

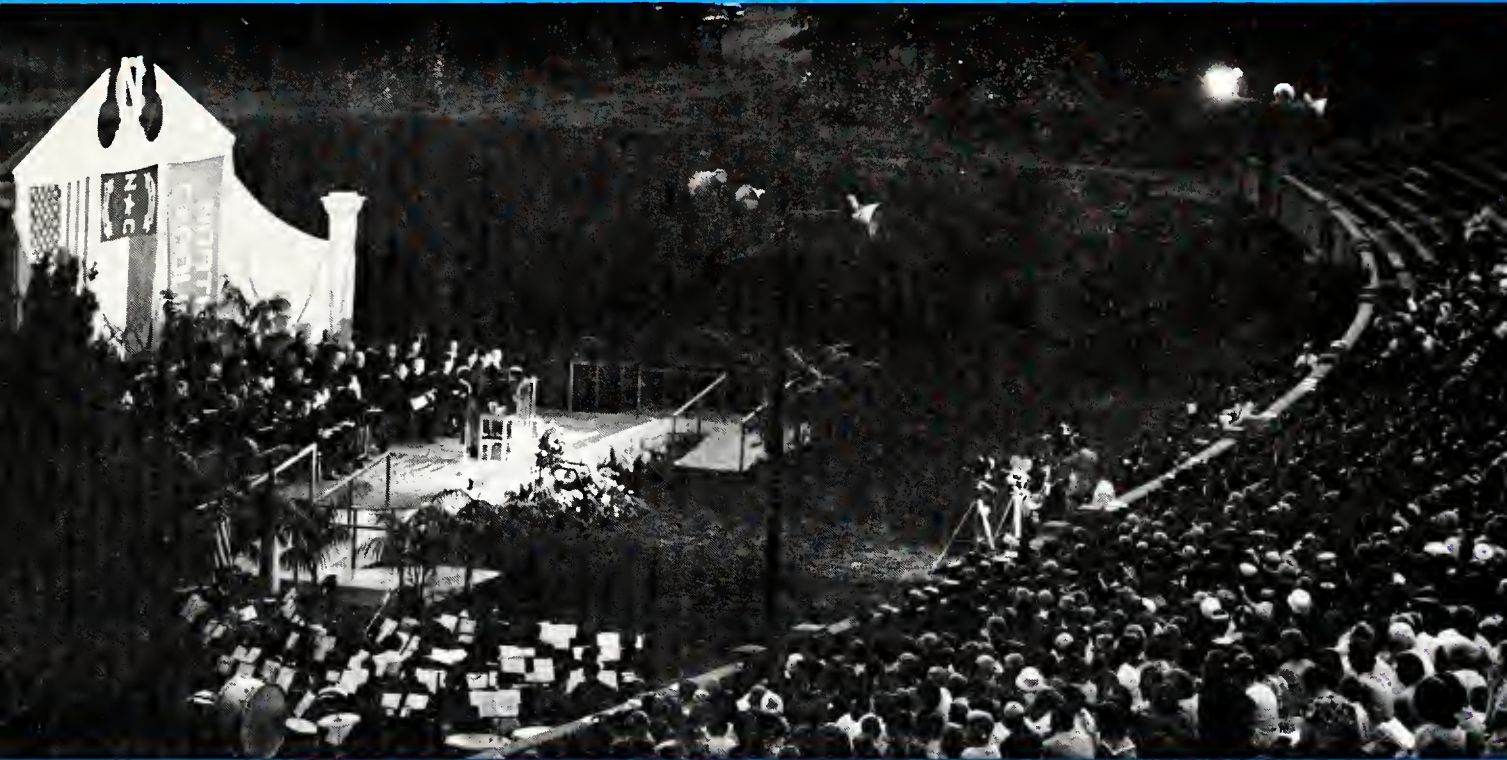
# POPULAR GOVERNMENT

June 1965

Published by the Institute of Government

The University of North Carolina at Chapel Hill

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## *In This Issue:*

**Directions of City and County Government**

**Press-Government Relations**

**Public Drunkenness and Highway Safety**

**1965 Judicial Department Act**

**North Carolina's Uniform Traffic Ticket**



*Our cover shows the 1965 Commencement Exercises at the University of North Carolina in Chapel Hill. The date: Monday evening, June 7 (see p. 3).*

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# *The Directions of County Government:*

## *TWO MAJOR INFLUENCES*

By John Alexander McMahon

*(Editor's note: The author is executive director of the North Carolina Association of County Officials. A former member of the Institute of Government staff, he was honored last summer for distinguished service by the National Association of County Officers. His article is based on an address delivered at the banquet session of the Press-Broadcasters Local Government Reporting Seminar. See p. 6.)*

The direction of county government, here and elsewhere, is being influenced by two major factors. One grows out of the traditional role of the county as a subdivision of the State. The other grows out of the different kinds of problems that counties of different size are facing. There are other factors, of course, but these two are analyzed here.

### **The Traditional Role of the County**

Counties were originally created by the State to carry out certain activities which the General Assembly believed could best be carried out under local administration. From the earliest times, counties provided law enforcement through the sheriff's office; the recording of deeds and other documents through the register of deeds' office; and judicial administration through the clerk of court's office and through the inferior and superior courts. Counties also conducted elections for county and State offices, built roads, cared for the poor and the sick, and provided public schools.

Since counties were created in the beginning for the State's purposes, it was natural for the General Assembly to enact detailed statutes with respect to the administration of county activities. Generally speaking, offices or departments were created, these offices and departments were given specific authority to act, and often they were told in detail how to act. For example, the register of deeds was told how to register instruments, he was told how to appoint and compensate the assistants in his office, and the General Assembly itself made provision for his compensation. So it was with other offices and departments.

This kind of statutory procedure can be contrasted with the way the General Assembly has dealt with cities and towns. Cities and towns were created to provide services required by a compact community, such as water and sewer, fire protection, sanitation and others, and the initiative for creation usually came from the citizens of the community. The General Assembly granted broad powers and duties to the governing boards of these municipalities, gave them broad discretion in deciding how to act, and gave them rather complete power in determining the organizational structure through which activities would be administered. This had made it far simpler to centralize the administration of cities and towns and to modernize

their administrative structure when it became desirable.

But the counties learned to live with the statutory mandates of the General Assembly and performed their functions well. As a result, the county became to be recognized by the legislature as more than a subdivision of the State for the purpose of carrying on certain required activities. Faced with demands by the people for services, the General Assembly granted power to counties to decide whether other activities should be carried on, and if carried on, the extent to which performed. Thus the General Assembly has authorized counties to establish a public health program, to establish and maintain hospitals, and more recently to provide mental health services. The General Assembly has authorized counties to establish libraries, agricultural extension programs, trade and vocational educational courses, and more recently industrial education centers, technical institutes, and community colleges. The General Assembly has authorized counties to protect property through fire-fighting programs, building codes, and planning and zoning. And the General Assembly has authorized counties to build and operate airports, establish recreation programs, maintain civil defense programs, and conduct a wide variety of other kinds of activities.

Counties today thus serve a two-fold purpose. They are subdivisions of the State created to carry on certain required activities that the General Assembly wants to be administered on the local level. And they are units of local self government, empowered by the General Assembly to undertake other activities which may be desired by the people of a particular county.

Because of the county's role as a subdivision of the State, the direction of county government is a matter of State policy. It is not unusual to find the Governor and other State officials making recommendations with respect to activities administered in whole or in part by counties. And it is not unusual to find these same people recommending from time to time that counties undertake new activities, often in partnership with the State. It is true that county officials often have their own suggestions with respect to activities they administer, but because of the State-county partnership in administering many activities they share the initiative with others.

Here again, the contrast between counties and cities may be illuminating. The initiative with respect to the direction of municipal government rests more with municipal officials than with anyone else. Of course, State policy is involved and is considered by the General Assembly in passing upon municipal recommendations. But the suggestions generally originate with municipal officials themselves. Recent enactments with respect to annexation and urban renewal are cases in point.

External influences, which grow out of the traditional role of the county as a subdivision of the State, thus have

a substantial bearing on the direction of county government. Let us now look at the effect that current problems facing counties will have. We will look, first, at large urban counties and then at small rural counties.

### **The Major Problems of Large Urban Counties**

The large urban county has a growing, mobile population and an expanding urban area. These combine to present it with problems.

First of all, the large urban counties are faced with the problem of taking over and providing on a county-wide basis some of the services traditionally performed by cities. As the urban population spills over municipal boundaries and into suburban areas, these new residents of unincorporated territory are demanding the services they grew accustomed to when they lived in town, and they are turning to the county commissioners to provide them. For a number of years there has been a movement toward county-wide operation of library service. Since World War II, county activity in hospital construction and maintenance has far outdistanced municipal interest. An interest in airports has recently become evident, and if county experience in North Carolina follows county experience elsewhere, there will soon be an increased interest in parks and recreation. None of these activities are respecters of municipal boundaries, and counties are likely to become more and more involved in all of them.

A second problem lies in the demands of people in unincorporated areas for services traditionally provided by cities. There is a growing interest in planning, zoning, and subdivision control in unincorporated urban areas to insure orderly growth and to prevent the development of inconsistent land uses. Many counties have recently received demands for water and sewer service in unincorporated areas, and some of this has come from areas into which the nearby city can not justify expanding its service. The near future may bring demands on counties for pure water on a wholesale basis for both unincorporated areas and smaller municipalities, and the same may be true of demands for the disposal of sewage. And there are already the faint stirrings of interest in housing and renewal, to clear up slums in unincorporated areas.

A third problem is developing as communities spill across county lines and make regional cooperation imperative. This is making itself apparent in the physical planning area, and indeed the organization of the Piedmont Crescent 2000 Commission recognizes the fact that land development is no respecter of county lines. Regional cooperation in hospital planning has already developed in several areas and will develop in others. And we may see in the future a recognition that de-centralization of industry has advantages in the over-all development of an area, whereas at present each county desires maximum industrialization for itself.

A fourth problem of the large urban county lies in the necessity for developing rural-urban cooperation and communication. Urban growth patterns affect rural areas quite dramatically, not only in the effects of changing land uses on property values but also in the tax increases on rural as well as urban property to meet the cost of growth. If a rural-urban conflict is to be avoided, rural areas must understand the advantages, as well as disadvantages, of the

growing urban complex, and the urban people themselves must take the lead in explaining what is going on.

Finally, there is the problem of reorganization. Most large counties have already reorganized internally to meet the challenges that lie ahead. They have county managers and county planning departments, to provide centralized administration and long-range planning. Will there be a need for external reorganization, like city-county consolidation or "metro" government? We do not have the overlapping and duplication of activities that have led to this kind of development elsewhere, and we may achieve the major advantages of consolidation through cooperation in planning between counties and municipalities.

### **The Major Problems of Small Rural Counties**

The small rural county has a different set of problems. More often than not, there is a decline in population, though small increases in the population of the several towns in the county will often partly offset the declining population of the rural areas. But size, more than population loss, presents the problem.

