprising Dare, Tyrrell, Washington, Beaufort and Hyde Counties, to 148,418 in the one-senator district of Cumberland County. Districts were numbered from west to east to avoid confusion with the old districts which were numbered from east to west. The details of the bill are discussed later in this article.

Senate Bill 4. Republican Senators Strong of Guilford and Story of Wilkes introduced this bill which created 35 districts with a population-per-senator range from 82,173 in the three-senator district of Guilford to 108,485 in the district compris-

ing Hertford, Northampton and Halifax. This bill offered an interesting switch in that it made populous Guilford the most over-represented county in the state and established the two most under-represented districts in the east, an area which is quite unaccustomed to such treatment.

*Senate Bill 5.* Senators Strong and Storey also introduced this bill, which was the Senate counterpart of House Bill 4, prepared by Republican Representative Leonard Lloyd of Transylvania. This bill took the constitutional provision that each *district* shall contain as nearly as may be an equal number of inhabitants to mean what it says, and to prohibit multi-senator districts. Accordingly it created 50 districts. Cumberland, Mecklenburg, Wake, Forsyth, and Guilford, all of which were allocated more than one seat, were divided into districts defined generally by township lines, and in the case of Mecklenburg by metes and bounds within the City of Charlotte. The population-per-senator factor under this bill ranged from 65,722 to 130,074.

*House Bill 2.* Identical with Senate Bill 2, the Governor's bill was introduced in the House by Representative Lester Martin of Davie and 74 other members.

*House Bill 3.* Republican Representative Hardy Carroll of Guilford introduced this bill which was identical with Senate Bill 4.

*House Bill 4.* Republican Representative Leonard Lloyd of Transylvania prepared and introduced this bill which was identical with Senate Bill 5.

#### *Bills to Amend the Constitution*

At the beginning of the extra session there were rumors that proponents of a constitutional amendment were drafting a bill which would combine the Governor's redistricting bill with a constitutional amendment. Perhaps memories of the ill-repute in which the House had held the "piggy-back" bill in the regular session led to abandonment of this plan. At any rate a combination bill was not introduced.

*House Bill 5.* Representative George Wood of Camden County was joined by 54 other representatives in introducing this bill which proposed a "little federal" plan somewhat similar to that abandoned by Governor Sanford prior to the convening of the session. This bill ultimately passed, and is discussed in detail later in this article.

#### *Legislative Action*

Senate Bill 2 [HB 2], Governor Sanford's proposal, and House Bill 5, Representative Wood's constitutional amendment provided the grist for the legislative machinery. The other bills may possibly play an important part in future political campaigns, but they were not serious factors in the extra session.

On the third day of the session the House voted on HB 2. The bill was amended to shift Avery County from a district originally including Avery, Mitchell, Madison, Yancey and McDowell into a district which originally included only Watauga, Wilkes and Yadkin. The House also reversed the numbering pattern to return to the traditional east-to-west scheme and then passed the bill on second and third readings. The vote on third reading was 103 to 11 in favor of the bill.

Meanwhile, in the Senate, Senator Tom White of Lenoir had offered an amendment to Senate Bill 2. President Stone then announced that he would refer the bill and the amendment to a subcommittee, under the rule authorizing amendments to be submitted to a subcommittee. Efforts to upset the ruling failed; thus, as in the regular session, the Senate waited to see what the House would do.

Late Wednesday afternoon, after it had passed House Bill 2, the House Committee of the Whole turned its attention to House Bill 5, the constitutional amendment. Proponents of the bill were able to get an exact count of their supporting votes in committee, which reported the bill favorably by a vote of 69 to 46, three votes short of the 3/5 majority of the whole membership which would be required to pass a constitutional amendment. Supporters of the bill then stalled a vote on second

reading to give time to round up absent members (a plane was sent for Representative Philip Godwin of Gates who was in court at the time) and to seek additional support.

As soon as the formalities were out of the way on Thursday morning, Representative Wood announced that he now had the necessary votes and he moved the previous question to cut off debate and bring an immediate vote. On second reading the bill passed with 72 "ayes," the exact minimum required. Included in the affirmative votes was that of Republican Representative Donald Badgley of Guilford. After debate, when balloting on third reading began, Representative Badgley, whose name appears first on the House roll, was absent. As the tally proceeded, it became evident that the vote of the Speaker would be necessary if the necessary 72 votes were to be obtained. As the preliminary tally showed 71 affirmative votes, all eyes were centered on the Speaker's dais in one of the most dramatic moments in North Carolina legislative history. Without hesitation Speaker Blue intoned, "The chair votes 'aye' making 72 in the affirmative."

With both House Bill 2 and House Bill 5 before them, and with the necessary votes assured, the Senate gave overwhelming approval to the Governor's bill by voice vote, and then by identical votes of 34 to 14 approved the constitutional amendment on both second and third readings.

Then, after a brief conference among legislative leaders, Senate Bill 6 was quickly drafted, introduced, and passed in both houses. The bill sets a general election on Tuesday, January 14, 1964, at which time the amendments proposed by House Bill 5 will be submitted to the voters of the state.

House Bill 5 will be submitted to the voters of the state. This date was chosen because the Governor had tentatively selected it as the date for a popular referendum on a school bond issue proposed by the 1963 Regular Session. The school bond issue will not, however, be voted on at that time, as the Governor and other supporters of the bond issue feared that opposition from the big counties to the constitutional amendment might jeopardize the bond proposal.

The General Assembly of 1963, in extra session, (1) passed a redistricting bill which went substantially further toward equality of representation than did the Currie Bill which had been rejected at the regular session; and (2) approved a constitutional amendment by the necessary 3/5 vote of the total membership in each house, when the House, at the regular session defeated by a vote of 59 to 45 the conferees' recommendation for a constitutional amendment. How can this double reversal of position be explained?

With respect to the "redistrict now" bill, the explanation seems to lie in the addition of a fourth element to the pressures for action. In addition to the moral obligation, the resurgent Republican movement, and the judicial intervention factors which operated in the regular session, there was added in the extra session the full influence of the Governor's office.

The North Carolina General Assembly is recognized as the most powerful of the American state legislative bodies, and it tends to react unfavorably toward executive intervention in its internal affairs. Accordingly, over the years the Governor has tended to limit his activities with respect to legislative representation to general statements as to the desirability of proper districting and apportionment. Governor Sanford did from time to time during the regular session of 1963 indicate approval of the provisions of particular bills, but he did not jeopardize his substantive program by going all out in support of any redistricting proposal.

The action of the regular session in requesting that the Governor call an extra session for the purpose of redistricting amounted to an invitation to Governor Sanford to concern himself with the problem, and the extra session limited solely to legislative representation afforded the Governor an opportunity to concentrate on redistricting without risking the loss of the remainder of his program. Accordingly, Governor Sanford devoted the resources of his office to the development of



a redistricting bill which would approach the constitutional requirements and which would command the support of a majority in both houses of the General Assembly. That House Bill 2 passed both houses with huge majorities attests to the effectiveness of the Governor's support.

How did it happen that the House, which could muster only 45 votes for a constitutional amendment at the regular session, managed to get 72 votes for the amendment in the extra session? The increase in votes for the amendment apparently stemmed from two sources:

(1) Though the constitutional amendment was not formally joined with the redistricting proposal in a single bill, there were indications that a majority in the Senate was prepared to join the two proposals in fact. That is, of the 28 senators who signed the Governor's "redistrict now" proposal, a number did so with the reservation that they would support the bill on the floor only if a constitutional amendment were approved. Thus, a number of House members who were opposed to the amendment nevertheless voted for it because they believed that this was the only course which would permit the "redistrict now" bill to pass. Speaker Blue, for example, cast the critical 72nd vote for the amendment, but he announced almost immediately that he would vote against the amendment when it was submitted to the people, and he issued a prepared statement in which he said that House failure to pass the constitutional amendment "would probably have meant the defeat of the Senatorial redistricting bill."<sup>8</sup>

(2) The Governor's Office, as it went about obtaining support for the "redistrict now" bill, was confronted with an insistence from many senators that a constitutional amendment also be offered. As has already been noted, the Governor's Office eventually prepared a constitutional amendment and circulated it among the legislators for signatures. Although this bill was not introduced, the Governor apparently felt he was morally committed not to oppose an amendment if one were offered from another source, and this commitment was honored. Furthermore, a number of legislators, Representative Henley for example, who had worked with the Governor in obtaining support for the "redistrict now" bill, felt that they had the same commitment as the Governor had. Accordingly this group voted for the amendment and, together with uncommitted representatives who felt that approval of the amendment was a necessary condition to the enactment of House Bill 2, supplied the necessary additional votes to provide the minimum of 72 in the House.

#### THE CURRENT SITUATION

What has the travail of the past two decades produced in the way of legislative representation in North Carolina?

Seats in the North Carolina House of Representatives are now apportioned in strict compliance with the Constitution of North Carolina. Every county has at least one representative. Alamance, Buncombe, Durham, Gaston, Onslow, Robeson and Rowan each has two representatives. Cumberland, Forsyth and Wake have three each; Guilford has four; and Mecklenburg has five representatives.

The 50 Senate seats are, since the enactment of HB 2 at the 1963 Extra Session, apportioned among 36 districts. The district lines and populations are shown in Figure 1, on the following pages.

An examination of the information shown in Figure 1 discloses that the smallest population-per-senator factor is 65,722 and occurs in District 2, a five-county district embracing nearly 2600 square miles. The largest population-per-senator occurs in District 15, Cumberland County, which has an area of about 660 square miles, or approximately one-fourth that of District 2. Four of the 36 districts have population-per-senator factors which fall more than 15% below the statewide average of 91,123; all of these districts are one-senator districts, and three of the four contain at least five counties.

Three of the 36 districts have population-per-senator factors which are more than 15% above the statewide average. Cumberland and Gaston, with respective populations of 148,418 and 127,074, have too many people for one senator, and not enough for two senators. The third, Guilford, with a population of 246,520, has too many people for two senators, and falls just short of the number required for three. The 26 senators representing the lowest populations represent a total of 2,144,036 people, as against 2,412,119 who are represented by the remaining 24 senators. Thus, 47.6% of the total population of the state can elect a majority of the senators. Of the 20 districts with lowest population-per-senator factors, ten are located in the east, eight in the Piedmont, and two in the mountains. The three most populous counties—Mecklenburg, Guilford and Forsyth—with 15.5% of the total population of the state have 14% of the Senate seats.

Perhaps more significant than the closer approach to numerical equality as a basis for Senate representation is the fact that the unyielding barrier to allocation of more than one Senate seat to any county has been breached, and breached in such a manner that it will not be replaced with a similar limit of two senators per county unless there is a constitutional amendment to that effect. Mecklenburg now has three Senate seats.

#### The Constitutional Amendment

If the voters defeat the proposed constitutional amendment in January, 1964, the situation should remain unchanged until 1971 when the decennial reapportionment of House seats by the Speaker and redistricting of the state for senators by the General Assembly will again be required.

If the voters approve the amendment, the House, beginning in 1967, will consist of 100 members—one from each county. The existing 20 additional seats will be eliminated. Nineteen per cent (as compared with 27% under the existing constitution) of the population of the state could elect a majority of the House membership.