The major problem of the small rural county is providing adequate services with too few people to serve and too few taxpayers. The schools may have too few students for a full curriculum geared to the many needs and differing abilities of the students. The welfare department may have too few cases to justify the intensive services that some people require; child welfare service is a typical example. There may be too few people for the health department to provide a full range of services. Many departments have too little work to justify the salaries demanded by highly trained, skilled people. And finally there is the limited tax base that must finance these services.

Some of these difficulties are being offset by multi-county operations, particularly in the health and library areas. Joint operations in other areas may follow. But the regional arrangement is easier in some cases than in others, and problems exist where mountains of water add transportation difficulties. The problem of a sufficient population base must be solved, or the people in these smaller counties will suffer. And merger of counties is no answer, for merger itself can do little to overcome the problems presented by a scattered population.

A second problem faced by the small urban county is the need for industry and job opportunities. The competition, however, is terrific. There are some 14,000 communities in the United States engaged in the hunt for new industry, and industry continues to be attracted to the more populous areas where other business is succeeding.

A third problem may lie in reapportionment. Recent United States Supreme Court decisions announcing the "one man, one vote" rule will, unless changed by constitutional amendment, mean loss of legislative representation to many of the smaller counties. Legislative representation, certainly, has been one of the biggest single factors militating against merger of counties, and loss of representation could change the picture. Whether reapportionment will itself have an effect on the direction of county government cannot be foretold. But if reapportionment comes, a high caliber of representation from the larger areas will be necessary to offset the loss of the excellent leadership that representatives from the smaller counties have provided.

## The Problems of All Counties

The medium-size counties share the problems of both large and small counties, depending upon their own peculiar characteristics. But all counties have a few problems that are similar.

One important problem that faces all counties is the necessity for obtaining and retaining sufficient competent personnel. In large counties, this may be more of a salary problem than anything else. In small counties, the salary problem is coupled with the necessity for finding people who want to live in smaller communities. Quite often, professional people tend to congregate in the larger centers, where they can find people with similar background, training, and interests. This may present an additional challenge to small counties in attracting the kind of people they need to administer the services they want.

An additional problem lies in money, for all counties will be faced with increased demands for services, and these increased demands will mean higher taxes. In large counties, higher taxes will be necessary to meet the costs of growth, and these costs will probably continue to outrun the growth in the tax base. In small counties, higher taxes will be necessary to provide services comparable to those available in the larger population centers. To many people, further increases in property taxes are unthinkable. Yet many thought ten years ago that property taxes then had reached the limit, and still they have doubled in volume since.

There is one thing worse than higher taxes, and that is the consequences of failure to meet the demands for increased services. If the demands are not met, people will turn to Raleigh and Washington for help, and past history tells us that there the call will be answered. Generally speaking it has proven true that the demands for services are stronger than the demands for economy in government, and the greatest threat that faces county government in the years ahead lies in failing to provide that which people want and demand.

## Summary

The problems here discussed indicate some of the forces which will affect the direction of county government in the years ahead. If the problems are met, this itself will give a changing direction to county government. If the problems are not met, we can expect to see increased State and federal activity, and this too will affect county government's direction.

Quite obviously, a difficulty lies in the fact that large counties are faced with different challenges from those of small counties. Large counties will need help from small counties in solving their problems, at least where legislation is needed. And small counties will need help from the large counties, in financing expanding services to serve people who live in the rural areas and small towns. This interdependence need present no great problem, because small county representatives in the General Assembly have often worked for large county interests; again the recent annexation and urban renewal laws provide excellent examples. And large counties should be sympathetic with the small counties' problems, because the former will be depending upon the latter to provide manpower for the growing economic activity.

As we look at the direction of county government, we can count ourselves fortunate that we do not face the problems of those states where one metropolitan area is dominant. Our more even spread of population is advantageous in that problems are more widely shared and more widely understood.

But with such differences as we do have, the small counties and the large counties can develop together. It will do us all good to grow together, psychologically, economically, and politically. Working together, we can continue to build the best State in the South, with livable large cities and healthy small communities. And the direction of county government, like the direction of State and municipal government, will be in our tradition of good government. □

## Commencement: The Time Has Come . . .

The commencement shots on our cover and on this page symbolize the annual graduation ceremonies which have been held in recent weeks at universities, colleges, and public and private schools throughout the State and nation. This culmination of different stages in the education of our citizenry, and especially our young, marks not only an end but a beginning to careers and a different sort of achievement. It also usually brings a spate of addresses containing advice, ideas, and inspiration.

This year at the University of North Carolina at Chapel Hill, however, the major commencement subject was North Carolina's Speaker Ban Law. The law was assailed by Duke University President Dr. Douglas Knight and, at the University Law School graduation, by former president of the University of North Carolina Frank Porter Graham, now

a United Nations mediator, (see picture, right) as an abridgement of academic freedom and a removal from college and University administrators and trustees of the long-held authority to run their schools. Governor Dan K. Moore, speaking on the same platform as Dr. Knight, defended his action in requesting that the Legislature authorize a commission to investigate the speaker ban and its effects and to recommend a course of action, as the only practical approach to the problem. The Governor promised to call a special session of the Legislature, if necessary. The Southern Association of Universities and Colleges has broached a possible loss of accreditation for all North Carolina state supported institutions of higher learning as a result of the Speaker Ban Law. The matter may arise at the Association's next meeting in November.



A full report and analysis of the State-wide public legislation passed by the 1965 North Carolina General Assembly will appear in the next (September) issue of *Popular Government*.

# *The Directions of City Government:*

## *WHAT'S AHEAD?*

By Davetta Steed

*(Editor's note: The author is executive director of the North Carolina League of Municipalities. She was honored recently for three decades of outstanding service in municipal government in North Carolina. The article was prepared as a basis for a banquet address before the Press-Broadcasters Local Government Reporting Seminar.)*

### **Urban Crisis**

"In the remainder of this century—in less than 40 years—urban population will double, city land will double, and we will have to build in our cities as much as all that we have built since the first colonist arrived on these shores. It is as if we had 40 years to rebuild the entire urban United States." Thus spoke the President of the United States in early March of this year as he delivered his message on the problems and the future of the central city and its suburbs.

The President continued, "City officials with inadequate resources, limited authority, too few trained people, and often with too little public support, have, in many cases, waged a heroic battle to improve the life of the people they serve." In reflecting upon the future of the city, we are mindful of that message. We agree wholeheartedly that this is truly the time of decision for the American city.

Harvard Professor John Kenneth Galbraith in an unusually effective speech to a recent conference of the National League of Cities attempted to place our times in an historical context. He said that just as the '20's and '30's were the years of the agrarian crisis, the '50's and '60's will be known as the urban crisis, and the city officials will be cited as the central figures in the handling of this crisis.

Certainly, those individuals in municipal government have been living through such a crisis in North Carolina; but, regrettably, the awareness of others of the great urban change and the attendant problems was slow in coming.

Actually, it was not until Governor Hodges' great industrial push that people began to see signs of this change, and then it came with a suddenness that has been more of a threat than an aid to the officials of North Carolina cities and towns in their struggles to handle the problems of change from rural to urban.

### **Need for Cooperation**

The result for the cities has been a succession of promoters meddling in the administration of municipal governments, and a flare-up of attempts to alter municipal authority to the benefit of those who now see a great

economic future for themselves in this urban transformation. One direction city government must take today is toward stopping this trend, and toward seeking in its stead the understanding and cooperation of the entire urban public. It must be kept in mind that urban no longer denotes only that which is municipal.

No domestic issue is more puzzling or intricate than improving North Carolina's rapidly changing cities and urban areas. Once upon a time, the city was an easily identifiable unit, its perimeter being sharply defined by the abrupt replacement of rural for urban land uses, with the result that it easily stood out from the surrounding area. At that time, city life was but one aspect of the national life. City problems were considered to be one set of problems that the nation had.

Today, things are quite different . . . the separation between the city and the country area is rapidly disappearing throughout this nation. This nation is becoming urban at an accelerating rate. During the first half of the century urban population increased by 66 million out of a total population increase of 75 million. The projections for the second half of the century show an even greater increase.

### **Complexity of Problems**

One of the great municipal authorities of today, Frank P. Zeidler, former Mayor of Milwaukee, concludes that there are five significant factors which have profoundly affected municipal government today and which will have the greatest impact on the future of the city. Briefly, he writes of them as five revolutions, in this order: The Revolution of Knowledge, which produced the Revolution in Exact Sciences, which filtered down into a Revolution in Technology, which brought about a Social Revolution; all of which are reflected in a Revolution in Politics.

To think of the city of the future in terms of the end results of these factors, is to find that what municipalities face is a multitude of complex, technical, and practical problems that will require a combination of many forces to solve.

Under these modern conditions urban problems are national problems. The whole nation is burdened with them. Urbanism, however, as a pervasive mode of life of this great nation, is a relatively new phenomenon in human experience.

The changing city is simply a pattern of the changing America. Natural resources and the rural environment have long received serious national attention in the United States, and the significant role of mass production methods in the economy is quite generally understood. Yet, the

urbanizing areas of the nation, dominating the economic, social, and political life today, are still largely unexplored. Americans are still striving for a clear image as to how to best guide its development and destiny. The city is the crucial center of this urbanizing nation in which contemporary man is struggling to control his environment for his own improvement and benefit. The efforts of many give hope for a better future for cities, but too often they are dictated by expediency. Too seldom is a plan made in terms of the whole need. The frame of reference should be the quality of life in the city.

### Changing Concepts

We must continue to conceive of the city as the primary agent in man's culture and civilization. Only in such urban environment can man become exposed to a variety of experiences, to changing ideas, to the cultural excellence that will challenge and inspire him to surpass the achievements of his fellow men. Aristotle wrote, "Men come together in cities in order to live: they remain together in order to live the good life."

The city of the future, then, must provide a community that inspires the mind and stimulates the senses. Change and individuality must be the order of the day. We must continue to emphasize the 'heart' of the city—we must revitalize its core to provide the museums, the art galleries, the drama and music halls, the great libraries, the intriguing shops and sports arenas, the economic activity that will yield the city's distinctive ability to achieve variety and change.

Cities have become more than providers of the usual economic, health, and welfare services. The city of tomorrow should be viewed as also the builder of character, the place for great human experience. The city holds great promise. It has work to do for the right men who see in it its broader responsibilities.

The challenge of urban reconstruction is indeed great. The problem is that the ills of the city are interwoven with its strengths—discomfort appears to be an inevitable price for the diversity of choices which only dense concentration can provide.

Occasionally, it is said that the so-called flight to the suburbs is an outgrowth of a desire to flee the responsibilities of city government. This retreat is at best temporary. There is no escaping the ever expanding problems of an ever expanding urban area. Rather than run, we must stand still and commit ourselves to the creation of better cities. We must shoulder the necessary financial burdens, the heterogeneity, the variety, the crowdedness, and the challenge and unpredictability inherent in the city. Never in the history of this great country, has the value of public service in municipal careers held greater promise and challenge. Fortunately, the problems of a city have a habit of releasing the best of an individual's potentialities. But let's be factual: we currently face a leadership crisis which demands that we focus our attention on assuring and sustaining strength, intelligence, and vitality in the leadership sector of urban life so that the challenges of urban change can be met.

Another critical issue today is how to guide the central city within its total urban environment. A framework for the social, economic and physical organization of urbanizing areas is needed if we are to achieve the proper

regional environment we need for our cities. Here, at this regional level, will be the tremendous opportunities to shape the city of the future. But at this level, the citizen understands less and less of the environment shaping process and his role in it. Since he has no sense of personal power in it, he tends to vote down its proposals even though they might give him more personal pleasure than some of the expenditures he makes on personal effects. The urban citizen does not yet feel a responsibility to his regional environment.

### News Media Essential to Public Understanding

The problems and needs of cities are great but there is none greater than public understanding, the "public support" factor mentioned by the President in his message on cities. The future environment offers many choices for public decision that will affect the whole way of life of the citizen. Politicians, experts, critics, civic leaders, the press, the broadcasters, the telecasters, all have important roles to play in translating the complexities of the physical environment into understandable terms and choices.

As cities change and grow, as urban problems become more complex and more difficult to translate, the press, radio, and TV coverage of city government news must change, too. Increasingly, there is real need for more 'in depth' reporting on urban problems, alternatives and public choices and not only what the local officials are doing about these problems but what others are doing about them elsewhere. Someone needs to occasionally put the city's urban problems into perspective with those of the state and nation, and what's being done elsewhere about them.

Members of the press, the broadcasters and telecasters are essential to bring about public understanding and to galvanize public support. To achieve this, however, these reporters must also do their 'homework' and they must be knowledgeable about urban problems, and possible solutions.

No longer is municipal reporting accomplished by just sending a reporter to the City Council meeting once a week. In today's urban society it takes a full-time specialist to write intelligently about municipal problems. City Hall reporting is no longer a some-time affair.

Many large metropolitan papers are beginning to assign reporters to even more specialized 'beats' to beef up their coverage of urban affairs. Some have a daily column on municipal problems. Some have reporters specializing in city planning and urban renewal in addition to having generalists assigned to City Hall for regular day-to-day coverage. Some papers have reporters whose only job is to cover metropolitan problems.

Some papers send their reporters to state and national conventions of municipal officials in order to broaden their outlook and to use such discussions as a backdrop against their local problems. And, many reporters are acquiring the habit of regularly contacting the League of Municipalities for clarification and understanding of city government developments.

The objectives of the news media and those concerned with good municipal government are alike in that both want to advance education and knowledge—press and broadcasters to achieve *understanding* of public affairs; government to achieve public support. Together, we will improve the quality of life in urban America. □

# FIRST PRESS-BROADCASTERS LOCAL GOVERNMENT REPORTING SEMINAR BREAKS NEW GROUND IN NEWS MEDIA-GOVERNMENT UNDERSTANDING



*The news media-local government relationship is aired by panel members Herbert O'Keef, Jerry Elliott, Stanford R. Brookshire, Thomas J. Lassiter, and Fred Hauser, pictured from left to right.*

The Institute of Government's program to enhance press-government understanding added a new dimension May 21-22 with the holding of the first Press-Broadcasters Local Government Reporting Seminar. Some thirty working newsmen, representing both newspapers and broadcast journalism, attended the two-day session which was co-sponsored by the North Carolina Press Association, the North Carolina Association of Broadcasters, the North Carolina League of Municipalities, and the North Carolina Association of County Commissioners.

This Local Government Seminar appears to be the first of its kind to be conducted anywhere. It extends the Institute program to bring together government and news media. That program includes the Press-Broadcasters Court Reporting Seminar, which first considered the question of "Free Press and Fair Trial" in 1963 prior to the time when the assassination of President Kennedy brought this question into national focus. That Seminar has become, by general agreement, an annual event. It will be held for the third time in Chapel Hill on November 5-6.

The affirmative reception given the first Press-Broadcasters Local Government Reporting Seminar suggests that it, too, will take its place on the annual calendar. In addition to these two programs for working newsmen, the establishment of a closer link at policy level between judicial, legal, and news

media officials is under way. The first Bench - Bar - Press - Broadcasters Conference May 15 (see p. 10) opened the way to a more effective liaison and the useful exchange of views among editors, publishers, news directors, and top government officials at State and local levels in North Carolina. A second conference for this group is scheduled for fall. The Institute of Government's programs in press-government relations are under the direction of Elmer Oettinger.

It is no coincidence that the two lead articles in this issue of *Popular Government* are based on presentations before the Local Government Reporting Seminar. The directions of city and county government, as pointed out by John Alexander McMahon and Mrs. Davetta Steed, are important

considerations for acting newsmen covering city halls and county courthouses. The fact that the authors are the executive directors of North Carolina organizations devoted to more effective city and county government makes their ideas more valuable. Mrs. Steed and Mr. McMahon addressed the Friday evening Seminar banquet.

The bulk of the instructional program was handled by Institute of Government staff members. John L. Sanders, Henry W. Lewis, and Warren Jake Wicker considered the subject of "Organization of Local Government in North Carolina." Sanders, Director of the Institute of Government, spoke on "Relationship of Local Government to State Government." Lewis and Wicker addressed



*Journalists and broadcasters give thoughtful attention to the Local Government Reporting Seminar.*

themselves, respectively, to organization of county and city government. "The Budget Process" was presented by Lewis, Wicker, and George A. Coltrane. Coltrane talked on "Finance and Budgeting in City and County Government." Lewis and Wicker spoke on, respectively, "Tax Revenues" and "Non-Tax Revenues." Rodney M. Ligon, Jr. and Dorothy Kiester joined to discuss "Public Welfare: An Example of the Decision-Making Process in Local Government." Ligon, a former Institute Assistant Director, now is Forsyth County Attorney. Miss Kiester is Community Training Co-ordinator for the Training Center on Delinquency and Youth Crime, administered under the Institute.

"Planning and Zoning (Government by Law or Men?)" was the subject for Philip P. Green, Jr. and Robert E. Stipe of the Institute. Milton S. Heath, Jr., head of the Institute Legislative Service, talked about "Local Government Legislation." The program was concluded by a panel discussion on "The Relationship of News Media and Local Government." Participating in the panel were Mayor Stanford R. Brookshire of Charlotte; Chairman Fred Hauser of the Forsyth Board of County Commissioners; Editors Herbert O'Keef of the *Raleigh Times* and Thomas J. Lassiter of *The Smithfield Herald*; and radio and television newscaster Jerry Elliott of Sta-



Mrs. Davetta Steed and John Alexander McMahon pause before the banquet at which they were speakers. (See pp. 1-5.)

tion WTVD, Durham. Panel moderator was Elmer Oettinger, director of the Seminar.

Also appearing on the banquet program were President James M. Harper, Jr. of the North Carolina Press Association and President Harry W. Severance of the North Carolina Association of Broadcasters. Both Harper and Severance expressed enthusiasm over the occasion and indicated their convictions that the program has opened up a new and useful service for working newsmen. □

## LOCAL GOVERNMENT REPORTING SEMINAR:

### News Media and Local Government

By

Stanford R. Brookshire

(Editor's note: The author was recently overwhelmingly re-elected Mayor of Charlotte, North Carolina's largest city. He has served as chairman of the Mayor's Coordinating Committee in the State and is immediate past president of the North Carolina League of Municipalities. This article constitutes his initial statement as a member of the panel in "The Relationship of Press and Local Government" at the Press-Broadcasters Local Government Reporting Seminar.)

## THE PRESS IN ATTENDANCE

The following members of the working press and broadcast newsmen were registered to attend the first Press-Broadcasters Local Government Reporting Seminar: Miss K. Blickensderfer and C. A. Whitehurst, Jr., WELS Radio, Kinston; Mrs. Rosamond Braly, *The McDowell News*, Marion; Stan Brennan, John DeMott, Marion Ellis, Don Ridings, and Tom Wells, *Charlotte Observer*; Andy Brown, WGWR Radio, Asheville; Ronald Clark, *Asheville Herald*; Ted Dossett and Ernie Greup, WTVD-TV, Durham; William Y. Dover, *Shelby Daily Star*; Roland Giduz, *News of Orange County*, Chapel Hill; Rupert Gillett, William T. Noblitt, and Stewart T. Spencer, Jr., *Charlotte News*; Lloyd P. Gordon, WBIG Radio, Greensboro; Graydon Hambrick and Roy Rabon, *News & Observer*, Raleigh; James M. Harper, Jr., *State Port Pilot*, Southport; Mrs. Ruby Holoman, *Northampton Times-News*, Ahoskie; John Jamison, WBT-WBTV, Charlotte; Bob Johnson, *Goldshoro News-Argus*; Doris B. Potter, WKBC Radio, North Wilkesboro; Roland B. Potter, WATA and WDSL Radio, Boone, Mocksville; Stella W. Sawyer, *Graham Star*, Robbinsville; Harry Severance, WVOT Radio, Wilson; Davis Spear, *The Messenger*, Madison; Ben Taylor, *Greensboro Daily News*; George Thomas, WTOB Radio, Winston-Salem; Phil Watkins, WDNC Radio, Durham; Rom T. Weatherman, *Twin City Sentinel*, Winston-Salem; Ivie Wilder, *Spring Hope Enterprise*; and Carl V. Venters, WFAG Radio, Farmville. □

### Introduction:

#### Mutual Inter-Dependence

It has been said that the wise speak from experience; the wiser from experience do not speak. This adage raises the question of whether I deal with this subject, particularly in view of the fact that I have had some experience in governmental relations with the news media.

Beyond the question of wisdom are questions of propriety and practicability. I have had a most satisfactory relationship, in my four years of public life, with the news media. I do not wish to jeopardize that relationship. If I praise the news media, I may be accused of patronizing. If I am critical, the good Lord help me, because the press has more ink and the radio and television stations have more air time than I can buy.

Seriously, however, I think it is most appropriate that the areas of

mutual assistance are discussed, in order that through understanding and goodwill we may be of maximum help to each other, to the general benefit of the public.

At the outset, let us say that there is a mutual inter-dependence between the news-media and local government. The news-media, whose accepted area of responsibility it is to keep the public informed, strives, as any other business must do, for success through excellence of service. But the news-media is more than an ordinary business that markets a product or service which primarily benefits the buyer. It must not only serve its advertisers and subscribers by giving them their money's worth. It must first serve a purpose in the community of which it is a part.

Local government, on the other hand, has as its primary responsibility the satisfaction of the needs of the citizens and their city. Obviously, before these needs can be met, they must be identified. In addition, the citizens themselves must be informed of these needs and the possible alternative means of satisfying them. At this point, the mutual interdependence of local government and the news-media becomes obvious. The purpose of the news-media in a community is the dissemination of news and the proper interpretation of it. It both informs and influences. As such, it provides a forum for community decision-making. How well a community recognizes its needs and resolves the issues necessary to meet these needs determines the success or failure of the community. How accurately a newspaper, radio or television station informs the citizens and how much it influences constructive efforts at resolving community problems provides the measure of its success.

### **Making Mutual Dependence Productive**

The responsibility for making this mutually inter-dependent relationship between the news media and local government a productive one falls on both parties. A number of elements of a successful news-media-government relationship are worth noting.