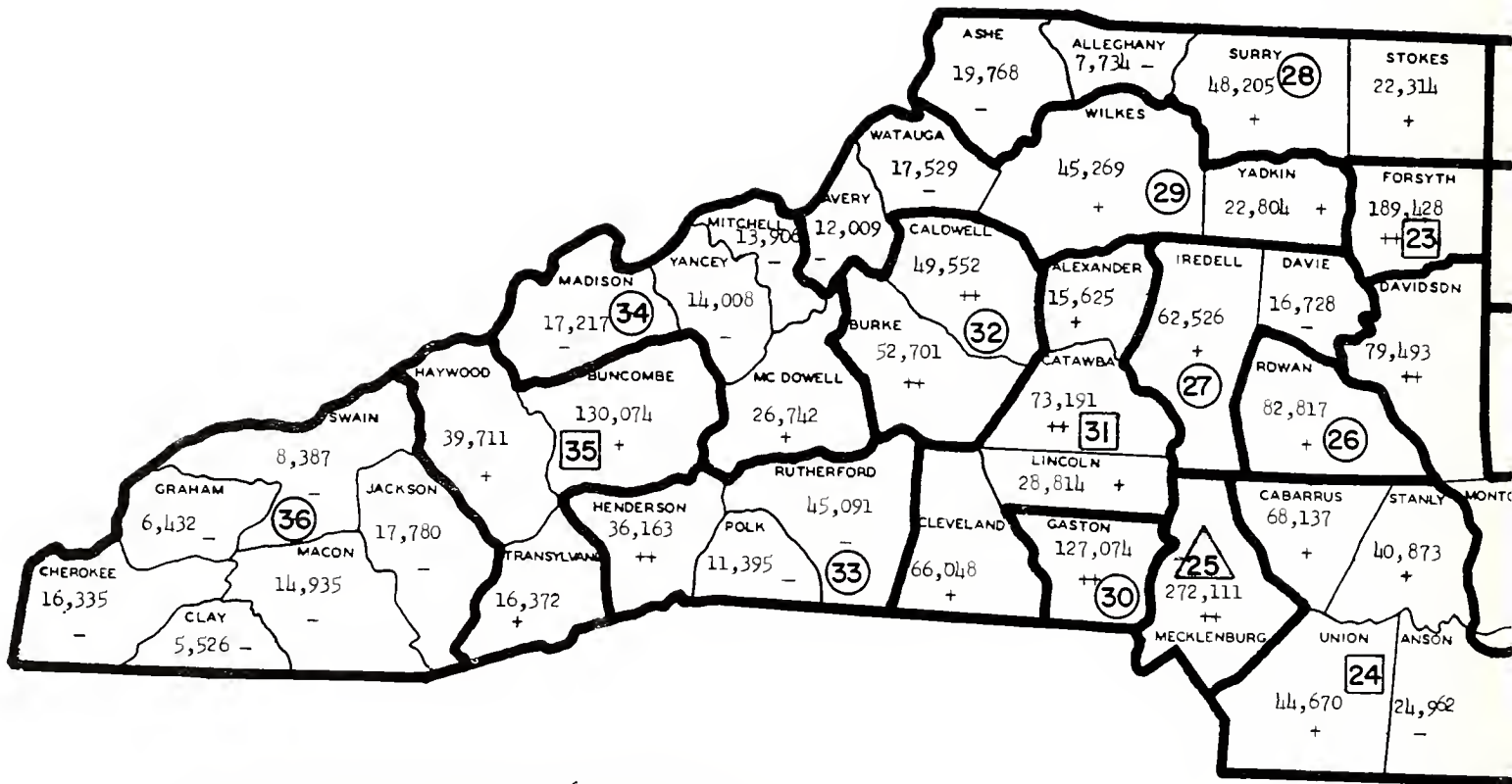
If the amendment is approved, the Senate, beginning in 1967, will consist of 70 members, distributed among districts which may not vary from the statewide average of population per senator by more than 25%. The 70-member Senate would be the largest upper house of any of the American state legislatures.<sup>9</sup> The 25% variation limit would replace the existing standard of equal population "as nearly as may be." Opponents of the constitutional change argued that this change in language amounted to a constitutional approval of inequality of population. Without intending to argue the merits or demerits of the proposed amendment, it is submitted that the 25% maximum variation is nothing more or less than an attempt to achieve the same result as the present constitutional language by means of a more specific standard. It should be noted, for example, that the redistricting bill which was enacted by the 1963 extra session—a bill which most legislators and citizens seem to agree amounts to good faith compliance with the "as nearly as may be" requirement, would not meet the 25% limitation; that is, the bill which the General Assembly accepted as meeting a requirement of equal population actually falls short of meeting the requirement that allows a maximum variation of 25% from the statewide average. If one wishes to avoid grouping a great number of counties into large districts represented by several senators, he will find it very difficult to come closer than the 25% limit in every case. Senate Bill 4, the Republican-sponsored measure in the extra session, managed to come within a maximum variation of about 19%, but Representative Lloyd's 50-district bill did not come within the 25% limit; and it should be noted that the sponsors of these two bills, knowing that they could not be enacted, were absolutely free of all considerations except pure mathematics in drawing district lines.

If the amendment is approved, the job of redistricting

8 *The News and Observer*, October 24, 1963, pp. 1, 2.

9. *THE BOOK OF THE STATES 1962-1963*, p. 41.

# NORTH CAROLINA S

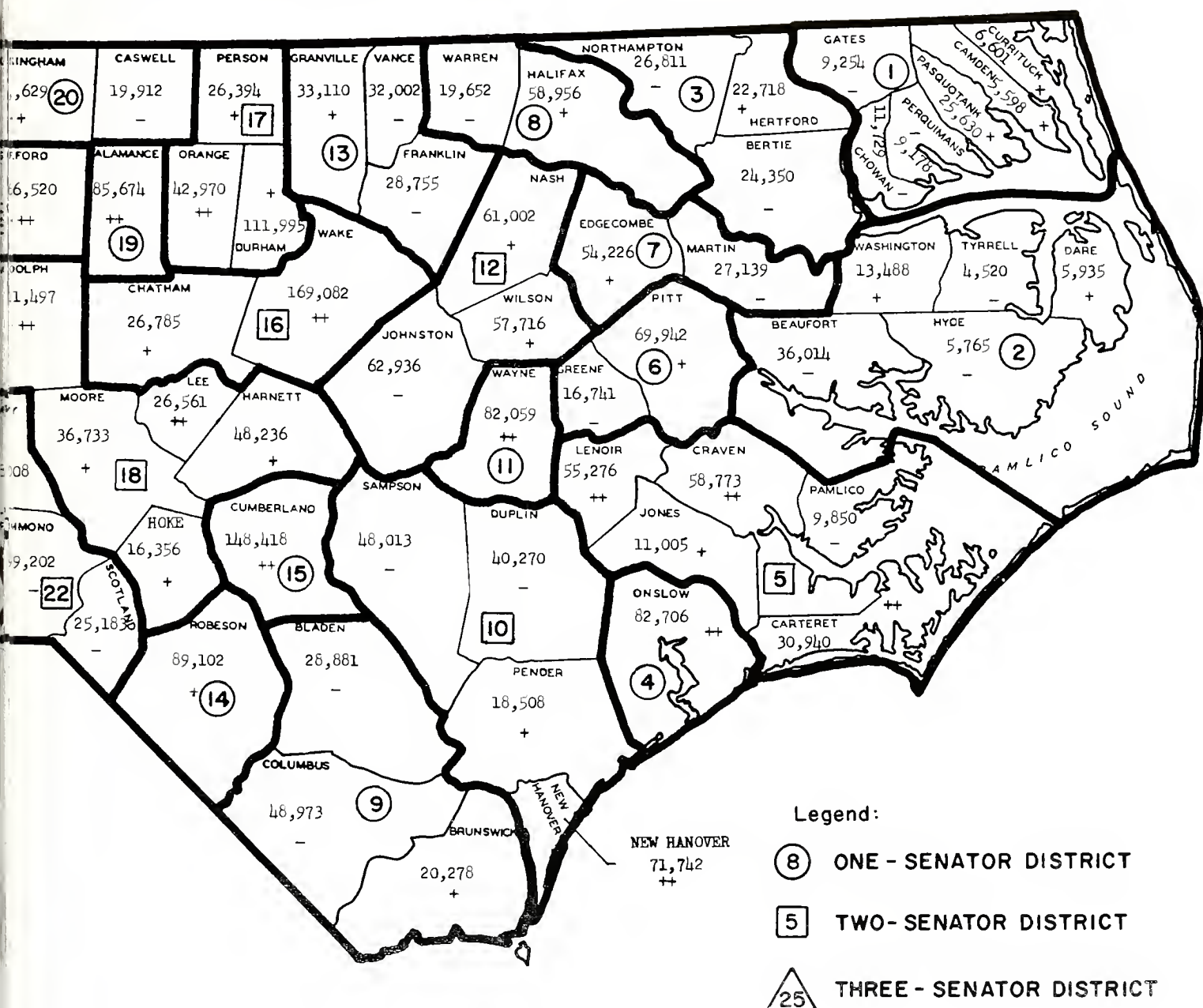


District Populations, 1960 Census  
(Population per senator in parentheses)

1. 67,990	13. 93,867	25. 272,111 (90,704)
2. 65,722	14. 89,102	26. 82,817
3. 73,879	15. 148,418	27. 79,254
4. 82,706	16. 195,867 (97,934)	28. 98,021
5. 165,844 (82,922)	17. 181,359 (90,680)	29. 97,611
6. 86,683	18. 189,383 (94,692)	30. 127,074
7. 81,365	19. 85,674	31. 183,678 (91,839)
8. 78,608	20. 89,541	32. 102,253
9. 98,132	21. 246,520 (123,260)	33. 92,649
10. 178,533 (89,266)	22. 162,286 (81,143)	34. 71,873
11. 82,059	23. 189,428 (94,714)	35. 186,157 (93,078)
12. 181,654 (90,827)	24. 178,642 (89,321)	36. 69,395



Figure 1  
LEGISLATIVE DISTRICTS - 1963



the Senate, this time with 70 members, must be done again in 1965. Under the amendment, if the General Assembly fails to redistrict in accordance with the constitutional standards, then the job must be done by a Senatorial Redistricting Commission, consisting of the President of the Senate and a senator appointed by him, the Speaker of the House and a representative appointed by him, and one member of the legislature, who may come from either house, appointed by the Governor. This "automatic" provision raises the policy question, referred to in an earlier section of this article, as to whether it is appropriate to transfer the redistricting job from the legislature. It also raises a procedural question: Who has the duty and the authority to determine whether or not the General Assembly has redistricted in conformity with the constitutional standard? Suppose there is disagreement among the President of the Senate, the Speaker, and the Governor on this point? A number of possible solutions are available, but none is spelled out in the amendment itself.

Finally, if the amendment is adopted, the issue of representation in the House is not likely to be settled for any great period of time. No scheme which underrepresents a substantial majority of the state's voters is likely to remain a settled issue, and current population trends will apparently aggravate the inequality. Of course, change will be even more difficult to accomplish through the legislative process.

#### Legal Considerations

As of September, 1963, more than 80 cases involving legislative representation from 39 states were in various courts. Several had reached the United States Supreme Court, and some had been argued. We cannot know, however, as yet just what that Court will hold that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution requires in the way of distribution of state legislative seats. It appears likely that the picture will be clarified shortly. Until it is clarified, no one can state with authority that the present allocation of seats in the North Carolina General Assembly will or will not satisfy federal constitutional requirements. Similarly, no one can state with certainty that the proposed amendment will or will not meet the federal standard.

The various opinions in *Baker v. Carr* included language suggesting that there must be at least some population factor in both houses of a state legislature, but there was no holding to that effect. Some subsequent lower court decisions have required population alone as the basis in at least one house, without ruling on the requirements in the other. Some have approved a modified population factor in both houses. The Solicitor General of the United States, Archibald Cox, whose views receive careful consideration by the Supreme Court, argued before that Court that if one house is apportioned according to population, the courts should allow considerable leeway to consider other purposes in the other house; permissible "other purposes" would not include, however, preferential treatment of farmers as a class as compared to city dwellers as a class.

It has been suggested that the small counties have everything to gain and nothing to lose if the amendment is adopted. This is not necessarily true. As Representative David Britt of Robeson pointed out on the House floor, if the courts should hold that either the 100-member House under the "little fed-

eral" amendment, or the 120-member House under the present constitution violates the Fourteenth Amendment, the same courts might themselves proceed to apportion the House seats in accordance with the standards evolved under the Fourteenth Amendment. This would almost surely mean that some of the smaller counties would have to share a representative. Such a result has occurred in Oklahoma. If the number of House seats is fixed by the State Constitution at 100 rather than at 120, there will be more counties which will have to lose their individual representative.

Of course, the "little federal" plan may survive a court test. If it does, it will not be because it is modeled after the federal government. Despite the steady growth of the national power at the expense of the states, the states are still limited sovereignties. They are not the creatures of the federal government, and that government has no power to dissolve a state. The original states created the federal government. Counties, on the other hand, have no attributes of sovereignty. They are created by, and may be dissolved by, the state, and they exercise powers granted to them by the state. Quite aside from the federal analogy, however, there is a good argument for representation of every county in one house of the state legislature. In North Carolina there is much local legislation governing the affairs of individual counties and municipalities. These local units need a local representative who is easily available, who is interested, and who understands their particular problems. This need may sustain the practice of assigning one House seat to each county. Whether or not it will justify the elimination of additional seats for the larger counties is another question.

#### CONCLUSION

The allocation of seats in the 1965 General Assembly of North Carolina will probably more nearly conform to constitutional requirements than at any other time since the Constitution of 1868 was adopted.

The proposed constitutional amendment poses at least four questions which the individual voter must answer before he can vote meaningfully:

1. Is it desirable to have one house of the General Assembly based on population and the other based solely on geography (or more precisely, on county units)?
2. Is a 70-member Senate preferable to a 50-member Senate?
3. Is it in the best interest of the state to provide an alternative means of redistricting the Senate, in the event the General Assembly fails to discharge its duty; or is it desirable to leave this duty with the General Assembly and to insist that that body measure up to its constitutional responsibilities?
4. Is the adoption of the amendment likely to affect, either adversely or favorably, the possibilities that the North Carolina constitutional provisions will meet federal constitutional standards?

If the amendment passes, the question of Senate redistricting will again enliven proceedings in the 1965 General Assembly. If the amendment fails, legislative representation questions will be settled until 1971, unless someone successfully challenges in the courts the existing allocation of legislative seats.