#### *1. Adequate Facilities*

News media must be given convenient and continuous access to the

operation of local government. This means not only that officials must be available for interviews and questions, but that adequate facilities for this exchange of information should be convenient. Many local governments provide the local members of the news media with space for their news gathering operation. This is the case in Charlotte where both daily newspapers and two of the television stations occupy space in City Hall provided by the City.

#### *2. A Responsible Press*

Let us dwell for a moment on what constitutes news. For our purposes, it can be broken down into two types: controversial and non-controversial. Generally, it is the controversial news that makes the headlines. In the area of the controversial, the news media have a tremendous responsibility. That responsibility is to report accurately without fanning emotions and promoting further controversy. In this area, we are not sure that the news media are always guiltless.

#### *3. The Difficulty With Non-Controversial News*

From headline material, let's move to the consideration of the non-controversial. Certainly most news is of the non-controversial type. One might assume that the reporting of such news produces few difficulties. In a conversation I had with some of the members of the fine press corps in Charlotte, however, I was told that reporters find it much more difficult to get to the small non-controversial news item than to its controversial counterpart.

Such news for the most part is good for the city and of the type that newspapers like to print: for example, the installation of a new procedure in the municipal accounting operation that promises increased efficiency, or some new convenience for the citizen, or a trip taken by a department head to observe a new procedure or a piece of equipment in a neighboring city. These are items that the citizens want to know about and that the average city hall reporter is happy to report. Unfortunately, I am told that these newsworthy activities seldom are brought to the attention of reporters. Perhaps we would do well to see that they are.

### **Other Elements**

There are other elements that go into a good news-media-government relationship. A TV news reporter told me last week that one of his biggest dilemmas is getting local officials to consent to sound on film interviews. Some municipal officials are disappointed to find that a news story gains or loses much of its accuracy at the editing desk. And there are others.

Frequent off-the-record interviews are recommended as a means of developing mutual understanding and cooperation enabling the news media to follow and accurately report developments of a continuing nature in a manner that contributes to good public relations and citizens support for local government.

### **Conclusion**

In conclusion, it is obvious that a good working relationship is important to both the news media and local government. Maximum benefits to both local government and news media can be realized only through a cordial working relationship characterized by mutual respect, confidence and complete cooperation.

This is most important in the development of community progress. □

## **County Managers Elect Officers**

Mecklenburg County Manager J. Harry Weatherly has been named president of the North Carolina City and County Manager's Association. Robert Peck, Chapel Hill Town Manager, will serve as vice-president of the organization.

Other officers selected at the Association's recent meeting in Southern Pines include Jack F. Neel, Roxboro City Manager, secretary-treasurer; and the following directors: Phin Horton, Shelby City Manager; Francis F. Rainey, Southern Pines Town Manager; and William J. Veeder, Charlotte City Manager. □

# LOCAL GOVERNMENT REPORTING SEMINAR:

## The Press and Local Government

By Thomas J. Lassiter

*(Editor's note: The author is editor of The Smithfield Herald. A former president of the North Carolina Press Association, he has served as visiting professor in the School of Journalism at the University of North Carolina at Chapel Hill. This article is based on his opening statements as a panel member on "The Relationship of Press and Local Government" at the Press-Broadcasters Local Government Reporting Seminar.)*

When we discuss the relationship between the press and local government, I think we must keep in mind some fundamental principles.

In a system of popular government, a public office is a public trust. The office *never* belongs to the office holder.

While newspapers are privately owned, freedom of the press never belongs to the newspapers. It belongs to the people.

A reporter or an editor has no constitutional rights or privileges that people in other vocations do not have as citizens.

The reporter has the right to know what goes on in democratic government. He has the right to ferret out the facts about public affairs. The citizen has the same right.

The editor has the right to comment freely on the actions and attitudes of public officials. The citizen has the same right.

The editor is subject to laws of libel which place upon him the burden of reporting the truth and making fair comment. The citizen is subject to laws of slander—or laws of libel if he expresses himself in public print.

If the press has the right to sit in on meetings of governing bodies, such as City or County Boards of Commissioners—and I hold that the press does have such a right—the right is not primarily the right of the press.

A newspaper reporter has no right of access to a meeting of a Board of Commissioners that citizens generally do not have. The basic right is not the right of the newspaper reporter to cover the news of a board meeting, but the right of the citizen to observe and listen while his elected representatives discuss and transact public business.

Usually it is not convenient for the citizen to attend commissioner meetings. But the citizen's right to know what the commissioners think and do is not nullified by inconvenience when the press fulfills its responsibility. The news reporter who covers a meeting of a governing body is acting as the representative of the citizens. He observes and listens for citizens—and reports. The reporter and his newspaper accept the responsibility to give the people the information they need to guide them in exercise of citizenship.

When a reporter interviews a public official about public business or when he goes to a department at City Hall or the Courthouse to gather facts about public affairs, he acts for citizens who need to be informed about their government if they are to govern themselves intelligently.

This is the old civics lesson for reporters, but I think we need to remind ourselves of these fundamentals. The editorial as well as the news story is the citizen's servant, even when it expresses opinion contrary to that held by the citizen. Not only does the editorial stimulate thought and help the citizen clarify his own particular views; when an editor expresses opinion on social or political issues, he is exercising the right of free expression that belongs to the citizen. Every exercise of free expression, whether by press or people, strengthens the citizen's right of free expression.

When the public official conscientiously looks upon his office as a public trust and when the press conscientiously

looks upon freedom of the press as something that belongs primarily to the people, I think the stage is set for a sympathetic relationship between press and government.

The conscientious public official and reporter or editor will seek to understand each other's role in democratic life and each other's obligation to the public.

Disagreements are inevitable, but mutual respect is imperative.

The reporter or editor who cynically regards every public official as a sort of crook until proved innocent is of course abusing his responsibility. The public official, by the same standard, misuses his office when he looks upon every newspaper or every reporter or editor as an unscrupulous snooper or sniper.

The good newspaper that fulfills its obligation to readers does not hesitate to expose wrongdoing in public office. Nor does it pull its punches in criticizing the practices and policies of public officials when criticism seems warranted.

But the role of the press not only is to expose wrongdoing and attack policies of public officials. It is the function of the press to convey to the public an understanding of the actions and opinions of public officials and the reasoning on which they are based. My own paper has engaged in exposure and criticism of local government actions from time to time, but I think we have more often served as conveyor of understanding and in this role we have at times received the spoken gratitude of officials who without publicity or editorial interpretation might have been greatly misunderstood among voters. Many of you undoubtedly have had the same experience.

I am well aware that frequently what we newspapermen receive from public officials and from plain citizens is not gratitude but verbal brick-

*(Continued on page 30)*

## BENCH-BAR-PRESS-BROADCASTERS CONFERENCE:

### The Beginnings of More Effective Liaison

It isn't always easy to bring judges and attorneys, press, and broadcast officials together. For one thing they are busy. For another, they tend to concentrate on professional responsibilities within their own professions and organizations. Accordingly, the first meeting of representatives from bench, press, bar, and radio-television in North Carolina is significant.

The Conference was held at the invitation of the Institute of Government, issued through Assistant Director Elmer Oettinger, on May 15 at the Institute Building in Chapel Hill. Primary goals of the Conference were, through informal discussion, to (1) establish a continuing, more effective liaison between bench, bar, press, and broadcasters and (2) to consider possible programs which might effectuate this co-ordinated endeavor.

Attending the Conference were Hon. Leo Carr, Judge of the Superior Court, Fifteenth District, Burlington; Hon. Clarence W. Hall, Judge of the Superior Court, Fourteenth District, Durham; Hon. Allen H. Gwyn, Judge of the Superior Court, Seventeenth District, Reidsville; George A. Long, President, North Carolina Bar Association, Burlington; A. Pilston Godwin, President-Elect, North Carolina Bar Association, Gatesville; Norwood Robinson, Chairman, Committee on Courts, North Carolina Bar Association, Winston-Salem; William M. Storey, Executive Secretary, North Carolina Bar Association, Raleigh; James M. Harper, Jr., President, North Carolina Press Association, Southport; Al Resch, Former President, North Carolina Press Association, Siler City; Miles H. Wolff, President, American Society of Newspaper Editors, Greensboro; Jack P. Hankins, Chairman, Bar Liaison Committee, North Carolina Association of Broadcasters, Kinston; Floyd Fletcher, Former President, North Carolina Association of Broadcasters, Durham; F. O. Carver, Director of Public Relations, Station WSJS, Winston-Salem; David Murray, Executive Secretary,

North Carolina Association of Broadcasters, Raleigh; John L. Sanders, Director, Institute of Government; and Oettinger, who presided.

The judges, attorneys, and broadcasting officials all were official representatives of their associations. They had been selected to represent, respectively, the North Carolina Superior Court Judges Conference, the North Carolina Bar Association, and the North Carolina Association of Broadcasters. The press officials were present unofficially in that they had not been designated to officially represent the North Carolina Press Association, but they joined actively in the discussion.

There was general agreement that this first discussion proved useful, both in providing an exchange of views and in initial settings of directions. A second meeting, with a specific agenda on "Trial and Pre-Trial Publicity," is planned for October. At that time a further consideration of joint sponsorship of an annual occasion which will provide an opportunity to dig deeper into mutual problems is expected. These programs would be designed, in general, for those at policy-making level. Other matters, such as codes of ethics, courtroom photography, and access to officials, meetings, and documents, may be placed on future agenda.

Whether the liaison will become an official Bench-Bar-Press-Broadcasters Committee is not yet determined. A national Bench-Bar-Press Committee was established recently, and some states have such committees in operation. Similarly, the bar and news media have adopted a joint Code of Ethics in certain jurisdictions, such as Oregon. The Warren Commission recommended that "the representatives of the bar, law enforcement associations, and the news media work together to establish ethical standards concerning the collection and presentation of information to the public so that there will be no interference with pending criminal inves-



*Conferees discuss plans for a more effective liaison at the North Carolina Bench-Bar-Press-Broadcasters Conference. Here Judge Leo Carr comments on a prepared statement by broadcasting representatives relating to courtroom photography. Others, left to right, are Judge Allen H. Gwyn, Norwood Robinson, A. Pilston Godwin, Judge Clarence W. Hall, and George A. Long.*

tigations, court proceedings, or the right of individuals to a fair trial." There have been State Supreme Court decisions, as in New Jersey, and Bar Association policy statements, as in Philadelphia, which would restrict pre-trial statements by lawyers and law enforcement officials to news media. A number of organizations have held meetings or panel discussions on subjects relating to "free press and fair trial." The Radio and Television News Directors of the Carolinas presented such a panel recently in Winston-Salem. The Institute of Government's annual Press-Broadcasters Court Reporting Seminar is designed to help meet the needs of working newsmen who cover courts. The new Bench-Bar-Press-Broadcasters liaison may bring additional steps in press-government understanding. □

# The Judicial Department Act of 1965

By C. E. Hinsdale

Assistant Director, Institute of Government

A ten year crusade for the improvement of North Carolina's system of lower courts came to a fruitful climax in the General Assembly on April 27 when the presiding officers of the House and Senate signed into law the "Judicial Department Act of 1965" (Ch. 310, S. L. 1965). This far-reaching court reform legislation, drafted after many months of painstaking work by the Courts Commission, slipped through the legislature with—to some—surprising ease.

The summary of the Court Commission recommendations, set out in the March, 1965, issue of *Popular Government*, is an accurate reflection of the provisions of the Act as enacted, with two modifications of interest primarily to lawyers: district bars will not formally endorse candidates for district judgeships, and any civil case tried initially in the new district court may be appealed to the Supreme Court as of right. These two changes were made in committee. Only one serious challenge to any part of the bill was made on the floor. This was a proposed amendment to provide for the popular district-wide election of prosecutors (rather than appointment by the resident superior court judge). Effectively sponsored in the Senate by Sen. King of Scotland County, and Sen. Robert Morgan of Harnett, and opposed with equal effectiveness by Court Commission Chairman Sen. Lindsay C. Warren, Jr., of Wayne County, the amendment was defeated 36 to 10. In the House under the able leadership of Court Commission member and "speaker-elect" Rep. David Britt of Robeson County, the amendment was able to muster only five votes.

## Schedule of Implementation

The Act becomes effective on July 1, 1965, but no major impact will be felt in a particular county until a district court is established (activated) therein. Activation occurs in accordance with a schedule to be completed in December, 1970. In phase one of the schedule, district courts

are activated in six judicial districts in December, 1966. The accompanying box chart furnishes further details concerning these twenty-two counties.

**Law Enforcement Benefit Fund Changes.** A companion bill, to raise the costs of court (in criminal conviction cases) assessed for the benefit of the Law Enforcement Officers' Benefit and Retirement Fund from \$2 to \$3, was also enacted without opposition. This Act (Ch. 351, S.L. 1965) amends G.S. 143-166, by providing a separate fund, supported by the additional \$1 costs of court assessment, to be used for a death benefit (and other benefits) for all law enforcement officers. Costs of court assessed for all *local* benefit funds are repealed on the effective date of this

Act, 1 July 1965. These changes are effective in *all 100 counties* of the State on that date.

**Other Early Effects of Act.** In the coming biennium, in 22 counties, the nomination and election of district court judges (spring and fall of

See chart on following pages

1966) will take place, and clerks of superior court will nominate magistrates for appointment by superior court judges.

There will be a need to make budgetary adjustments in these counties for the fiscal year 1966-67 because in December, 1966, the operat-

(Continued on page 32)

DISTRICT COURTS AND COURT OFFICIALS, DECEMBER, 1966

Jud. District	Full Time Judges	Asst. Pros.	County	Magistrates Min. - Max.	Additional Seats of Court
1	2	0	Camden	1 2	-----
			Chowan	1 3	-----
			Currituck	1 2	-----
			Dare	1 3	-----
			Gates	1 3	-----
			Pasquotank	2 3	-----
			Perquimans	1 3	-----
12	4	1	Cumberland	4 6	-----
			Hoke	1 3	-----
14	3	0	Durham	3 6	-----
16	3	1	Scotland	2 3	-----
			Robeson	7 12	Fairmont
					Maxton
					Red Springs
					Rowland
					St. Pauls
25	3	1	Burke	3 5	-----
			Caldwell	2 4	-----
			Catawba	4 6	Hickory
30	2	0	Cherokee	2 3	-----
			Clay	1 2	-----
			Graham	2 3	-----
			Jackson	2 3	-----
			Macon	2 3	-----
			Swain	2 3	-----
			Haywood	3 4	Canton

# General Court of Justice — Superior

## Uniform Costs

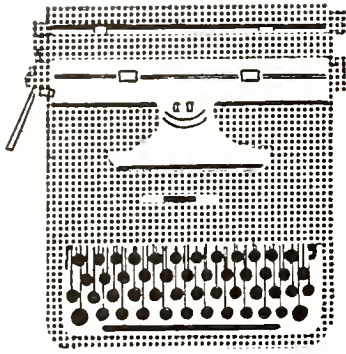
I. Uniform Costs and Fees:	Criminal Action	Civil Action
Law Enforcement (to county or city)	M—\$ 2 DC— 2 SC— 2	Not applicable
Facilities (to county or city)	M—\$ 2 DC— 2 SC— 15	M—\$ 2 DC— 5 SC— 5
LEOB & RF (to State)	M—\$ 3 DC— 3 SC— 3	Not applicable
General Court of Justice (to State)	M—\$ 8 DC— 8 SC— 20	M—\$ 3-6 DC— 3-6-10 SC— 20
<p>The General Court of Justice and Facilities fee are payable in advance (except in civil actions in forma pauperis). In special Proceedings and Estates, \$13 and \$8, respectively, of the GCJ fee are payable in advance.</p> <p>Costs on appeal are cumulative.</p>		
II. Additional expenses:	Criminal Action	Civil Action
1. Witness fees	\$3 per day plus mileage round trip each day	Same as in criminal
2. Expert witness fees	As provided by law	As provided by law
3. Counsel fees	As provided by law	As provided by law
4. Cost on appeal to Super. Ct., transcript of testimony	As provided by law	As provided by law
5. Fees for personal service of civil process	Not applicable	As provided by law
6. Fees of guardians ad litem, next friends, referees, etc.	Not applicable	As provided by law
7. Special jury fee	Not applicable	Not applicable
8. Jail Fee	\$2 per day	\$2 per day

*(Editor's note: The above chart is taken from the Judicial Department Act of 1965 (Ch. 310, S.L. 1965, ratified 27 April 1965). The above costs are chargeable in 22 counties of the State on the first Monday in December, Courts Commission's Report to the 1965 General Assembly. It is based on the provisions of Article 28 of the*

# Court and District Court Divisions and Fees Bill

Special Proceedings	Estates	Miscellaneous GCJ Fees and Commissions, (to State)												
Not applicable	Not applicable	(a) Commitment of the mentally ill, etc., \$10.												
SC (CSC)—\$2	SC (CSC)—\$2	(b) Foreclosure, \$10.												
Not applicable	Not applicable	(c) Inventory of safe deposits, \$5.												
SC (CSC)—\$13 plus \$.20 per \$100 valuation of land not to exceed a maximum additional cost of \$100	SC (CSC)—\$8 plus \$.10 per \$100 valuation of personal property, limit \$1,000	(d) Proceeding supplemental to execution, \$5.												
<table><tr><td>Basic Costs and Fees:</td><td>Mag</td><td>DC</td><td>SC</td></tr><tr><td>Criminal Action</td><td>\$15</td><td>\$15</td><td>\$40</td></tr><tr><td>Civil Action</td><td>\$ 5-8</td><td>\$ 8-15</td><td>\$25</td></tr></table>		Basic Costs and Fees:	Mag	DC	SC	Criminal Action	\$15	\$15	\$40	Civil Action	\$ 5-8	\$ 8-15	\$25	(e) Confession of judgment, \$4.
Basic Costs and Fees:	Mag	DC	SC											
Criminal Action	\$15	\$15	\$40											
Civil Action	\$ 5-8	\$ 8-15	\$25											
Special Proceedings	Estates	(f) Taking a deposition, \$3.												
Same as in criminal	Same as in criminal	(g) Registration of professional and technical persons, \$2.												
As provided by law	As provided by law	(h) Execution, \$2.												
As provided by law	As provided by law	(i) Notice of resumption of maiden name, \$2.												
As provided by law	As provided by law	(j) Taking an acknowledgment or administering an oath, or both, with or without seal, each certificate, \$1.												
As provided by law	As provided by law	(k) Bond, taking justification or approving, \$1.												
As provided by law	As provided by law	(l) Certificate, with seal, \$1.												
As provided by law	As provided by law	(m) Recording or docketing (including indexing) any document, per page or fraction thereof, \$1.												
\$2 per juror	Not applicable	(n) Preparation of copies, including transcripts, per page or fraction thereof, \$1.												
Not applicable	Not applicable	(o) Substitution of trustee, \$1.												
		(p) Issuing pistol permit, \$1.												
		(q) Probate of any instrument, \$.50.												
		(r) 3% commission on G.S. 2-53 and G.S. 28-68 funds.												
		Above chargeable only when not part of another fee bill. When two or more items involved, charge is for greater only.												
		Magistrate's Special Fees:												
		(a) Marriage, \$4.												
		(b) Year's Allowance, \$4.												
		(c) Deposition, \$3.												
		(d) Acknowledgement, \$.50.												
		(e) Other stat. function, \$1.												

1966. Uniform fees for sheriffs, included in the Act, are not shown above. The chart is unofficial, and does not cover all situations. In actual cases, the language of the law itself should be consulted.)



## ● NOTES FROM . . .

## CITIES AND COUNTIES

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### Annexation

It has taken nearly two years, but *Cherryville* has finally passed an annexation ordinance. The annexation will be effective July 1 and will add 476 to the population and increase the land area of the community by 20 percent.

### Beautification

About 200 crepe myrtle trees have been planted along *Durham's* Stadium Drive as a 4-H Club project incorporated in Durham's present beautification campaign.

Durham merchants took part in May in "Project PFC"—a paint-up, fix-up, clean-up program in the central business district.

May was set aside as a clean-up month in *Fayetteville*. Local Girl Scouts held a unique "Clean A Mile" drive during the campaign.

Business and civic groups are giving *Winston-Salem* a head start on sprucing up for the city's bicentennial. Their activity is concentrated on landscaping parks and approaches to the city.

*Asheville's* city council has taken a crack at abandoned junk cars. Apparently the city has more than its share of discarded wrecks on city streets, vacant lots and elsewhere.

### Central Business District

Members of the former parking commission have been reappointed to the newly established *Wilmington* Parking Authority. The authority will work toward securing an off-street parking garage.

*Gastonia's* city council has put finishing touches on plans for the removal of Southern Railway's two up-

town depots. Two parking lots will be built on the present depot sites but the major gain for the city will be the end of blocked grade crossings in the business district.

### Coastline

Hurricane protection measures costing \$2.5 million for ocean fronts in three counties have been recommended by the Army Corps of Engineers. Included is the entire ocean frontage of *Onslow* and *Pender* counties, as well as six miles of *New Hanover* shoreline. The recommendations call for berm and dune projects like those now being completed at *Carolina Beach*, *Topsail Beach*, *Surf City* and *Onslow Beach*.

### Community Progress

*Durham* is eyeing the possibility of uniting diverse cultural organizations in the interest of boosting the city's culture quotient. Ultimately the city would seek to build and operate a center for the arts. Initially a cultural steering committee is being set up.

### Education

Dr. Grady E. Love, director of the downtown *Greensboro* division of Guilford College, has been named president of *Davidson County* Community College, near *Lexington*.

Former *Chapel Hill* school superintendent Howard E. Thompson has been chosen to head *Wilkes* Community College in *North Wilkesboro*. A site for the college has been approved.

A site between *Rockingham* and *Hamlet* has been approved for the *Richmond County* Technical Institute.

*Forsyth* Memorial Hospital has received a \$22,524 grant from the *Winston-Salem Foundation* to help support a summer employment and education program for high school juniors and seniors. It is believed to be the first program of its kind in the United States. The program, which will be oriented more toward education than work, will accommodate 15 students and is geared toward attracting more young people into the health professions.

The State Board of Education has changed the name and academic status of *Guilford* Industrial Education Center at *Jamestown*. The new name is *Guilford Technical Institute* and the change means that the school will be able to offer more advanced programs, particularly in the field of applied science.