## Notes from Cities and Counties

(Continued from page 14)

awaited sewage disposal plant was underway in mid-November. The plant will have a capacity of 1,800,000 gallons daily, a 45 per cent increase over the present system.

Merchants in *Albemarle* are asking the city council for additional off-street parking facilities in the central business district.

An open house followed dedication ceremonies for the new post office in *Bunn*.

By an eight to one vote ratio, *Norlina* citizens approved a \$47,000 supplemen-

tary bond issue for installation of a sewer system and sewage treatment plant.

The Northwestern Bank Building adjoining May Memorial Library in *Burlington* has been donated to the city for use as a library annex.

*Garland* has received a grant from the

(Continued on page 26)





*New tax supervisors in North Carolina, left, attend one of the sessions in a week-long school conducted by Institute of Government assistant director Henry W. Lewis.*

## INSTITUTES SCHOOLS MEETINGS CONFERENCES



*Institute assistant director Robert E. Stipe, left, lectures to members of a graduate class in planning and zoning law administration. The class is offered through the University of North Carolina Department of City and Regional Planning and is part of the Institute of Government's program of academic teaching.*



*State Alcoholic Beverage Control officers, above, attending a school at the Institute of Government hear research assistant James C. Harper lecture on "Search and Seizure."*

*Dr. Jacob Koomen, Assistant State Health Director, addresses County Health Directors at Institute meeting.*



V. Lee Bounds, Training Center Director, presides at the banquet which opened the Workshop for Consultants in Services for Delinquent Youth held at the Institute of Government in September. Others pictured, from left to right, are Ben Overstreet, Jr., Correctional Training Coordinator, Training Center; Mrs. Bounds; Shaw Hoffman, Children and Youth Specialist, American Welfare Association; Mrs. Sanders; and Institute of Government Director John L. Sanders.



Below, panelists for a Youthful Offenders Institute at the Training Center are, left to right, John Galvin, assistant director, Federal Bureau of Prisons; Reis Hall, clinical psychologist, Federal Reformatory, Petersburg, Virginia; and George W. Randall, Director of Prisons in North Carolina.



Delegates to the Youthful Offenders Institute, co-sponsored by the Training Center and the National Council on Crime and Delinquency, listen intently during one of the sessions at the Knapp Building.



Below left, Charles Coboan, State Probation Director, greets George W. Randall, right, North Carolina Prisons Director.



## Training Center On Delinquency And Youth Crime

1-1 session at left is one of a series of four seminars for probation officers held at the Knapp Building for the North Carolina Probation Commission. Probation officers in the state are divided into groups which attend identical four-day sessions sponsored by the Training Center on Delinquency and Youth Crime.

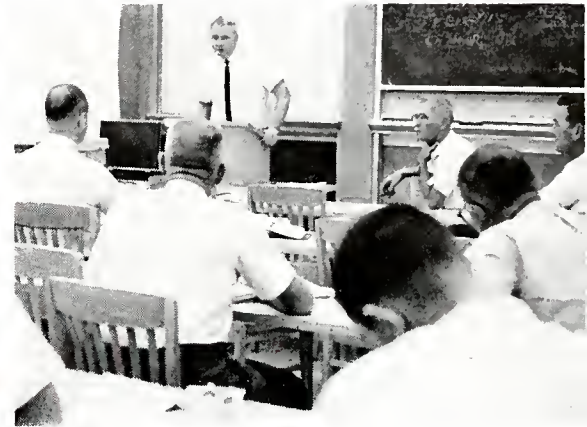
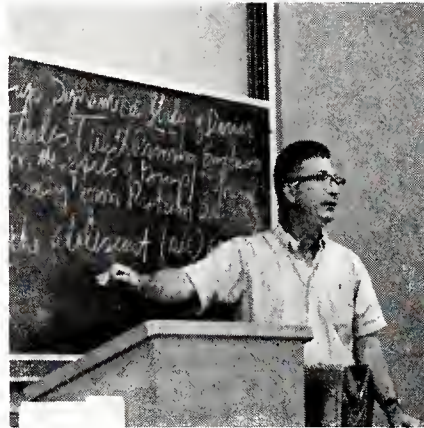


## INSTITUTES SCHOOLS MEETINGS CONFERENCES



*The classroom scene (above) shows the annual In-Service School for Driver Education Representatives.*

*Joseph P. Hennessee, right, Director of Driver Training for the American Association of Motor Vehicle Administrators, lectures at the Annual Southern Regional Training School for selected supervisory personnel in driver license administration and supervision co-sponsored by the AAMVA and the Institute of Government.*



*Sgt. J. B. Clark, left, of the State Highway Patrol, talks to driver license examiners at one of a series of in-service schools held at the Institute of Government this fall.*



*Weight station supervisors are shown here on class during an Institute of Government session. These supervisors function as part of the North Carolina Department of Motor Vehicles.*

*John Sanders (standing below) Director of the Institute of Government, speaks to delegates at the luncheon held during the Association of American Motor Vehicles Administrators Regional Training School. On his left is Joseph Hennessee, AAMVA Driver Training Director; and on his right are Joseph Garrett, North Carolina's Assistant Commissioner of Motor Vehicles, and Elmer Oettinger, school director for the Institute of Government.*





## INSTITUTES SCHOOLS MEETINGS CONFERENCES



*Local government officials from North Carolina, above, are attending the annual Municipal Administration Course at the Institute of Government. The group meets at intervals each month from October through May. Graduation certificates are awarded to those who complete the course. Institute assistant director Warren J. Wicker is in charge.*



*At the left a group session is in progress during the Employment Security Commission Employees 12th Annual Institute at the Knapp Building.*

## NOTES FROM CITIES AND COUNTIES

*(Continued from page 22)*

Community Facilities Administration for use on a sewer project.

The *Moorestville* Plan is under way again with the construction of another canopy in the central business district.

*Jacksonville* city councilmen have given the go-ahead signal for bids on a proposed \$40,000 gymnasium addition to the Jack Amyette Center.

*Liberty's* request for \$106,700 in federal aid for the enlargement of its sewer system and sewage treatment plant has been approved and bids will be received December 12. Water and sewer rates have been raised to pay for sewer bonds.

*Tarboro* has scheduled a \$710,000 bond election for December. Voters will be asked to approve funds for construction of a new fire station, electrical improvements, and continuation of the street paving program.

In formally opening the *Canton* by-pass, U. S. Secretary of Commerce

Luther Hodges said, "The real future of this area is tourism." The by-pass is part of a 12-mile link of Interstate 40 and was built at a cost of eight million dollars.

Interior decoration and furnishing are in the final stages in the new McMillan Library building in *Red Springs*.

Moving ahead is the *Plymouth* Bridge Project which calls for a bridge to span the Roanoke River in *Bertie* County.

*Lincolnton* is the recipient of the North Carolina State Motor Club's Traffic Safety Award for 1962 for its record of having no motor vehicle fatalities within the city limits for the 10th consecutive year. This represents the all-time state record for cities of over 5,000 population.

Accelerated public works grants for sewage treatment plants have been okayed for *Murphy*, *Hayesville*, and *Marshall*. *Henderson* and *West Jefferson* have re-

ceived matching funds for sewer extensions and systems.

Street projects in *North Wilkesboro*, *Ayden*, and *Robersonville* will be financed in part through the accelerated public works program.

*Wendell* water rates have been raised in order to make payment on bonds for water and sewer improvements which were voted in September.

Construction of a test lagoon sewage disposal system and other needed sewage disposal programs will be financed in *Kinston* by a sewer charge levied against users of city water.

Federal grants approved for *Murphy*, *Columbia*, *Kelford*, and *Spruce Pine* will be used in constructing or improving local water systems.

Planned expansion of city water and sewage treatment facilities and continua-



tion of street development would cost *Raleigh* more than 17 million dollars during the next five years. Largest item would be a 12-million gallon a day water treatment plant to tap the Neuse River. A 73-acre tract of land has been secured toward this end.

\* \* \*

City councilmen in *Asheville* are urging construction of a new civic auditorium or coliseum in the civic redevelopment project north of City-County Plaza. A counter proposal calls for renovations and expansion of the present city auditorium which would provide additional facilities but no additional seating.

\* \* \*

After suffering a severe water shortage during the October drought, *Pittsboro* is contemplating a \$200,000 water bond election to finance permanent pipeline to either Haw River or Rocky River.

\* \* \*

*Greensboro* ended its fiscal year with a general fund surplus of \$642,985, which exceeded the half-million dollar surplus anticipated and included in the 1963-1964 budget.

\* \* \*

*Burnsville's* "dry" forces have prevailed by seven votes to quash hopes for legal liquor sales in the community.

\* \* \*

*Kernersville* recently honored retiring Fire Chief Ned R. Stuart who devoted 40 years to fire-fighting. His career began as a driver of one of *Winston-Salem's* first two fire trucks in 1916. Seven years later he became Chief of the volunteer brigade in Kernersville.

\* \* \*

U. S. Army Engineers have given the nod to a \$2 million federal program to protect and restore the hurricane battered shores of *Ocracoke Island*. Recommendations for the project include shore and hurricane protection on 78,000 feet of coastline on the island from a point near *Ocracoke Inlet* to *Styron Hills*.

\* \* \*

Yadkin River water is gushing into *Winston-Salem's* \$6.5 million westside waterworks. The filter plant will purify 12 million gallons a day which, teamed with the old water system, will give *Winston-Salem* 38 million gallons of water a day.

\* \* \*

Establishment of ABC stores in *Hamlet* was approved by a 1,163 to 586 vote.

\* \* \*

Dedication of *Conover's* newest government facility, a post office adequate for future growth, attracted a crowd of 400 visitors.

Merchants of the *Wadesboro-Anson* Chamber of Commerce are requesting that the Town of *Wadesboro* install parallel parking spaces in the central business district to supplant the present diagonal parking arrangement. They claim that better traffic flow, less congestion, and a decrease in accidents, along with an improved appearance in the downtown shopping area would be the result.

\* \* \*

Under construction in *Troy* is a raw water storage lake which could store a million and a half gallons at capacity use.

\* \* \*

*Yadkinville* has instituted a free garbage collection service for in-town residents.

\* \* \*

*Mebane* commissioners have approved a budget of nearly \$200,000 for the fiscal year with the property tax remaining at the present rate of \$1.70 per \$100 valuation.

\* \* \*

*Raleigh* is planning a \$20,000 landscaping program for Memorial Auditorium which will include two small formal gardens in conjunction with a large paved area. Improvements amounting to more than \$600,000 have been made to the auditorium itself which will substantially increase the use of the building.

\* \* \*

For the second straight year, *Winston-Salem's* Municipal Court has received an

award from the American Bar Association for its traffic court procedures and administration. Tied with *Winston-Salem* was the *Greensboro* Municipal Court, also an award recipient. Both cities are in the 100,000 to 200,000 population category. *High Point's* traffic court program was cited for honorable mention in the 50,000-100,000 population group and a special commendation for better traffic court procedures went to *Charlotte's* court.

\* \* \*

The Farmer's Home Administration has praised a new \$500,000 water line to *Pfeiffer College* in *Miscoubeimer* as an example of what a rural community can do to improve its development chances. Running from nearby *Albemarle* to the campus, the water line should solve the college's growing water needs brought to a crisis in 1961 when *Pfeiffer's* enrollment doubled.

\* \* \*

Fifty thousand dollars is the estimated cost of the new *Elkin* fire station, to be built across from the town's water filtration plant.

\* \* \*

Local officials and a U. S. Post Office Department representative were present at dedication services and open house for the new *Valdese* Post Office in October.

\* \* \*

As a result of surveys in *Transylvania* County, *Brevard* has received a report on consumer problems and a possible modernization plan from the Western North Carolina Regional Planning Commission.



George Esser, currently on leave from the Institute of Government to serve as Executive Director of the North Carolina Fund (see page 33), is shown instructing the Municipal Administration class. The course is offered annually at the Institute and is attended by selected city and town officials from all over North Carolina.

"Symbolic of a new era in North Carolina," according to James E. Webb, head of the National Aeronautics and Space Agency, is the \$13.4 million satellite tracking station above *Rosman*.

The *Wallace* Municipal Airport has been allocated \$9,500 from the Federal Aviation Agency.

Police Chief W. C. Owens of *Elizabeth City* will head the North Carolina Police Executives Association. Col. David T. Lambert, commander of the State Highway Patrol, is first vice-president.

A supplemental budget of \$168,023.25 for *Leaksville* township schools boosts the total revenue for the school system to about \$1.5 million for the fiscal year.

Work has been started on a new saline water plant on Harbor Island which will convert sea water into 200,000 gallons of fresh water daily. *Wrightsville Beach* is expected to use the converted water in April.

*Dunn's* City Council has approved a budget of \$4,182 less than last year. The tax rate continues at \$1.40 p.r \$100 valuation.

*Henderson* will gain a new fire engine and a second fire station in a \$70,000 expenditure earmarked for surplus funds accumulated during the year over and above the 1963-1964 budget requirements.