In a program designed to help youths continue their education, 14 boys between the ages of 16 and 18 will be given jobs by the *High Point* Parks and Recreation Department this summer. A basis of selection will be that the boys need the income to remain in school or return to school.

Two hundred *Durham* students will gain parttime jobs through a 12 week *Neighborhood Youth Corps* program this summer. The project will combine "in depth" training with actual work. Among the jobs will be shop assistant, carpentry assistant, electrical and glass crew aide, paint crew aide, clerical aide, teacher aide, and custodial aide. Participants in the program must be 16 years of age or older.

### Elections

The custom of people visiting precincts to check the voting with pol-

ling officials on election day has been barred in *Forsyth* County. Henceforth only authorized persons will be permitted inside the voting enclosure.

### Fire Protection

Newly annexed sections of *Gastonia* will receive fire protection through a new fire station, to be located in the eastern part of the city.

Sixty houses in *Winston-Salem* went up in smoke in May. The fires were all deliberately set as a part of the three-day North Carolina Fire College, attended by more than 400 firemen from the Carolinas, Virginia and Georgia.

### Historic Preservation

It's signed, sealed and settled—the General Assembly has voted to confirm and fix the original and legal spelling of *Hillsborough*, colonial seat of the County of *Orange*.

### Law Enforcement

*Mecklenburg* County policemen will have to make do with tarnished badges for a few more weeks. The police chief had asked for \$200 to refinish 50 sets of cap and breast badges for patrolmen and sergeants. County commissioners denied the request, however, postponing it until the new budget goes into effect July 1. Basis for the denial was that a few weeks delay wouldn't add too much additional tarnish to the badges.

*Catawba* County's second annual law officers training school was held early in May. Conducted by the State Bureau of Investigation, sessions were held in the Newton community center. Law officers from *Catawba*, *Burke*, *Caldwell*, *Cleveland*, *Lincoln*, *Iredell* and *Alexander* Counties attended.

J. A. Hammons has been named top rookie and Wesley Brindle top veteran on the *Winston-Salem* police force. The honor came at the annual policeman's banquet sponsored by the Sertoma Club.

### Libraries

Meeting at Elbert Ivey Memorial Library in *Hickory*, the Piedmont Library Council voted to disband to conform to state plans for ten regional organizations instead of the

present larger councils. *Hickory* may serve as one of the centers around which the regional groups are to be formed.

After setting and resetting the date, *Chapel Hill* voters will finally go to the polls July 6 to vote on a \$150,000 public library building referendum.

Top priority for location of a proposed 35,000 square foot central library has been given to the area across from the downtown *Durham* Post Office. The central library will be built if final approval is given to a merger of two existing *Durham* library units.

By a margin of more than 3,000 votes, *Forsyth* County voters decided to use tax funds to finance public libraries. The vote was 9,145 to 5,876.

The voters also gave the county board of commissioners full responsibility for establishing a countywide library system. The new county system will become effective July 1.

## MATH MASTERING

Davidson County Community College is going one step beyond the call of duty this summer.

The college is offering a course for adults, which isn't unusual at all.

But this course is for adults who are parents and want to know something about the new mathematics their children are learning—just in case junior happens to ask a question. □

### Local Government

*Fayetteville's* City Council is to increase from four to six members in 1967. Local citizens voted nearly two to one in favor of the change.

H. L. Jenkins has been hired as *Union* County's first manager. The county's switch to a manager form of government was launched when former County Accountant Roy Moore announced retirement plans.

### Local Legislation

*Hickory* councilmen have lowered the boom on door-to-door peddlers. Henceforth, such salesmen must obtain a permit from the Police Department and wear an identification badge

with picture at all times while engaged in door-to-door sales. Requirements for the permit include a medical examination, the posting of a surety bond for \$1000, presentation of two recent photographs, and completion of an information form.

### Planning and Zoning

*Guilford* County is one in a hundred—the only county in North Carolina to have both a subdivision ordinance and a zoning ordinance. The subdivision regulations were adopted in mid-May to eliminate land waste, overcrowding, unsafe designs and the haphazard street patterns found in some existing subdivisions in the county.

### Public Housing

Contracts have been let for 60 units of low-rent public housing in *Mooreville*.

Reservations and preliminary loan contracts have been approved by the Public Housing Administration for construction of 50 units for the *Andrews* Housing Authority and 100 for the *Wadesboro* Housing Authority. The *Andrews* project includes 12 units for the elderly and the *Wadesboro* project 20.

### Public Works

Plans for \$1.7 million in sewer improvements have been approved by *Winston-Salem* aldermen. These constitute the last five major sewer projects for areas annexed a year ago in June.

A ten-month financial report showed a water and sewer department surplus sufficient to pay for waterlines being installed in the *Hickory* area.

City engineers finishing a \$50 000 storm sewer project in *Goldsboro* moved immediately onto four additional public improvement projects. These include a paving program, installation of two storm sewer systems and construction of a water line.

### Recreation

More than a quarter of a million dollars has been left to the city of *Wilmington* for establishment of a park or playground. According to the

(Continued on page 30)

# PUBLIC DRUNKENNESS and HIGHWAY SAFETY

By Robert L. Gunn, Assistant Director  
and William R. Phillips, Research Assistant  
Institute of Government

The problems of drunkenness and drunken driving are two perplexing situations which daily face law enforcement officers. Almost every officer has been confronted with an obviously intoxicated individual who was not, at the time observed, operating a motor vehicle, but who was likely to attempt to drive before sober. This is the case of the intoxicated person found sitting in his parked automobile, or an inebriate encountered at the roadside tavern parking lot. May such a person be lawfully arrested in order to keep him off the highway until sober and thereby protect him and other motorists?

If the vehicle hasn't been operated while the subject was intoxicated, or if it would be impossible to prove "operation" while under the influence due to lack of evidence, the normal "drunk driving" statutes will be of no use.<sup>1</sup> It may be possible to arrest upon the sole grounds of intoxication. Such an offense is termed public drunkenness, by G.S. § 14-335; however, the North Carolina Supreme Court in the case of *State v. Dew*, 248 N. C. 188 (1958), held G.S. § 14-335 not to be a general public drunkenness statute. This means that there is no statewide statute prohibiting public drunkenness, and each case encountered will have to be handled individually according to the facts involved and according to the law in effect at the place the offense occurs.

## STATUTES

Before discussing G.S. § 14-335, there are several other pertinent statutes bearing on the problem of public

drunkenness which should be considered. The first of these is the one prohibiting drunken and disorderly conduct in a public place.

G.S. § 14-334. *Public drunkenness and disorderliness.*—

It shall be unlawful for any person to be drunk and disorderly in any public place or on any public road or street in North Carolina; person or persons convicted of a violation hereof shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days in the discretion of the court.

This statute, enacted by the Legislature in 1921, is a statewide statute prohibiting drunk and disorderly conduct. However, in order to make an arrest under this provision the subject must be *both* intoxicated *and* disorderly in public. Proof of one element alone is not sufficient to sustain a conviction because drunkenness may be a species of disorderliness, but disorderliness is not necessarily drunkenness.<sup>2</sup> It will be necessary to charge in the warrant, not only intoxication, but also disorderliness; however, it should be used when there is sufficient evidence of both elements. Examples of disorderliness in this context include unnecessarily loud noise or cursing, but merely abusive language is not per se disorderliness.

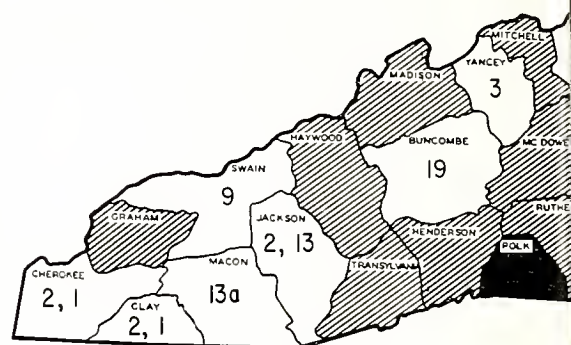
G.S. § 14-275. *Disturbing religious congregations.*—

If any person shall be intoxicated or shall be guilty of any rude and disorderly conduct at any place where people are accustomed to meet for divine worship, and while the people are there assembled for such worship,

whether such worship should have begun or not, he shall be guilty of a misdemeanor, and shall, upon conviction, be fined or imprisoned in the discretion of the court.

G.S. § 14-275 is another general statewide statute, but it is limited to the disturbing of religious congregations.

G.S. § 18-51. *Drinking or offering drinks on premises of stores and public roads or streets; drunkenness, etc., at athletic con-*



## Legend

SUB-SECTIONS OF G.S. § 14

- No Provision
- § 1
- § 10
- Refer to Section

1. For a discussion of the necessity of proving motion of the vehicle in a prosecution for drunken driving, see "Motion of Vehicle as an Element of the Offense of Drunken Driving," *Popular Government*, 31 September 1964, 15, 38.

2. *State v. Myrick*, 203 N.C. 8 (1932).

tests or other public places.—

It shall be unlawful for any person to drink alcoholic beverages or to offer a drink to another person, or persons, whether accepted or not, at the place the same is purchased from the county store, or the premises thereof, or upon any premises used or occupied by county boards for the purpose of carrying out the provisions of this article, or on any public road or street, and it shall be unlawful for any person or persons to be or become intoxicated or to make any public display of any intoxicating beverages at any athletic contest or other place in North Carolina. The violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not exceeding fifty (\$50.00) dollars or imprisoned for not more than thirty days in the discretion of the court.

G.S. § 18-51 is still another general statewide statute, but its ef-

fectiveness has been considerably curtailed through the interpretation of its wording. The words "or other place in North Carolina" have been viewed within the light of the legal principle of "ejusdem generis" and the meaning of "other places" has accordingly been limited to places like athletic contests.<sup>3</sup> As yet there has been no judicial determination of just exactly what kind of place is like an athletic contest, and it would be unwise to rely upon a warrant based on this section unless the offense definitely occurred at an athletic contest such as a football or basketball game, etc.

G.S. § 14-335. *Local; Public drunkenness.*—

If any person shall be found drunk or intoxicated on the public highway or at any public place or meeting, in any county, township, city, town, village, or other place herein named, he shall be guilty of a misdemeanor, and upon conviction shall be punished as is provided in this sec-

tion. . . . (Then follows the enumeration of counties where this section is in force and the various local punishments.)