Lincoln Hospital's property on Wash Street in *Durham* has been rezoned to allow construction of 150 units of non-profit, semi-low-rent apartment housing which will become available to families relocated from Durham's first two urban renewal project areas.

Low-cost rental units recently completed by the Wake County Housing Authority in *Zebulon* are being occupied this month.

*Durham* City Council's Committee of the Whole has defined three new traffic signals in the city's traffic code—the green left-turn arrow under a steady red light, the green-turn arrow alone, and the green "straight-through" arrow.

Scheduled for February completion is the new Mooneyham Library in *Forest City*.

In a heavier than usual turnout, voters approved a bond issue to finance needed improvements in the water supply system in *Mooresville*. The improvements include additions to the water filter plant, 12-inch lines from the plant

into the town, installation of elevated tanks, and a series of larger outer loop lines. Estimated cost for the project falls just short of the half-million dollar mark.

After three years of work on the project the City of *Cherryville* is within seeing distance of the completion of a filtering plant and dam, which will put Cherryville among the water-strong cities in the county.

Plans are underway to construct new sewage facilities in the Eden Metropolitan Sewerage district. One large plant would serve *Leaksville* and *Spray* and two smaller plants would serve *Draper*.

*Hickory* Mayor Julian G. Whitener has been elected president of the North Carolina League of Municipalities, succeeding Mayor R. A. Hedgpeth of *Lumberton*.

Preliminary plans for a new post office at *Angier* call for a building with 2,289 square feet of floor space on a site of 14,500 square feet.

Mayors R. Wense Grabarek of *Durham*, James W. Reid, Jr., of *Raleigh*, and Rex Powell of *Fuquay-Varina* have joined the policy making board of the Research Triangle Regional Planning Commission.

*Winston-Salem* has received five awards for traffic safety from the National Safety Council. Safety council ratings are made in seven categories and are based on a 100 per cent scale with 80 per cent considered the point at which an effective program is being conducted. *Winston-Salem* scored above 80 per cent in six of the seven categories and had an over-all rating of 85.

An award of merit certificate for the design and construction of the Central Fire Station in *Hickory* was presented at a meeting of the Western North Carolina Council of the American Institute of Architects.

In *Durham* the City Council's Committee of the Whole has approved a plan for a "partial reorganization" of the city administration. Major effect of the reorganization is the creation of an enlarged Department of Public Works.

Six proposed sites for 300 public housing units have been okayed by *High Point's* city council.

Rookie policemen in *Greensboro* are being schooled under a new system which assigns the trainee to an officer-coach for a 30-day period in lieu of an extensive classroom training program.

*Edenton's* police department has moved into new quarters so that the former police headquarters can be torn down to make room for a proposed new Municipal Building.

The *Kinston* City Council has issued a ruling that purchases for the city are to be made from local merchants whenever equipment and supplies are available at prices comparable to those charged by out-of-town sources.

*Asheville* city council members have approved a Community Facilities Plan and a Public Improvements Program which project the city's anticipated development of community facilities and services through 1980.

Citizens of the Town of *Bunn* voted 84 to 53 in favor of establishing an ABC outlet there. The store is expected to be in operation by the first of the year.

*Norwood* town offices are quartered in a new \$45,000 town hall which includes space for the town library.

Beginning in January, *Plymouth* residents will pay \$1.50 per month to help finance sewage plant construction costs.

Non-residents will have to pay more for lots in the city-owned cemetery according to action taken by the *Clinton* city council.

Formal approval of plans for a new town hall in *Kernersville* has been voiced by the Board of Aldermen.

Efforts to get a new post office building for *Pilot Mountain* have been renewed. Competitive bids will be opened this month.

An addition to *Roxboro's* filtration system will increase the capacity of the water plant to 4.5 million gallons per day.

## Notes from Counties

*Macon* County Commissioners have authorized an architect to draw plans for a new county courthouse and an addition to the present agricultural building.

In *Catawba* County a five-man committee has been named to lead the way in establishment of a county water policy.

*Gaston* County voters have given overwhelming approval to issuance of \$500,000 in bonds to finance a new community college, which will be the



first in a state network of 14 such "drive-in" junior colleges.

Design, installation, and use of sewage disposal systems in *Johnston* County are governed by a new law adopted by the county board of health.

January 15, 1967, has been set as the completion date for the new 201-bed *Catawba* County hospital. Cost of the health facility will be in the neighborhood of five million dollars.

Expansion plans for the *Davie* County Hospital received a go-ahead from the North Carolina Medical Care Commission which has approved a \$473,760 federal and state grant towards cost of the 29-bed addition.

The *Burlington-Graham* board of Alcoholic Beverage Control has distributed \$50,000 among various *Alamance* County agencies in the first division of profits made since the stores opened in November, 1961.

*Buncombe* County's Board of Commissioners will contract with the City of Asheville for maintenance of water lines in the Swannanoa Sanitary Water and Sewer District.

*Transylvania* has set up a county-wide garbage collection system using land-fill dumps which is the most extensive county-wide program in the state. The action follows an extensive study by the county sanitation officer and recommendations from county commissioners and the board of health.

Summary of the *Catawba* County tax listing for the year 1963 shows an increase in assessed valuation of \$10,552,287, the largest increase ever recorded in the county.

In the exploratory stage is a possible Industrial Education center for *Duplin* and *Sampson* Counties, launched in *Clinton* by a group of interested citizens.

Legal entanglements postponed the November courthouse-jail bond issue election in *Yancey* County. The vote has been re-set for early December. Voters will be asked to approve a quarter-million dollar expenditure.

A five-county steering committee working toward establishing one or more community colleges in the area has split into two groups. *Surry* and *Yadkin* will plan joint efforts toward securing a college, while *Wilkes*, *Ashe*, and *Alleghany* Counties will combine forces to set up a similar college system.

*Gulford* County's health department has been honored by the North Carolina Public Health Association as the top state unit for the past year. Achievements in student training are responsible for the award.

In the discussion stage is a proposed community college in *Martin* County.

Funds are being solicited for a new county hospital in *Forsyth*, which would include a convalescent unit destined to cut patient costs in half.

Petitions are being circulated in *Gaston* County to consolidate school boards within the county and provide for school board members on an elective basis.

Fifty *Rutherford* County citizens comprise a committee interested in establishing a community college in the county.

Bids have been received on the two-stage renovation and expansion program at *Johnston* Memorial Hospital.

Renewed interest has been generated in a proposed landing strip in *Haywood* County. Government participation would be sought in financing the strip, large enough for twin engine planes.

*Sampson* County's newest branch library has opened at *Newton Grove*. Other branch libraries are located in *Clinton* and *Roseboro*.

Now that *Cleveland* Memorial hospital trustees have requested a February date from *Cleveland* County Commissioners for a \$1.5 million bond election for proposed expansion and renovation at the local hospital, taxpayers are taking a long, hard look at the issue. The expansion would be a two-stage proposition.

*Camden* County has received an \$11,500 grant from the community facilities administration for a \$23,000 addition to the county office building at *Camden*.

State approval has been given for the site of the Industrial Education Training Unit in *Jackson* County. Drawings are on the boards for the \$80,000 educational facility.

*Durham* County's manager has expressed "confident optimism" for the expansion of county government headquarters in coordination with urban renewal plans for downtown *Durham*. No definite plans have been revealed for the development of a "county complex"

in the area of the present county courthouse.

Mosquito, rat, and dog problems will be handled in *Carteret* County by a newly created "director of insect, rodent and rabies control."

January 5 has been set as the launching date for a \$70,800 construction and renovation project for *Washington* County Hospital.

Trustees have been named for the *Davidson* County industrial education center.

An electrical inspection ordinance has been adopted by *Ashe* County commissioners.

At the request of *Ocracoke* citizens, the *Hyde* County board of commissioners has named a county planning board with the ultimate goal of preserving the natural beauty of Silver Lake harbor and the attractiveness of the town.

On the drawing boards are plans for an annex to the *Halifax* County Court House.

Construction of the *Montgomery* County Airport will proceed under a \$39,650 grant from the Federal Aviation Agency.

As a preliminary step toward placing the *Burlington-Alamance* County Industrial Education Center under the state's community college program, an eight-man board of trustees has been named.

Approval of the overall economic development plan submitted by the *Carteret* County Planning Commission to the federal Area Redevelopment Administration has been announced. Approval is necessary before redevelopment or public works funds can be granted.

Work has begun on the Renolds Manor branch of the *Forsyth Winston-Salem* City-County Library with completion expected in mid-spring.

*Harnett* County voters have rejected a \$4 million school bond issue which has been termed "possibly the most crucial ever held in the educational history of Harnett."

Local school officials and the City-County Planning Board have begun work on a long-range plan for the *Winston-Salem Forsyth* County school system. Basic objectives will be concerned with devising minimum standards for public education in the county, pin-

(Continued on page 35)



Basic School graduates file past members of the Patrol, relatives, and friends attending graduation ceremonies in the Knapp Building Auditorium.

## Basic Training School Prepares State Highway Patrolmen for Varied Tour of Duty

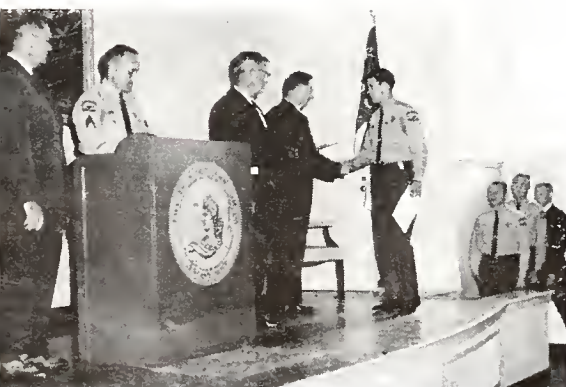
By LYNN DEAL, Editorial Assistant

For nearly three decades the Institute of Government has served as a training center for the North Carolina State Highway Patrol. The annual 13-week Basic Training School for new patrolmen is designed to equip patrolmen for every phase of duty on North Carolina's highways. A 12-week In-Service Training School is held annually and is attended for 3-5 days at a time by each member of the patrol. The Institute of Government is also responsible for training personnel in other divisions of the Department of Motor Vehicles, such as weight inspectors and driver's license examiners.

This year two basic schools are being held. The first, in session from April to July, had 42 graduates; and the second, in session since September, has 40 students. The second school was made possible when the 1963 Legislature approved an addition of 26 patrolmen to the 648-man force, and is under the direction of Institute of Government Assistant Director Jesse James.

Graduation exercises for the first basic school took place July 31 in the Knapp Building auditorium. Joseph Garrett, Assistant Commissioner, North Carolina Department of Motor Vehicles, gave the key address.

Patrol Training School Director Oettinger congratulates new trooper Charles N. Fuller, Jr. Looking on during the awarding of graduation certificates are, left to right, Joseph Garrett, Sgt. George Stewart, and Col. David T. Lambert.



Col. David T. Lambert speaks during commencement. On his left is Sgt. J. B. Clark; on his right, Institute of Government assistant director Elmer Oettinger and Sgt. George Stewart.

Garrett observed that the 42 new patrolmen constituted a larger body than the original patrol, founded in 1929. He pointed out that in 1962, in addition to arrests which led to the suspension of 35,000 operators' licenses, the State Highway Patrol performed 110,000 courtesies to motorists, investigated 36,000 accidents, gave 994 first-aid treatments, extinguished 493 fires, recovered 748 stolen vehicles, and made 3,012 public appearances.

Further emphasizing the importance of the Patrol, Garrett said that North Carolina has two million licensed vehicles and 2,200,000 licensed drivers. The state highway system receives 42 million dollars annually from tax sources, thus qualifying as a major business in the state.

Garrett explained functions of the Department of Motor Vehicles (in addition to the Patrol) including vehicle registration, insurance record keeping, weight and measure service, school bus maintenance, driver improvement training, communications, a reciprocal interstate travel program, and garage and service facilities for state-owned vehicles. Also part of the Department are plainclothesmen who made 6,000 investigations in 1962.

Col. David T. Lambert, Commander

of the Patrol, spoke briefly, referring to the Patrol as the "show window of North Carolina" through their diverse contacts with travelers in the state. He commented that some 1,500-2,000 patrolmen have been trained at the Institute of Government since the inception of the Patrol 34 years ago.

In response to Col. Lambert's remarks, new trooper Charles N. Fuller, Jr., of the graduating class, expressed thanks for his classmates and accepted their responsibility for continuing the challenge and tradition of being the best state highway patrol in the nation. (*Popular Government*, June-July 1963).

The Rev. Thomas R. Thrasher, minister of the Chapel of the Cross, Episcopal, Chapel Hill, gave the invocation. Elmer Oettinger, Assistant Director of the Institute of Government and then director of patrol training at the Institute, presided and recognized faculty members, representatives of the Patrol, graduates' families, and other guests.

Participating in the awarding of certificates to the graduates were Sgt. George Stewart, Commandant of the Basic School; Sgt. J. B. Clark, Assistant Commandant of the School; Trooper Bill Reep; and School Director Oettinger.

Institute personnel who served as





*C. E. Hinsdale, an assistant director of the Institute of Government, lectures to Highway Patrol trainees on driver licensing law.*

faculty for the April-July school in addition to Oettinger were Clyde Ball, Roddey M. Ligon, C. E. Hinsdale, L. Poindexter Watts, Robert L. Gunn, David N. Smith, Perry Powell, Thomas Tull, Richard McMahon, and Visiting Professor M. J. Tyerman.

Members of the patrol on the Basic School faculty included Col. Lambert; Majors C. Raymond Williams, C. A. Speed, and W. B. Lentz; Captains R. H. Chadwick and T. B. Brown; Lieutenants E. W. Jones, E. C. Guy, and W. S. McKinney; Sergeants Clark, Stewart, G. A. Everington, and J. T. Jenkins; Corporal

M. B. Lyerly, Pfc. Bruce Griffith, Troopers A. W. Rector and W. S. Ethridge; A. L. Craig and Glenn S. Guthrie.

Basic School faculty members from the Department of Motor Vehicles were E. L. Peters, Jr., Miss Foy Ingram, E. R. Peele, A. M. Gilbert, Tom Sechriest, H. A. Starling, John L. Boyd, and W. S. Best.

Other faculty members were Henry L. Bridges, State Auditor; James R. Durham, State Bureau of Investigation; and John D. Anthony, Federal Bureau of Investigation.

## PUBLIC WELFARE AND JUVENILE DELINQUENCY:

### Administration by Objectives

*(Continued from page 7)*

working relationships between his agency and the courts, the schools, the health authorities, the employment office, the law enforcement officials and all other agencies which also have a stake in the general welfare of the people.

Development of this kind of administrative wisdom is the specific objective of the Training Center's series of workshops on "administering by objectives." All one hundred county directors of public welfare will be invited to the Institute of Government in the course of the next year. They will come in groups of about twenty, spend a week of intensive study of the skills of administration, especially as these skills relate to sound programs of service to children, and then will come back for six follow-up sessions of one day each to work on specific problems of protection and treatment of dependent and delinquent children. The follow-up seminars are scheduled so that each group returns every six to eight weeks. This plan is intended to provide continuity in the learning experience and opportunity for deepening understanding of the concepts and basic principles studied.

The ultimate objective, of course, is preventive services so skillfully rendered that there will be fewer children classified as juvenile delinquents, and rehabilitative services so well handled that those who do get into trouble can be reclaimed as well-adjusted, productive citizens. This is an idealistic goal, but in this particular endeavor, Public Welfare and the Training Center will be working toward it with the objective well defined.

## WINSTON-SALEM'S YOUTH WORK PROGRAM

*(Continued from page 15)*

gram again. Their overall impressions were that supervision was good, organization was fair, work hours were good and the general program was good.

Robert W. Neilson, Winston-Salem public works director commented: "The work was of great benefit to the department as well as to the city as a whole. We were particularly gratified by the enthusiasm and the energetic way in which these youths performed their work. We would be pleased to see a similar program carried out in the future."

## PLANNING IN GREAT BRITAIN

### The Setting

*(Continued from page 6)*

length are regularly reported in the press. Very few cities have adequate provision for off-street parking. It seems obvious that bringing the street and road system into line with projected traffic volumes will be incredibly expensive.

Commuter train service into London is running into the same financial difficulties as have been experienced in the New York metropolitan region. Thousands of commuters stand in sardine-like discomfort during the rush hours, while traffic is uneconomically low at other hours of the day. Farther out from London, many small stations are being closed and runs abandoned because the British Railways finds them to be losing money. gap also will be very costly.

The result of the transportation problem is not only discomfort and inconvenience for motorists and commuters, but also serious delay in the movement of goods. And the side costs resulting from difficult trips to and from work cannot be readily calculated, but no doubt they lead to pressures for wage increases and difficulties in recruiting workers.

Another problem with widespread implications is in the field of education. The post-war "baby boom" hit England as well as the U.S., and the impact upon

governmental finance has been as shattering. In addition, all three political parties are agreed that a major effort must be made to provide more University places and more support for scientific research if the economy is to grow. The percentage of Englishmen with University training is markedly below that in most of the countries in Europe (an oft-cited statistic is that there are more Negro college students in the U.S. than the total of all college students in England), and many new universities and colleges must be built. Supplying this gap too will be very costly.

Thus we see a nation basically poor in natural resources attempting by its wits to find the wherewithal to finance a high level of public services in order to sustain and improve its general economy and to maximize the livability of its "tight little islands." The task would surely be beyond the reach of any but a people who in years past have parlayed the same resources into world leadership if not domination.

In the ensuing articles of this series, we shall examine various facets of the British planning programs in some detail, in search of guideposts which may point to solutions for our own problems as a rapidly-developing nation.

# THE INSTITUTE

## *in the News*

*Editor's Note: With this issue, POPULAR GOVERNMENT begins a new section, The Institute in the News. Designed to give a better picture of the broad scope of the Institute of Government, this section will include excerpts and composite accounts from articles and editorial comment in Tar Heel papers which deal with activities of the Institute and its staff. In addition, other news of staff members and Institute functions of special interest will be included on these pages. This month items covering June-November will be used to bring the section up to date.*

### *New Staff Members*

George A. Coltrane has joined the staff of the Institute of Government as an Assistant Director and Assistant Professor, and Robert T. Daland has been appointed a visiting staff member for a one-year period to fill the position of Assistant Director Donald S. Hayman, who is on the faculty at the University of Kansas this year.

Coltrane, who holds an A.B. in Political Science and an LL.B. from Duke University, spent three years as a legal officer in the U.S. Navy and worked as a tax specialist in Atlanta until his appointment to the Institute. His first assignment with the Institute is a publication on privilege license taxation.

Daland, who has taught at the Universities of Alabama, Connecticut, and North Carolina, holds a joint appointment as Associate Professor with the Institute and the Political Science Department of the University of North Carolina. A graduate of Milton College, he received the M.A. and Ph.D. degrees from the University of Wisconsin and studied at the University of California at Berkeley under a post-doctoral fellowship. A year of research for Columbia University in its Metropolitan Region Program and two years for the University of Southern California in Brazil prefaced Dr. Daland's Institute appointment. He is working in the area of public administration.

Miss Dorothy J. Kiester and Richard R. McMahon have joined the staff of the Training Center on Juvenile Delinquency and Youth Crime which functions as a part of the Institute of Government.

Miss Kiester earned a B.A. degree at the University of Texas, studied at the University of Chicago, and holds an M.S.S.W. degree from Texas. She has had a diversity of experience in social work on local, state, and national levels and most recently was a consultant on community services for the North Carolina State Board of Public Welfare. She is community training coordinator for the Training Center.

McMahon received his A.B. and M.A. degrees from Ohio University and is working toward a Ph.D. degree in psychology at the University of North Carolina. He has taught and done research at Ohio University, the Athens County (Ohio) Mental Health Clinic, North Carolina Memorial Hospital, and the University in Chapel Hill. McMahon serves the Training Center in the area of clinical psychology.

### *Search and Seizure*

"Search Incidental to a Traffic Arrest," an article by Assistant Director DAVID N. SMITH which appeared in the February-March 1963 issue of *Popular Government* is being distributed as a training bulletin to the police force in Bloomington, Indiana.

In his preface to the article, Chief of Police James M. Brekken states, "This article is an authoritative study of one aspect of the present-day search and seizure problem. I believe it to be mandatory that all officers become thoroughly familiar with the specific conditions that Mr. Smith outlines which constitute a lawful search. It must be noted also that often one condition is dependent upon other circumstances, all of which together determine the legal authority to search."

Reprint permission has also been extended to the Maine Department of State Police.

### *Tanganyikan Institute*

Word comes from JANET FEAGANS, former research assistant at the Institute of Government, that the Tanganyikan version of North Carolina's Institute of Government is under construction. According to Miss Feagans, who worked with Assistant Director Donald

Hayman last year, the African institute will be a district training center for civil service employees and adult education. Cement blocks for the building are being made by hand and the foundation floors are being pounded by foot.

### *Press Seminar*

The Press Court Reporting Seminar, probably the first of its kind to be held anywhere, was a resounding success. Co-sponsored by the Institute of Government and the North Carolina Press Association, the seminar was held at the Knapp Building November 7-9 and was attended by newsmen representing papers from the seacoast to the mountains. Planner and director of the seminar was Assistant Director ELMER OETTINGER.

Features and articles from and about this meeting of press and government will be highlighted in the February 1964 issue of *Popular Government*.

### *Nigerian Assignment*

In September Assistant Director DAVID N. SMITH left the Institute of Government to accept an 18-month state department assignment as Assistant Commissioner for Native Courts, Kaduna, Northern Region, Nigeria, and Law Lecturer at the Institute of Administration, Zaria, Northern Region, Nigeria. The Institute is a training center for lawyers and public officials.

Administration of the program is under the direction of the Maxwell Center for the Study of Overseas Operations, Syracuse University, with financial support coming through the Ford Foundation.

Smith's main work will be in the area of legal counsel, involving the interpretation and administration of court laws and related matters. Administration of the Northern Region's 750 native courts and the training of court personnel are under the jurisdiction of the Commission for Native Courts. Much of Mr. Smith's work will concern changes in the area of substantive criminal law and criminal procedure.

In a recent letter to colleagues at the Institute in Chapel Hill, Mr. Smith said, "We are thoroughly enjoying our stay in Northern Nigeria. We have done a



little traveling so far but most of my touring as inspector of native courts will come after January. I am presently teaching native court judges at the Institute of Administration. When the Institute learned that I had taught criminal law and procedure to police in North Carolina, they asked me to do some evidence teaching at the Northern Region Police Academy in Kaduna.

"I am presently doing a study of the law of confessions and police investigation in the North Region—drawing some comparisons with American practice which I hope may be published in the Nigerian Bar Journal.

"The present status of the administration of criminal justice in the Northern Region is fascinating and there is plenty of room for real contributions here. Right now the native courts are only 'guided by'—not bound by—the Evidence Ordinance and Criminal Procedure Code to help the courts make the transition from Islamic laws to more modern concepts. Introducing modern concepts of evidence and procedure is quite a fascinating experience and I am learning a considerable amount in the process."

## PRESS ROUND-UP

Raleigh Times, June 20

ROBERT G. BYRD, then Assistant Director, Institute of Government, spoke at Shaw University to Boys' and Girls' State Representatives on functions of county government.

*Editor's note: Byrd is now a member of the Law School faculty of the University of North Carolina at Chapel Hill.*

Asheville Times, June 20

Western North Carolina mayors and councilmen new to their jobs will get some pointers from experts at a special two-day school being conducted at Asheville-Biltmore College by the Institute of Government. Jointly sponsored by the N. C. League of Municipalities, the school will feature discussions on government. Among the speakers will be JOHN L. SANDERS, director of the Institute of Government, and three assistant directors, ROBERT E. STIPE, ROBERT BYRD, and GEORGE H. ESSER, JR.

Bob Slough, Charlotte Observer, June 22

There was speculation here today that the Ford Foundation, the nation's largest private philanthropy, is about to announce a project in North Carolina that will include a sizable amount of money.

A Ford Foundation survey team toured North Carolina early this year, talking to community leaders in a number of cities, including Charlotte.

They were accompanied by GEORGE ESSER, assistant director of the Institute of Government at Chapel Hill, and John Ehle, Governor Terry Sanford's cultural advisor.

*Editor's note: In July the speculations materialized in the establishment of the North Carolina Fund, a program designed to "break the cycle of poverty in the state" through a \$14 million grant from the Ford Foundation. Esser, currently on leave from the Institute of Government, is executive director of the Fund. Governor Sanford heads the board of directors.*

Burlington Times-News, July 3

A formal pay plan for Alamance County employees may be put into effect a year from now, and is already being used as a guide in discussions of salaries for the present budget.

Prepared by the INSTITUTE OF GOVERNMENT at Chapel Hill, the plan was presented to commissioners a week ago.

Durham Herald, July 3

ELMER R. OETTINGER, assistant director of the UNC Institute of Government, will teach "Parliamentary Procedure" to the 150 North Carolina club women scheduled to attend the Annual Leadership Training workshop to be held at the University of North Carolina, July 15-18.

Kannapolis Independent, July 12

HENRY LEWIS of the Institute of Government in Chapel Hill has told the C-barrus Board of County Commissioners to "do nothing unless you can do a pretty good job." He was speaking of methods of property valuation and pointed out the assets of having an aerial photograph system of property appraisals that would be of "value to the people of the county as a whole."

Farmville Enterprise, July 25

DONALD HAYMAN and LYMAN MELVIN of the Institute of Government met with Farmville's Commissioners and discussed a salary program for town employees.

Goal of the project, undertaken several months ago, is to bring salaries and employment procedures in line with that of towns comparable to Farmville.

Raleigh News and Observer, July 28

Specialists are not agreed on the prime factor that makes a North Carolina community a good location for new industry.