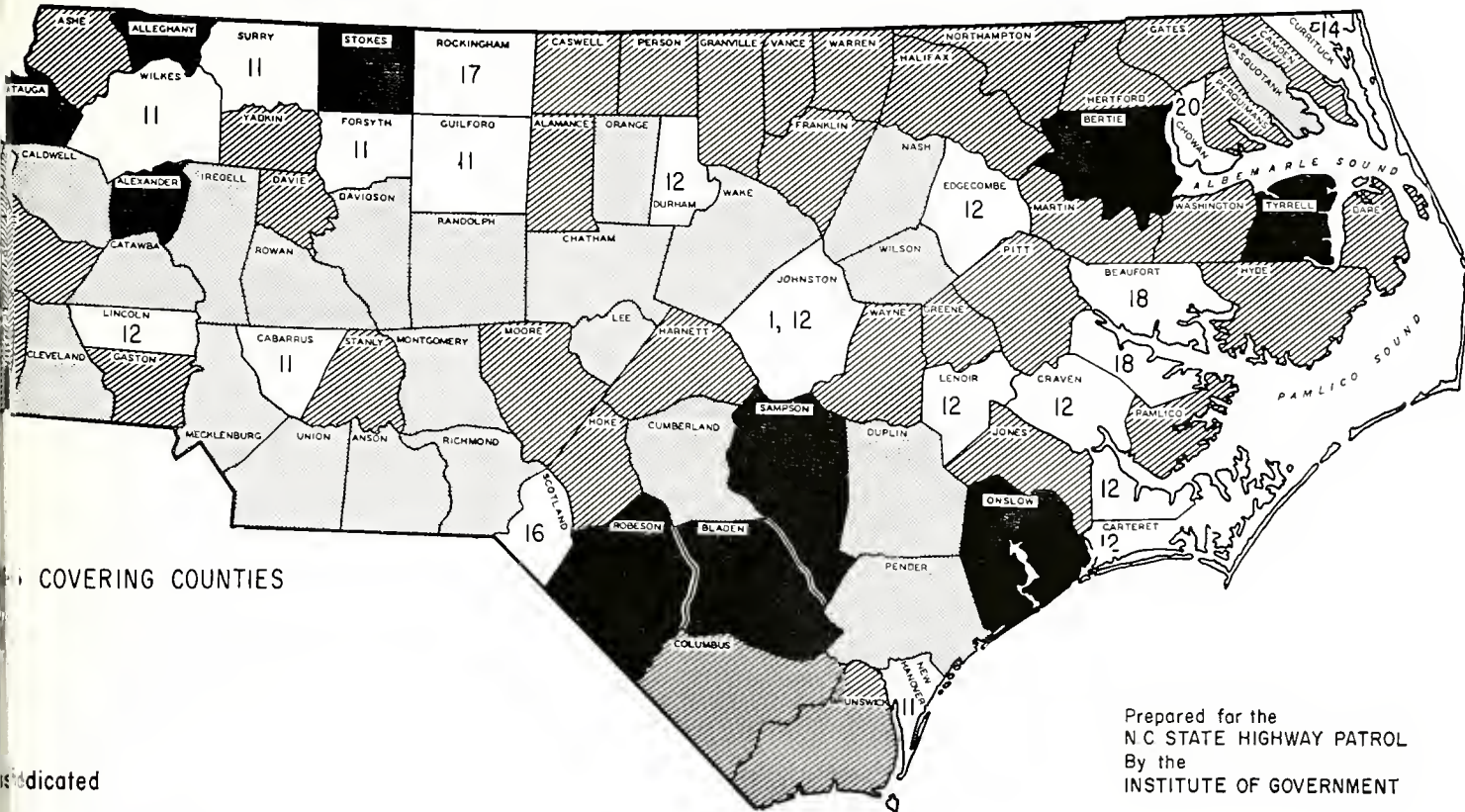
G.S. § 14-335 is North Carolina's public drunkenness statute *per se*. It is not a general law, and really amounts to the collection of some eighteen different local laws respecting intoxication. It is in effect only in the named counties, and each subsection sets out a different punishment for violation which is the punishment for the offense only in those counties named in that particular section. Therefore, it is necessary that the arresting officer charge the subject with the violation of the proper subsection as the subsections not only control whether or not an offense has been committed, but they also determine the court of proper jurisdiction.

Before further discussion of the local provisions, it might be well to examine several problems which might arise from that portion of § 14-335 quoted above describing the misdemeanor.

3. *State v. Dew*, 248 N.C. 188 (1953).

## COUNTIES COVERED BY G.S. § 14-335

(NORTH CAROLINA LOCAL PUBLIC DRUNKENNESS LAWS)



Prepared for the  
N.C. STATE HIGHWAY PATROL  
By the  
INSTITUTE OF GOVERNMENT

### A. Definition of Drunkenness

The most important single item is the definition of "drunk" as it has been interpreted under this statute. Being "drunk" within the meaning of § 14-335 and being "under the influence of intoxicating liquor" within the meaning of G.S. § 20-138 and § 20-139 is different at least in degree. The North Carolina Supreme Court has said that being "drunk" is the same thing as being "intoxicated" and is a greater degree of inebriation than being "under the influence."<sup>4</sup> Thus an arresting officer must be able to prove a greater degree of intoxication when making an arrest for public drunkenness than when making an arrest under G.S. 20-138 or -139. "A person is drunk when he is so far under the influence of liquor that his passions are visibly excited or his judgement impaired, or when his brain is so far affected by potations of liquor that his intelligence, continuity of thought or of ideas, speech, and coordination of volition with muscular action (or some of these faculties or processes are impaired or not under normal control.)"<sup>5</sup>

### B. What Constitutes a Public Place?

A second problem is the definition of just what constitutes "a public place." North Carolina has very little case law on the definition of a "public place," but there are several guiding principles which may be followed. The presence of seven persons has been found sufficient grounds for sustaining a conviction of participating in an affray in public.<sup>6</sup> Arrests for public drunkenness in a car parked on a city street<sup>7</sup> and in a taxicab<sup>8</sup> have not been attacked on the grounds that those places aren't public. In fact, the North Carolina Legislature has tacitly recognized the existence of such offenses by specifically providing in

G.S. § 20-16 that no points shall be assessed against a person's driver's license for conviction of the offense "public drunk within a vehicle."

*Black's Law Dictionary* (4th ed., 1951) has defined a "public place" as follows:

A place to which the general public has a right to resort; not necessarily a place devoted solely to the uses of the public, but a place which is in point of fact public rather than private, a place visited by many persons and usually accessible to the neighboring public. Any place so situated that what passes there can be seen by a considerable number of persons if they happen to look. Also, a place in which the public has an interest as affecting the safety, health, morals, and welfare of the community. A place exposed to the public, and where the public gather together or pass to and fro.

In California a barber shop is a public place within the meaning of public drunkenness statutes<sup>9</sup> as is a car parked on the side of the road in Kentucky.<sup>10</sup> A public vehicle, such as a taxicab, plying its business on a public street in the District of Columbia, is a public place.<sup>11</sup>

G.S. § 14-335 also applies to the public highway. Highway is defined in the Motor Vehicle Laws as follows:

G.S. § 20-38(cc) Street and Highway—The entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic.

This definition applies specifically to the Motor Vehicle Act of 1937, but it is most probably the definition the court will accept. Thus a car parked anywhere on the right-of-way of a highway would be on the highway, and a drunk person in the vehicle would come within the statute.

Meetings are also included within the statute, and are not likely to give rise to any special problems.

Private parking lots are public

places for some purposes and not for others, but can probably be included for the purposes of this statute. Thus if a drunk person is not obviously on private property such as a private home, and he is within the possible view of passersby, he is likely in a place covered by G.S. § 14-335, and an officer could lawfully arrest for public drunkenness.

### C. Arrest Without a Warrant

There is a third problem which is worth mentioning—that of arrest without warrant. The delay necessary in order to secure a warrant for an arrest under this statute would in most cases frustrate its utility in keeping a potentially dangerous hazard off the highway, and it will be necessary to make the arrest without warrant. The Highway Patrol derives its power of arrest from the following statutes:

G.S. § 20-49. *Police Authority of the Department.*—

The Commissioner and such officers and inspectors of the Department as he shall designate and all members of the Highway Patrol shall have the power:

(a) Of peace officers for the purpose of enforcing the provisions of this article and of any other law regulating the operation of vehicles or the use of the highways.

(b) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this article or other laws regulating the operation of vehicles or the use of the highways.

G.S. § 20-188. *Duties of the Highway Patrol.*—

... the members of the Patrol ... are likewise authorized to arrest without warrant any person, who in the presence of said officers, is engaged in the violation of any of the laws of the state regulating travel and the use of vehicles upon the highways, and they shall have jurisdiction anywhere within the State irrespective of county lines ...

Members of the State Highway Patrol, in addition to the duties, power and authority hereinbefore given, shall have the authority throughout the State of North

4. *State v. Painter*, 261 N.C. 332 (1954). A person is under the influence when he has drunk a sufficient quantity of intoxicating beverages or taken a sufficient amount of narcotic drugs to cause him to lose the normal control of his bodily or mental faculties, or both, to such an extent that there is an appreciable impairment of either or both of these faculties. *State v. Corroli*, 226 N.C. 237 (1948). See also G.S. § 20-139.1 to the effect that a person is presumed to be under the influence of alcoholic liquor if there is .10 per cent or more by weight of alcohol in the blood.

5. *Ibid.*

6. *State v. Fritz*, 133 N.C. 725 (1903).

7. *State v. Painter*, 261 N.C. 332 (1954).

8. *Moser v. Fulk*, 237 N.C. 302 (1953).

9. *Ex parte Yore*, 30 Cal. Rptr. 811, 381 P. 2d 638.

10. *Jacket v. Comm.*, -Ky-, 261 SW 2d 298.

11. *Morse v. US*, D.C. Mun.App., 318 A. 2d 652.

Carolina of any police officer in respect to making arrests for any crimes committed in their presence and shall have authority to make arrests for any crime committed on any highway.

Thus the Highway Patrolman has power of arrest without warrant for violations of motor vehicle and highway statutes committed in his presence, and the power of an ordinary peace officer to make arrests for any other crime committed in his presence. Some courts might interpret G.S. § 14-335 as relating to the use of or to the protection of the highways, and in that instance arrest without warrant might be made directly under the provisions of G.S. § 20-49 and G.S. § 20-188. However, the safest and wisest course for the Highway Patrol to pursue is that of arrest as an ordinary peace officer.

Before 1955 such an arrest would have presented an extremely serious problem as was illustrated in the case of *State v. Mobley*, 240 N.C. 476 (1954), where a peace officer's power to arrest without warrant for a misdemeanor was seriously curtailed through judicial interpretation. Then in 1955, largely in response to that decision, G.S. § 15-41 was amended to read:

G.S. § 15-41. *When an officer may arrest without warrant.*—A peace officer may arrest without warrant a person:

(a) When the person to be arrested has committed a felony or a misdemeanor in the presence of the officer, or when the officer has reasonable ground to believe that the person to be arrested has committed a felony or misdemeanor in his presence; . . .

Therefore, peace officers in North Carolina, including Highway Patrolmen under the last paragraph of § 20-188, have the power to arrest without warrant for a misdemeanor committed in their presence. However, the "reasonable grounds" provisions must *not* be misconstrued to include the "on information" situation where an offense has allegedly taken place somewhere and the officer is requested to make an arrest without warrant for a misdemeanor not committed in his presence.

The main consideration to be observed before making the arrest under § 15-41 is to be sure that the requirement of "in his presence" is satisfied. The best policy is to have absolute personal knowledge that the violation has occurred in your presence. (i.e., that the officer observed the arrestee in public while in an intoxicated condition). The statute also provides for arrest upon reasonable grounds to believe that the person to be arrested has committed an offense in the officer's presence. Such reasonable grounds are those that a jury, if placed in the same situation, would find reasonable.<sup>12</sup>

In the pure public drunk situation, there should be few problems since the officer will normally arrest without a warrant only when he observes the arrestee committing the offense.