A new publication of the INSTITUTE OF GOVERNMENT entitled "Industry and City Government," presents a number of insights about the relationship of North Carolina industries to city governments which may shatter some preconceived ideas.

North Carolina Democrat, August

The "Fact Factory" of the 1963 General Assembly has been taking inventory.

The LEGISLATIVE SERVICE of the Institute of Government, working well beyond the close of the Assembly sessions, has been compiling a summary of the mountain of information it gathered on what the Assembly did. This summary, one of the four services it provides, will—like the others—be for the purpose of letting the officials and citizens of North Carolina "keep up with what is going on."

Under the leadership of CLYDE L. BAIL, studious, hardworking chief of the Service, the 1963 staff worked every day of the sessions, often until 3 in the morning. They were carrying on a tradition that began in 1933 when the Institute moved in to fill a need for faster, more detailed information on the day-by-day Assembly work.

Greensboro Daily News, August 5

Mrs. Edythe S. Wrenn, clerk of Raleigh City Court, became president of the North Carolina Association of City and County Clerks today. C. E. HINSDALE, assistant director of the Institute of Government in Chapel Hill, was renamed secretary for the Association.

Durham Morning Herald, August 6

The Orange County Board of Commissioners has scheduled a meeting to act on a classification and pay schedule for nonelective county employees. The pay plan was presented to the commissioners by DONALD HAYMAN of the Institute of Government which drafted it. It classifies all employees in 20 salary ranges, each range with six merit raises of about 5 per cent of annual salary.

Raleigh Times, August 6

A plan to classify positions of municipal employees and standardize their salaries on a scale competitive to those in other nearby towns was presented to the Garner Board of Aldermen Monday night by DR. DONALD HAYMAN of the Institute of Government at Chapel Hill.

The study was made over a period of several weeks by the Institute assisted by Garner Town Manager Arnold Aiken and Town Clerk Mrs. Evelyn Whitaker. Other municipalities used as a basis for the study were Raleigh, Clayton, and Farmville.

Editorial, Asheville Citizen, August 7

In the process of acquiring additional industry, North Carolina should beware of fly-by-night plants that come primarily to take advantage of cheap labor and to avoid payment of taxes for a few years and then move on.

A study by the INSTITUTE OF GOVERNMENT of 126 industries in the state shows that more than half of them have

relocated or will relocate within a period of less than 10 years.

North Carolina needs permanent growing industries, with solid investment in the state, as a foundation on which to build its economy. The others raise nothing but false hopes.

Raleigh *News and Observer*, August 7

A group of educators and State and federal officials from around the country who are concerned with ways of combatting crimes by youngsters are undergoing a three-day State program with the INSTITUTE OF GOVERNMENT in Chapel Hill.

The idea is to let the officials learn what North Carolina is doing as well as to seek their guidance and ideas on how this State could better meet the problem of the youthful offender.

The seminar is being run under a new training program at the Institute of Government for dealing with youthful offenders.

Editorial, Burlington *Times-News*, August 26

There were more attempts to get new laws through this year's session of the General Assembly than registered in 1961, but there was a decline in the number that actually made the grade.

This is the report from the INSTITUTE OF GOVERNMENT as final records are being compiled.

Nancy Von Lazar, Durham *Morning Herald*, September 1

Five years ago there was a whisper on the wind that North Carolina's downtown shopping districts might suffer with the growth of shopping centers in suburbia which would leave ghostly traces in downtown.

Many downtowns in both large cities and small communities have that down-at-the-heel look. And the new shopping centers are not all doing a thriving business either.

The INSTITUTE OF GOVERNMENT at the University of North Carolina, a training service, and research agency for city, county, and state government, has had its staff looking into the problems of community development and land use. Over recent years the mushrooming problems of the central business district and the attendant problems caused by shopping centers have been given increasing attention. One of the institute's staff members, city planner RUTH MACE, has made this somewhat of a special concern.

Stanly *News and Press*, September 6

G. M. Isenhour, Jr., was named chairman of the Stanly County Planning Board at its organizational meeting.

Mr. Isenhour said that the next meeting of the group has been set for Octo-

ber, at which time information concerning the operation and duties of a planning group for the county will be discussed. Meanwhile, contacts are being made with the INSTITUTE OF GOVERNMENT in Chapel Hill and with counties where planning boards are in operation with a view to securing as much information as possible on this work.

Bill Kirkland, Durham *Sun*, September 11

State public school superintendents were charged to seek required driver education programs on the high school level.

Major C. A. Speed, director of the safety division of the State Highway Patrol, speaking before the opening session of a two-day regional pupil transportation workshop, told the superintendents that driver education should be required rather than optional to keep youthful drivers from learning by "hit-or-miss methods."

Other speakers included ROBERT L. GUNN, research associate for the Institute of Government in Chapel Hill.

Kannapolis *Independent*, September 12

The INSTITUTE OF GOVERNMENT at Chapel Hill has launched a full-scale study of the Kannapolis, Concord and Cabarrus county school systems. The study, requested last spring by the boards of the three administrative units, deals with locations for future buildings, standards of study, boundaries and transportation of students.

Winston-Salem *Journal*, September 19

A conference on school law will be held at Appalachian State Teachers College Monday, Sept. 30. ALLAN MARKHAM, attorney from the Institute of Government, will discuss "Civil Rights and the Public Schools."

Douglas Connah, Jr., Charlotte *Observer*, September 21

Good urban design, it would seem is like motherhood and virtue these days. Everybody's for it. Beyond that, the going begins to get rough, as urban renewal officials from all over North Carolina found out at a design conference sponsored by the Charlotte Redevelopment Commission.

But what is urban design? "I choose to think that we are talking about the sum total of all of the creative acts that go into making a project livable, delightful, esthetically successful in addition to functional, economical, healthful, and so on," said ROBERT E. STIPE, assistant director of the Institute of Government in Chapel Hill.

Winston-Salem *Journal*, September 25

Consultants who work with the nation's communities to solve problems caused by delinquent youth are learning

techniques for their trade at a "workshop for Consultants," conducted in part by the University of North Carolina INSTITUTE OF GOVERNMENT'S TRAINING CENTER ON DELINQUENCY AND YOUTH CRIME.

The 51 participants in the six-day workshop, representatives of state and national agencies, heard Kenneth W. Kindelsperger, dean of the University of Louisville's Kent School of Social Work, outline the consultants' role at the state level for delinquency control.

Charlotte *Observer*, September 26

CLYDE BALL of the N. C. Institute of Government will speak at the Parliamentary Procedure Workshop, sponsored by the Charlotte Junior Woman's Club. The club's education department, which planned the affair, has made the workshop open to the general public, as well as the 23 civic clubs that got special invitations.

Editorial, Lenoir *News-Topic*, September 27

In the first seven months of 1963 there were 34 North Carolina accidents involving ambulances, 32 injured, and 1 fatality.

John H. Ketner, co-director of the North Carolina Ambulance Service Study, reported this "shocking number" at an advisory committee meeting at the University of North Carolina recently.

The study, which is entitled, "Organizing Ambulance Service in the Public Interest," is headed by Dr. Robert R. Cadmus, chairman of UNC's Department of Hospital Administration. RODDEY M. LIGON, JR., assistant director of the UNC Institute of Government, is research associate for the study.

Connor Jones, Burlington *News-Times*, September 28

Fees charged in Alamance County for services provided by county officers are neither exceptionally high nor unusually low, being in most cases about average for North Carolina counties.

This fact was brought out in a report prepared for the Institute of Government at Chapel Hill by ELIZABETH PACE in a booklet called "County Fees in North Carolina." The booklet was published this summer and distributed throughout the state.

Bill Hughes, Charlotte *News*, October 2

City Attorney John Morrissey and INSTITUTE OF GOVERNMENT staffers will team up to do the spadework for a general overhaul of Charlotte's city charter.

The Charter Review Commission, in its first working session, gave Mr. Morrissey the job of supervising staff work with the Institute doing much of the "legwork."



Helen Ross, Hickory *Daily Record*, October 10

A committee from the Catawba county board of commissioners charged with the responsibility of recommending a policy for county construction of water lines will go to Chapel Hill to confer with North Carolina Institute of Government authorities. Attorney Eddy S. Merritt was instructed to contact WARREN J. WICKER, assistant director of the Institute, and recognized as an authority on the problem confronting cities and counties now

Mr. Wicker has conducted surveys for counties and cities regarding co-operative efforts of governing units in furnishing sewer and water services to industries in suburban or rural areas. He probably has spent more time than any other man in North Carolina on the problem, Attorney Merritt said.

\* \* \*

Greensboro *Daily News*, October 20

Hospital trustees, administrators, department heads and attorneys from the Carolinas and the Virginias will attend a three-day Hospital Law Institute in Chapel Hill beginning October 28. The institute is one of several conducted regionally by the American Hospital Association.

RODDEY M. LIGON, professor of public law and government at the Institute of Government will discuss consents and releases.

\* \* \*

Wilmington *News*, October 21

The New Hanover County Board of Commissioners agreed this morning to ask the INSTITUTE OF GOVERNMENT for a cost figure on a study on consolidating city and county governments.

\* \* \*

Raleigh *News and Observer*, October 27

The importance of effective leadership on the part of municipal officials is being stressed in the program for the N. C. League of Municipalities convention in Asheville.

"Leadership for Progress" is the theme of the 54th annual gathering which is expected to attract 800 Tar Heel city and town officials. A special panel on municipal leadership will include JOHN SANDERS, director of the Institute of Government at Chapel Hill speaking on "How Effective Municipal Leadership Strengthens Our State Government."

\* \* \*

Greensboro *Daily News*, October 28

Tar Heel city officials in Asheville for the annual N. C. League of Municipalities meeting will spend a day in shoptalk gatherings and hearing appeals for more effective local government leadership.

Shoptalk sessions will be conducted on a concurrent basis with six different meetings. Included in the schedule is a session for directors of city planning,

Assistant Director ROBERT E. STIPE of the Institute of Government at Chapel Hill, presiding.

\* \* \*

Editorial, Durham *Morning Herald*, November 9

A survey of urban renewal operations in 28 North Carolina cities has produced a disturbing but unsurprising conclusion. Apathy is one of the renewal program's chief features.

From information gathered by the INSTITUTE OF GOVERNMENT at Chapel Hill, this apathy is not only reflected in the attitude of the average taxpayer. It extends at times and in some ways to urban renewal officials themselves. . . . The Institute of Government survey found that even among the renewal officials carrying out renewal programs there was a lack of enthusiastic attention to what was being produced to replace former slums.

\* \* \*

Editorial, The Charlotte *Observer*, November 15

Urban renewal programs in North Carolina got a low mark from the In-

stitute of Government in a recent survey by Mrs. RUTH L. MACE. If slums are to be cleared, displaced persons properly housed and the slum land more constructively used, some adjustments will have to be made.

Mrs. Mace doesn't claim to have conducted an in-depth study. Her findings are generalizations. But her conclusion is incisive enough to scare us:

"... It is tempting to speculate on what it will all look like come 1970 when the land will have been bought and sold and the new has replaced the old. A hard look at the facts of today doesn't promise much."

It would be folly to succumb to the temptation just to "forget it" because of Mrs. Mace's discouraging findings. This would be fuel for more slums.

But renewal officials haven't earned all the blame. Mrs. Mace pointed out that many redevelopment directors can find no local interest in how slum sections are rebuilt. This is an open invitation to a slum cycle, and citizens must bestir themselves to stop it.

## NOTES FROM COUNTIES

(Continued from page 29)

pointing existing problems and future needs, and formulating methods for meeting the standards set forth.

\* \* \*

Cabarrus County Hospital has received a million dollar anonymous gift that it plans to use for a 150-bed addition.

\* \* \*

Immediate needs and long-range plans for restoration of Historical Halifax

were aired before the Board of County Commissioners in a report by the chairman of the Halifax Restoration Association. The state has allocated \$20,000 in restoration funds for the next biennium and proper restoration of the county seat is believed to be an "economy booster."

\* \* \*

Construction of a county public welfare office building will proceed in Franklin County with a federal grant of \$21,850.

(Continued on page 38)

## BOND SALES

From June 25, 1963 through October 15, 1963, the Local Government Commission sold bonds for the following governmental units. The unit, the amount of bonds, the purpose for which the bonds were issued, and the effective interest rates are given.

Unit	Amount	Purpose	Rate
<b>Cities:</b>			
Apex	\$ 160,000	Water	3.89
Beulahville	225,000	Sanitary Sewer	4.17
Burlington	350,000	Sanitary Sewer	3.06
Clinton	77,000	Sanitary Sewer	3.45
Elizabethtown	90,000	Sanitary Sewer	3.71
Gastonia	2,000,000	Water, Sanitary Sewer	3.21
Grifton	100,000	Sanitary Sewer	4.07
Norwood	60,000	Water, Municipal Building	4.04
Robersonville	55,000	Street Improvement	3.09
Wake Forest	165,000	Sanitary Sewer	3.55
<b>Counties:</b>			
Hyde	\$ 500,000	School Building	3.94
Robeson	1,415,000	School Building	3.26
Scotland	350,000	County Courthouse	3.14
Stokes	1,250,000	School Building	3.44

# PERCEPTIONS OF THE ROLE OF THE City Manager

By ROBERT T. DALAND  
*Visiting Associate Professor  
Institute of Government*

Thirty-six city officials and employees in responsible administrative positions were asked their ideas of the role of the city manager in a questionnaire recently given at the Institute of Government. The persons responding included police officers, purchasing agents, street superintendents, planners, traffic engineers, utility officials, firemen, engineers, recreation directors, accountants, clerks, and finance officers.

Three different images emerged with regard to the proper role of the city manager in policy-making. On a series of questions a hard core of only two or three persons viewed the manager's job as not concerned with policy except when specifically requested to give his opinion by the city council. A majority of 24-33 persons felt that the manager should be deeply involved in policy formulation on his own initiative so long as this did not take him into the realm of party politics. The hard core of this group is represented by the 19 persons who agreed substantially with the following question: "The only respect in which the manager must *not* be a political leader with reference to municipal policy is that he must not work through the political party organizations. He may build his own 'non-partisan' support." Finally, a group of 8-12 persons felt that the manager may engage in partisan politics to further policy which he believes in. For example, eight persons agreed that "the manager should use every means, including partisan politics, in furthering policies which he deems in the public interest."

Considerable difference of opinion developed on the nature of the manager's purely administrative role. Half the respondents felt that the manager's job was to supervise the work of the various staff and line departments. In general, this group felt that the manager's supervision should emphasize the staff activities of personnel, planning, and budgeting, rather than line supervision. Roughly the other half felt that the manager's job was to be a generalist, dealing with special problems and with human relations rather than technical supervision. The great majority, however, agreed that efficiency of service was a keynote of the manager's role.

# Vital Statistics of URBAN RENEWAL PROGRAMS

By RUTH L. MACE, *Research Associate, Institute of Government*

*Note: This chart summarizes information about urban renewal in North Carolina. The outstanding facts as of June 30, 1963, were as follows:*

## Vital Statistics

**CITIES**—Eighteen cities have projects in planning or execution. These are Asheville, Charlotte, Durham, Elizabeth City, Greensboro, Greenville, High Point, Kinston, Laurinburg, Mt. Airy, Raleigh, Rockingham, Salisbury, Washington, Whiteville, Wilmington, Wilson, and Winston-Salem.

**PROJECTS**—Twenty-six projects are under way—14 in execution and 12 in

various stages of planning. As of late spring, Charlotte, Salisbury, and Washington, had each filed for survey and planning funds for a total of three additional projects. (Selected details about individual projects are summarized on Table 1.)

**LAND AREA**—More than four square miles of blighted urban land are included in all projects in planning or execution. These range in size between nine and 510 acres, with the median at 64 acres. Six projects comprise more than 100 acres each (three of these, one each in Durham, High Point, and Washington, are oriented toward conservation and rehabilitation), and seven are less than 40 acres in area each.

**PEOPLE**—If these projects move ahead as planned, more than 6,000 families, 20,000 to 25,000 people, will be displaced from their homes. Already, almost 1,400 families have moved from a dozen project areas. About two-thirds of these worked out rehousing arrangements for themselves; local public agencies placed the remainder. More than 300 families moved on, leaving no information as to their whereabouts.

**PLANNED REUSES**—Of 22 projects (for which reuse data are available), half will be redeveloped for non-residential purposes and half will contain substantial amounts of land in residential use. A total of eight projects in eight cities (Asheville, Durham, Greenville, High Point, Laurinburg, Rockingham, and Washington) include, involve, or will have a significant impact on their central business districts. Only one of these, the nine-acre Laurinburg project, is in execution.

**MONEY**—Among 19 projects (13 in execution), whose total net cost is estimated at \$50 million, cities are putting in an average of one-fourth cash down of their total local share. Remaining local contributions are in the form of non-cash contributions, primarily streets and utilities. Six projects will involve no cash at all. By way of contrast, in five cities between 50 and 74 per cent of local costs will be met in cash for five projects.\*

\* This is an excerpt from a full report which has just been issued and distributed to interested officials in cities with active urban renewal programs and others who have indicated a specific interest.

If you would like to have a complimentary copy of this report, let us know. Write Editor, *Popular Government*, Box 990, Institute of Government, Chapel Hill, North Carolina.

Views on the manager's community relations varied considerably. The majority would want him to explain and defend his policies in public, but they do not want him to explain and defend them privately among powerful leaders in the community. On the other hand, two out of three of the queried group would want the manager to cultivate the leaders of the community on an informal and social basis. While about a third of the respondents felt the manager should avoid contact with labor, racial, or religious leaders as representing special interests, all but two persons felt that the manager should cultivate business leaders because they represent the public interest.

A test of views on departmental relations of the manager was made, using the case of the planning department. Virtually everyone agreed that the planning department should report to the manager rather than act as an entirely independent agency. While 15 respondents would permit the manager to pass on what work and proposals of the department to convey to the council, 21 felt that the department had a right to get a hearing for its suggestions despite the manager's views. Seventeen would expect the manager to forward the work of the department unchanged. In various other answers there was considerable support for an area of independent operation at the departmental level.

These contrasting views on the working relationships within manager government show that there is no one generally accepted idea of how the manager plan should work among city officials themselves. Moreover, considerable divergence is indicated on the part of a number of officials from the classic theory of the council-manager plan.



Table 1

## Urban Renewal Programs In North Carolina Cities: Selected Project Details

CITY (Population)	PROJECT NAME	STATUS			AREA (acres)		RELOCATION				PROPOSED REUSE		
		S. and P. application submitted	Planning	Execution	Total area	Area to be cleared	Families to be displaced	Relocated by LPA	Self-relocated	Moved, no information	Predominantly resi- dential	Predominantly non- residential	Residential and other
Asheville (60,192)	Civic Redevelopment Project	-	2-60	-	77	60	200	0	0	0	-	x	-
Charlotte (201,564)	Redevelopment Sec. No. 1 Brooklyn Urban Renewal Area	-	4-60	6-61	36	36	216	126	9	4	-	x	-
	Redevelopment Sec. No. 2 Brooklyn Urban Renewal Area	-	12-62	a	42	30	244	0	0	0	-	x	-
	Redevelopment Sec. No. 3 Brooklyn Urban Renewal Area	4-63	-	-	46	46	-	0	0	0	-	x	-
Durham (79,000)	Hayti-Elizabeth Urban Renewal Area Project 1	-	12-60	4-63	152	94	287	0	4	0	-	x	-
	Project 2	-	2-61	4-63	66	60	305	15	6	0	-	-	x
	Central Business Dis- trict Conservation Project	-	5-62	-	123	-	-	0	0	0	-	x	-
Elizabeth City (14,062)	Harney Street Project	-	8-62	-	27	-	-	0	0	0	x	-	-
Greensboro (119,000)	Warnersville Urban Renewal Area Project I	-	4-61	1-63	177	134	347	7	11	0	x	-	-
	Project II A	-	9-62	-	47	33	238	0	0	0	x	-	-
	Cumberland Project	-	-	11-59	93	74	245	80	249	7	x	-	-
	Washington Project I	-	8-61	4-62	36	31	120	7	62	0	-	x	-
	Retreat Street	-	7-63	-	36	30	64	0	0	0	-	-	-
Greenville (22,860)	Shore Drive Redevelopment Project	-	6-60	-	57	57	210	0	0	0	-	-	-
High Point (62,063)	East Central Project	-	12-61	1-63	510	78	521	0	1	0	-	-	x
Kinston (24,819)	King Street Project	-	9-62	-	64	50 <sup>b</sup>	163	0	0	0	-	x	-
Laurinburg (8,242)	Downtown Urban Renewal Project	-	10-59	11-61	9	6	25	8	4	0	-	x	-
Mt. Airy (7,055)	East-West Development Area	-	10-61	5-63	20	-	-	-	-	-	-	-	-
Raleigh (93,931)	Smoky Hollow	-	-	2-61	50	50	184	58	2	124	-	x	-
Rockingham (5,512)	Westside Shopping Urban Renewal Area	-	2-63	-	64	64	84	0	0	0	-	-	-
Salisbury (21,297)	Southeastern Urban Renewal Area No. 1	-	9-61	2-63	51	51	192	10	5	2	x	-	-
	No. 2	6-63	8-63	-	80	-	-	0	0	0	-	-	-
Washington (9,939)	East End Urban Renewal Area	-	11-62	-	422	38	-	0	0	0	x	-	-
	Downtown Waterfront Urban Renewal Area	5-63	8-63	-	78	16	123	0	0	0	-	x	-
Whiteville (4,683)	Midtown Urban Renewal Project	-	7-63	-	25	-	-	0	0	0	-	-	-
Wilmington (44,013)	Waterfront Urban Renewal Area	-	-	8-61	79	50	79	33	41	5	x	-	-
Wilson (28,753)	Warren Street Urban Renewal Area	-	12-62	-	62 <sup>b</sup>	62 <sup>b</sup>	89 <sup>b</sup>	0	0	0	x	-	-
Winston-Salem (111,135)	East Winston Project No. 1	-	-	9-61	66	68	719	177	118	85	-	x	-
	Project No. 2	-	7-61	7-61	207	167	1077	0	0	0	x	-	-

<sup>a</sup>Plans submitted, 6/14/63<sup>b</sup>Approximate

## SALISBURY CITY HALL



Salisbury is gaining a new four-story city hall as a gift from the Wachovia Bank and Trust Company. In offering the building to the city, W. F. Snider, senior vice president of the bank, explained, "We feel that the logical use of the bank building is as a City Hall and Community Center. By giving the building we would be able to help the city government meet needs for expanded office space."

Located in a downtown area slated for a future government and civic center, the building has 23,000 square feet of office space. Built in 1926, it is fully air-conditioned and equipped with an automatic elevator.

Until completion of its new downtown office, the bank will continue to occupy the building, paying rent to the City of Salisbury.

## The Coroner and Traffic Deaths

(Continued from page 11)

other car involved in the collision), he then will have the benefit of a jury in determining whether to charge some person, and what person or persons to charge. Therefore, in the first instance, the coroner must answer for himself only one question: "Does it appear that someone has been culpably negligent?" If it does not so appear to him, he simply reports the death as provided by statute<sup>37</sup> and closes the case. If it appears that further investigation into the circumstances surrounding the accident is warranted (especially with regard to the conduct of the drivers involved), the coroner proceeds as in the case of any other death,

37. G.S. 20-166.1(f).

applying the rules and definitions set out above.

### *Other Considerations which may Influence the Coroner's Decision*

Unlike the more heinous cases of homicide by shooting, stabbing or poisoning, where the public sentiment usually inspires the apprehension and punishment of the perpetrator, automobile deaths are many times regarded by many people as "unfortunate" with respect to both the deceased and the person who may have been criminally responsible. Take the case of a parent, husband, or wife who operates his or her automobile in such a manner as to bring about the death of a

## NOTES FROM COUNTIES

(Continued from page 35)

Pender County voters carried a \$250,000 hospital bond issue by a three to one ratio with 791 votes for and 278 against. The expansion and improvement is geared to a three-phase 25-year program which will eventually provide a 150-bed hospital.

\* \* \*

Stanly County wound up its fiscal year with an operating surplus of \$43,252.45. A major reason for the surplus in county funds was the fact that collections of the current tax levy exceeded the expected percentage included in the budget.

(Continued on page 40)

child, wife, or husband. Irrespective of any consideration of culpable negligence, many people will say that the loss of the loved one is punishment enough. These tendencies are human, and in some cases even the coroner and the law enforcement officers called upon to investigate may tend to overlook the seriousness of the conduct on the part of a person who, although perhaps himself in a hospital in a serious condition, has survived an accident in which another who was near and dear to him was killed.

While it is not the purpose of this article to offer suggestions to the effect that such considerations should in every case be entirely disregarded, or on the other hand, that the coroner in each case should consider who the parties were and first determine the relationship, if any, between the deceased and the person who was probably responsible for the death, it is submitted that in order for the coroner properly and fairly to discharge the duties imposed upon him with regard to fatal traffic accidents, he must take each case and impartially investigate all the circumstances according to the law. All decisions made by the coroner should be based solely on the facts adduced by his investigation, and a fair and impartial determination should be reached in every case as to whether to summon a jury and hold an inquest. If probable cause is found and some person charged with criminal responsibility, the coroner has done no more than comply with the requirements of his office as in any other case of a questionable death. If no probable cause is found, his records should not disclose any positive findings, but only that there was no probable cause to hold anyone responsible for a criminal act or default in connection with the death.<sup>38</sup>

38. Harper, *Manual for Coroners and Medical Examiners*, Institute of Government, 1963, pp. 97-101.



## BOOK REVIEWS

**NORTH CAROLINA FAMILY LAW.** By Robert E. Lee. Charlottesville: The Michie Company, 1963. \$45.00.

This is a three-volume text for North Carolina judges, attorneys, sociologists, social workers, students, and others involved in the legal principles of this important field of the law. Dr. Lee is truly an expert on this subject as he has taught Family Law in the Wake Forest College School of Law for many years. This excellent text is the outgrowth of two editions of mimeographed material for students' use. As Dr. Lee points out in his preface, legislation so dominates the field of domestic relations that it has become increasingly difficult to treat the subject of family law accurately unless it is confined to one state. Therefore, it is a subject requiring attentiveness to the statutes and decisions of a particular state. Dr. Lee has done a remarkable job of giving that deserved attentiveness to the North Carolina statutes and decisions. At the same time, this text has characteristics in common with national texts (particularly in those areas where there are no North Carolina statutes or cases on a given point) as he makes references to other legal texts, legal encyclopedias, legal periodicals, and restatements of the law. This scholarly text should be of great value to judges, attorneys and students in North Carolina.

\* \* \*

**NEW INDUSTRIAL TOWNS ON CANADA'S RESOURCE FRONTIER.** By Ira M. Robinson. Program of Education and Research in Planning. Research Paper No. 4, Department of Geography, Research Paper No. 73. Chicago: University of Chicago Department of Geography, 1962. \$4.00.

Based on the author's Ph.D. dissertation, this volume presents an examination in detail of four new towns, located on Canada's resource frontier beyond the settled areas of the south, each built during the post World War II period around a single resource-based industrial enterprise. The towns are Kitimat, British Columbia; Elliot Lake, Ontario; Drayton Valley, Alberta; and Schefferville, Quebec. For each a description is provided of background and physical setting, town plan, government and administration, social structure and economic base, and relationships with neighboring areas. On the basis of this factual presentation, some "lessons for the future" are offered on site selection, town planning and design policy, and administrative arrangements for new towns.

**APPELLATE COURTS IN THE UNITED STATES AND ENGLAND.** By Delmar Karlen. New York: New York University Press, 1963. \$6.00.

The author, director of the Institute of Judicial Administration, was a member of a team of American judges and lawyers which visited London in 1961 and studied the appellate courts of England. In 1962 a team of British judges and attorneys paid a similar visit to the United States and studied various state and federal appellate courts. This book is an outgrowth of these visits. It is divided into three main parts: I, a discussion of the appellate process in the United States; II, a discussion of the appellate process in England; and III, a comparison of the two systems.

Parts I and II contain materials which may be gathered from various other publications, and their value here lies primarily in their juxtaposition in one up-to-date volume. Part III, however, in comparing and contrasting the two appellate systems, makes a new and significant contribution worthy of study by all those concerned with the improvement of the administration of justice on the appellate level. While the variations in the two systems are wide, they are perhaps wider than necessitated by differences in basic philosophy and principle, and certainly there exists the possibility of improvement in the practices of one country from experimentation with certain practices of the other.

In particular, the British practices of shorter, less expensively reproduced appellate papers, and of officially reporting only the most important opinions, commend themselves to the American judiciary.

\* \* \*

**THEORY AND MEASUREMENT OF RENT.** By Joseph S. Keiper and others. Philadelphia: Chilton Company, 1961. \$7.50.

A study of the origin and development of the theory of land-rent and an analysis of the relevance of rent theory to contemporary economic problems, this book contains a comprehensive analysis of real property values in the United States in 1956. Separate estimates are provided, by state, for the various classes of real property, and these are related to earlier estimates in an examination of national and state trends since 1922. The volume is directed to "those interested in contemporary economic analysis and the history of economic thought; to real estate, investment, and tax officials concerned with the measurement and trends of land and property values; and to the more general reader who appreciates the social questions raised by the nature and magnitude of rent."

**THE PLANNING OF A NEW TOWN.** By the Architect to the London County Council. London: Information Bureau, The County Hall, London, S.E. 1, England, 1961, 3d reprint 1963. \$7.00 plus postage.

The planning of a "new town" (as distinguished from preparation of plans for an existing town) represents the opportunity to which all planners aspire. Probably the most concentrated experience in this art is enjoyed by the English, who have been particularly busy since World War II in developing new towns into which London's population may be dispersed. This book is a highly valuable description of the step-by-step thinking which went into the plan for the new town of Hook. Although governmental authorities decided not to build this particular town, the production of this book, in a sense, offset the loss of time and effort involved. It will be found exceedingly interesting by all local officials concerned with city planning—but primarily by the professional city planners who may have this opportunity themselves some day.

\* \* \*

**GOVERNMENTAL MANPOWER FOR TOMORROW'S CITIES.** A Report of the Municipal Manpower Commission. New York: McGraw-Hill Book Company, 1962. \$6.95.

This book reports on a two-year study, financed by the Ford Foundation, of the manpower needs of local governmental units. It examines the impact of increasing urbanization on the ability of city and county governments to attract administrators, professional people, and technicians. Finding that the working environment in local government and local governmental personnel systems tend to discourage people from entering civil service at the local level, the Commission makes the following recommendations: (1) That clear-cut authority for personnel administration be given to the chief executive; (2) That the independent civil service commission be abolished; (3) That appointment and advancement be based exclusively on merit; (4) That personnel practices be revitalized to provide rewarding careers; and (5) That colleges and universities encourage interest in local government as a career.

\* \* \*

**THE PROGRESSIVES AND THE SLUMS: TENEMENT HOUSE REFORM IN NEW YORK CITY, 1870-1917.** By Roy Lubove. Pittsburgh: University of Pittsburgh Press, 1962. \$6.00.

Highly recommended as historical perspective for those concerned with hous-

ing, planning, and urban renewal activities, this book is much more wide ranging than its title would indicate. It is, in fact, a fascinating account of the beginnings of the housing movement in the United States and of the people and organizations who pioneered in this field. Almost a century of ideas and events are described in this study which goes back in some detail as far as 1830. The author is a historian on the faculty of Harvard University.

**POLICE SEARCHING PROCEDURE.** By J. McCauslin Moynahan. Springfield, Illinois: Charles C. Thomas, 1963. \$4.75.

*Police Searching Procedures* is a practical handbook written for police officers. The author appears well-qualified by education and Ju Jitsu training to write on the proper way to search a prisoner. The search technique he describes, though not new, is commendable in its simplicity.

Yet, although the atlas-like presentation of the frisk and the single wall, group wall, and strip search are well photographed and might be of some use to the rookie officer, it is of doubtful value to the veteran police officer who can obtain a comprehensive booklet on defensive tactics (*A Handbook for Law Enforcement Officers*, Federal Bureau of Investigation, J. Edgar Hoover, Director, United States Department of Justice) at no cost to the officer or his department.

If the author were motivated by a desire to create a uniformity in the teaching of searching techniques for police officers, he could have made his efforts more worthwhile by preparing a more comprehensive volume.

**THE FUTURE OF THE DOWNTOWN DEPARTMENT STORE.** By George Sternlieb. Cambridge, Mass.: Harvard University Press, 1962. \$4.00.

This well written, well conceived, and carefully executed study of present-day retailing merits close examination by business leaders and municipal officials in the many North Carolina cities where downtown revitalization is an active concern. While primarily an analysis of the "big city" situation—Philadelphia, Pittsburgh, and Boston are studied in detail—there is much here of relevance for the small city. In particular, descriptions of the changing environment of the downtown department store and of emerging trends in consumer tastes and buying habits are widely applicable. The author's suggestions for action to reverse the trend of decline he sees should also be of local interest. Planning directors and or city managers, buy this for your office library, have a good look at it and see that others in your community do, too!

## NOTES FROM COUNTIES

(Continued from page 38)

Nearly 12,000 acres in *Anson* and *Richmond* counties have been authorized by the Migratory Bird Conservation Commission as the Pee Dee Wildlife Refuge.

*Wake* County Commissioners are working toward establishment of a county mental health clinic under legislation passed by the 1963 General Assembly.

The community hospital in *Scotland Neck* will benefit from a 15-cent tax

## The Attorney General Rules

### VALIDITY OF INTERSTATE COMPACT ON JUVENILES

On page 65 of the Legislative (Sept.-Oct.) Issue of *Popular Government*, there is a brief discussion of Chapter 910 of the 1963 Session Laws (HB 226) which makes North Carolina a party to the "Interstate Compact on Juveniles." This summary, after noting the highlights of this legislation, stated: "Some opinion has been expressed that, inasmuch as the compact was amended after introduction so as to make it different from the compact that has been adopted in most other states, there is a question as to whether or not the compact is legally effective in North Carolina insofar as non-delinquent runaways are concerned."

In a letter to Governor Terry Sanford dated 15 November 1963 the Attorney General has answered this question by expressing the opinion that the state can legally join the other states as a party to the compact. He stated, in part: "We are of the opinion that the changes in the original text of the compact by the General Assembly were minor in nature and not a material divergence from the variant compacts which have been adopted in the other member states. Therefore, we feel that this state may legally execute a formal agreement with the other states who are parties to the compact to the extent of the similarity in the respective version of the compact as adopted by the General Assembly."

Governor Sanford has designated R. Eugene Brown, Commissioner of Public Welfare, as Compact Administrator and has declared North Carolina a party to the compact. Notification of this will be circulated by the Eastern Regional Office of the Council of State Governments to the other states who are parties to the compact. It is then the duty of the Compact Administrator to promulgate rules and regulations to carry out the terms of the compact with the other member states.

levy approved by the *Halifax* County Board of Commissioners. Special levies in *Scotland Neck*, *Palmira*, *Rosemeath*, and *Concomara* also support the hospital.

Established in *Orange* County is a medical examiner system similar to that which has been set up in three other counties.

R. B. Jordan of *Montgomery* County has been elected to the board of directors of the National Association of Counties—an 11,000 member organization. Carl G. Johnson of *Guilford* County and J. Harry Weatherly of *Mecklenburg* County represent affiliated groups on the national board of directors.

*Guilford* will be the first county in the state to have a countywide thoroughfare plan provided by the State Highway Department.

Increased demands for consolidated schools and requests for school improvements have forced *Caldwell* County commissioners to raise the county tax rate from 90 cents to an even dollar per \$100 valuation.

School and hospital construction in *Watauga* County have been given a green light by voters who approved a \$2,130,000 bond issue.

Doubling vault space in the Register of Deeds and Clerk of Court offices is the primary objective of an expansion plan for the *Onslow* County courthouse.

In what its chairman called a "historic decision," the State Board of Education has approved applications for community colleges in *Moore* and *Rockingham* Counties. They are the first to receive action under the 1963 General Assembly's Higher Education Act authorizing a statewide system of community colleges. Also recommended for approval are colleges in *Whiteville* for *Columbus* County, *Morganton* or *Lenoir* for the *Burke-Caldwell* area; and *Mt. Airy* or *North Wilkesboro* for the *Surry-Wilkes* area. *Richmond* and *Johnson* Counties and the *Catauba-Alexander* County area have also expressed interest in establishing colleges.

One of the initial steps taken to put the approved Better School Program into force in *Haywood* County is consolidation of the Haywood and *Canton* Boards of Education. By a vote of 4,100 to 3,200 Haywood County voters okayed a bond issue of \$2.4 million to be spent in consolidating all of the county's high schools into two schools, and remodeling several elementary schools.



# THE NORTH CAROLINA PLANNING ASSOCIATION AND THE NORTH CAROLINA SECTION OF THE AMERICAN INSTITUTE OF PLANNERS

*announce*

## *the Annual Citizenship Award and Community Planning Press Award*

The North Carolina Planning Association and the North Carolina Section of the American Institute of Planners have once again joined forces to sponsor two programs designed to honor the citizens most responsible for sound community planning programs in the state and for the best press coverage of these programs. The first awards for the 1962 year were conferred at the Annual Meeting of the North Carolina Planning Association in the spring of this year. This year's awards will be made at the Association's annual meeting in April 1964.

Mrs. Josephine Rowland, of Kinston, President of the N.C.P.A., and J. Ben Rouzie, Jr. of Winston-Salem, NCAIP Director, have announced that a joint committee representing the two organizations will make the awards.

The annual Citizenship Certificate is awarded "in recognition of the outstanding contribution made by a private citizen in bringing about community understanding and support of the value of a comprehensive and long-range program of community planning." Local governing boards, school boards, planning boards and similar groups may nominate any local citizen for this award. As many as three awards may be made in any one year. Professional planners will not be eligible.

Recognition of newspaper coverage of community planning programs will be in the form of a series of awards to reporters, feature writers and editors for the best "series or group of articles, editorials or features *which combine* to develop an awareness in the public of a community problem or problems and of a planning program, either public or private, for the solution or alleviation of those problems."

Copies of the procedures governing each award can be obtained from Mrs. Ruth L. Mace, Secretary, Citizenship Award-Community Planning Press Award Committee, c/o Institute of Government, Box 990, Chapel Hill, North Carolina.



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