A second consideration when making an arrest without warrant under § 15-41 is the "lapse of time" element. That is to say that an arrest should be made immediately after the officer has ascertained that an offense has occurred within his presence. If the officer has time for other duties or acts between observing the violation

and making the arrest, the court is quite likely to find that he also had time to secure a warrant.

Beginning with the following paragraph is a breakdown of the various counties in which § 14-335 applies, and the various punishments prescribed for conviction of the offense in each of the counties. That section is preceded by an index which can be helpful in locating specific counties. Once the pertinent county has been located, careful attention should be given to the amount of fine or length of jail term applicable (which will vary from county to county) as the possible sentence will determine the court of jurisdiction. As a general rule, the first offense will be tried in the court of original criminal jurisdiction in the area. In some instances the fines and sentences prescribed for repeated offenses may be so great as to cause removal of the case to a higher court and these instances are pointed out below. A warrant for the statutory offense of public drunkenness must charge the offense in the language of the statute or specifically set forth the acts constituting same, and nothing can be taken by intentment.<sup>13</sup> While the court will take judicial notice of the county in which a municipality is located, in drawing the warrant one should include the county and section of the statute violated. (Eg. . . . "unlawfully and wilfully was found drunk on a public highway (in a public place), to wit: \_\_\_\_\_ in Wake County, N. C. in violation of G.S. § 14-335(10).") A warrant for a second or third offense must state that fact in order to sustain the application of the more severe punishment.<sup>14</sup>

13. *State v. Raunor*, 235 N.C. 184 (1952).  
14. *State v. Painter*, *supra*.

## ALPHABETICAL COUNTY TABLE

Below is an alphabetical list of North Carolina counties. Beside each is the sub-section of N.C.G.S. § 14-335 under which that particular county is covered. If the word "none" appears after a county, that particular county is not covered by the statute. In many cases a county may actually be covered under two or more sections of the statute, and in that case the latest amendment is cited.

ALAMANCE	(1)	AVERY	(15)	BUNCOMBE	(19)	CUMBERLAND	(10)
ALEXANDER	none	BEAUFORT	(18)	BURKE	(1)	CURRITUCK	(14)
ALLEGHANY	none	BERTIE	none	CABARRUS	(11)	DARE	(1)
ANSON	(10)	BLADEN	none	CALDWELL	(10)	DAVIDSON	(10)
ASHE	(1)	BRUNSWICK	(1)	CAMDEN	(1)	DAVIE	(1)
				CARTERET	(12)	DUPLIN	(10)
				CASWELL	(1)	DURHAM	(12)
				CATAWBA	(10)	EDGECOMBE	(12)
				CHATHAM	(10)	FORSYTH	(11)
				CHEROKEE	(1) & (2)	FRANKLIN	(1)
				CHOWAN	(20)	GASTON	(1)
				CLAY	(1) & (2)	GATES	(1)
				CLEVELAND	(10)	GRAHAM	(1)
				COLUMBUS	(1)	GRANVILLE	(1)
				CRAVEN	(12)	GREENE	(1)

GUILFORD	(11)	PENDER	(10)	RUTHERFORD	VANCE	WILKES
HALIFAX	(1)	PERQUIMANS	(1)	STANLY	WARREN	YADKIN
HARNETT	(1)	PERSON	(1)	TRANSYLVANIA	WASHINGTON	AT PUNGO, in
HAYWOOD	(1)	PITT	(1)	UNION	WAYNE	BEAUFORT
HENDERSON	(1)	POLK	none			
HERTFORD	(1)	RANDOLPH	(10)	G.S. § 14-335 (2)	Any J.P. or Mayor of incorporated municipality in C H E R O K E E, CLAY, or JACKSON counties may sentence up to 30 days in prison for the offense, and in the event the sentence is as much as 30 days in prison, the prisoner is to be worked upon the roads as if he had been sentenced by a superior court judge.	
HOKE	(1)	RICHMOND	(10)			
HYDE	(1)	ROBESON	none			
IREDELL	(10)	ROCKINGHAM	(17)			
JACKSON (2) &	(13)	ROWAN	(10)			
JOHNSTON	(12)	RUTHERFORD	(1)			
JONES	(1)	SAMPSON	none			
LEE	(10)	SCOTLAND	(16)			
LENOIR	(12)	STANLY	(1)			
LINCOLN	(12)	STOKES	none*			
McDOWELL	(1)	SURRY	(11)	G.S. § 14-335 (3)	By fine of not less than \$3, nor more than \$50, or by imprisonment for not more than 30 days in YANCEY County.	
MACON	(13a)	SWAIN	(9)			
MADISON	(1)	TRANSYLVANIA	(1)			
MARTIN	(1)	TYRRELL	none			
MECKLENBURG	(10)	UNION	(10)			
MITCHELL	(1)	VANCE	(1)	G.S. § 14-335 (4)		
MONTGOMERY	(10)	WAKE	(10)			
MOORE	(1)	WARREN	(1)			
NASH	(10)	WASHINGTON	(1)			
NEW HANOVER	(11)	WATAUGA	none			
NORTHAMPTON	(1)	WAYNE	(1)	NOTE:	This provision has probably been superceded by (19).	
ONSLOW	(1)	WILKES	(11)			
ORANGE	(10)	WILSON	(10)			
PAMLICO	(1)	YADKIN	(1)	G.S. § 14-335 (5)	By fine not more than \$50, or imprisonment not more than 30 days in WAKE County.	
PASQUOTANK	(10)	YANCEY	(3)			

N.C.G.S. § 14-335 Local; Public drunkenness; HAS NO APPLICATION IN THE FOLLOWING COUNTIES:

ALLEGHANY	POLK	STOKES*	G.S. § 14-335 (6)	By fine not less than \$5, nor more than \$50, or by imprisonment for not more than 10 days in KANNAPOLIS or within 1 mile of KANNAPOLIS COTTON MILLS.
ALEXANDER	ROBESON	TYRRELL		
BERTIE	SAMPSON	WATAUGA		
BLADEN				

The following is a list by subsection of counties in which G.S. § 14-335 is applicable, and the punishment to be levied in each county.

G.S. § 14-335 (1) By a fine of not more than \$50, or by imprisonment not more than 30 days in the following counties:

ALAMANCE	FRANKLIN	JONES
ANSON	GASTON	MADISON
ASHE	GATES	MARTIN
BRUNSWICK	GRAHAM	McDOWELL
BURKE	GRANVILLE	MITCHELL
CAMDEN	GREENE	MOORE
CASWELL	HALIFAX	NEW HANOVER
CHEROKEE	HARNETT	NORTHAMPTON
CLAY	HAYWOOD	ONSLOW
CLEVELAND	HENDERSON	PAMLICO
COLUMBUS	HERTFORD	PERQUIMANS
CUMBERLAND	HOKE	PERSON
DARE	HYDE	PITT
DAVIE	JOHNSTON	RICHMOND

G.S. § 14-335 (7)	Repealed 1963.	
G.S. § 14-335 (8)	In KINGS HIGH SCHOOL DISTRICT, STOKES COUNTY, by a fine of \$15 or imprisonment for 10 days for first offense, by fine of \$25 or imprisonment for 20 days for second offense; by fine of \$50 or imprisonment for 30 days for third and subsequent offenses.	
G.S. § 14-335 (9)	In SWAIN COUNTY, by a fine of not less than \$5 nor more than \$50 or by imprisonment for not more than 30 days in the discretion of the court.	
G.S. § 14-335 (10)	In	
	ANSON	CLEVELAND
	CALDWELL	CUMBERLAND
	CATAWBA	DAVIDSON
	CHATHAM	DUPLIN

\* except Kings High School District [see G.S. § 14-335 (8)]

IREDELL	PENDER
LEE	RANDOLPH
MECKLENBURG	RICHMOND
MONTGOMERY	ROWAN
NASH	UNION
ORANGE	WAKE
PASQUOTANK	WILSON

- (a) for the first offense by a fine not more than \$50 or imprisonment not more than 30 days.
- (b) for the second offense within 12 months, by a fine not more than \$100 or imprisonment not more than 60 days.
- (c) for the third offense within any 12 month period, such third offense to be declared a misdemeanor, punishable as a misdemeanor, within the discretion of the court.

NOTE: The fine and sentences for second and third offenses in these counties will take the case out of the jurisdiction of most inferior courts.

G.S. § 14-335 (11) In  
 CABARRUS NEW HANOVER  
 FORSYTH SURRY  
 GUILFORD WILKES  
 The sentences and fines are exactly the same as in G.S. § 14-335 (10) quoted above.

G.S. § 14-335 (12) In  
 CARTERET JOHNSTON  
 CRAVEN LENOIR  
 DURHAM LINCOLN  
 EDGEcombe  
 The sentences and fines are exactly the same as in G.S. § 14-335 (10) quoted above.

G.S. § 14-335 (13) In JACKSON COUNTY, the offense is a misdemeanor to be punished in the discretion of the court. However, if the Jackson County Recorders Court is ever abolished, the offense will no longer apply in that county.

G.S. § 14-335 (13a) In MACON COUNTY, by a fine of not less than \$10, nor more than \$50, or by imprisonment for 30 days.

G.S. § 14-335 (14) In CURRITUCK COUNTY, by fine not less than \$10, nor more than \$50 for each offense, or by imprisonment not exceeding 30 days. Upon complaint of any J.P. a warrant shall be issued for the accused, and in absence of the officer to

execute it, any citizen shall be deputized to execute same.

G.S. § 14-335 (15) If any person shall be found drunk or intoxicated on the public highway or a meeting in AVERY COUNTY, he shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$50 or by imprisonment for not more than 30 days. If any person shall be found drunk and disorderly in any public place or on any public road or street in AVERY county he shall be guilty of a misdemeanor and fined not less than \$10 nor more than \$50 or be imprisoned for not exceeding 30 days in the discretion of the court.

G.S. § 14-335 (16) In SCOTLAND COUNTY  
 (a) for first offense, by fine of not more than \$50 or imprisonment for not more than 30 days.  
 (b) for second offense within 12 month period, by fine of not more than \$100 or 60 days.  
 (c) for third offense or greater within any 12 month period, such offense is declared a misdemeanor punishable within the discretion of the court.

NOTE: The punishment for the second and third offense may remove the case from most inferior courts.

G.S. § 14-335 (17) In ROCKINGHAM COUNTY  
 (a) for first offense, by fine of not more than \$5 or imprisonment for not more than 30 days.  
 (b) for second offense, within 12 month period, by fine not more than \$50 or imprisonment for not more than 60 days.  
 (c) for third offense within a period of 12 months, the punishment shall be a fine or imprisonment within the discretion of the court.

NOTE: The punishment for the second and third offense may remove the case from most inferior courts.

G.S. § 14-335 (18) In BEAUFORT COUNTY  
 (a) for first offense by fine of not more than \$10 or 30 days imprisonment.  
 (b) for second offense within 12 months, a fine not more than \$50 or imprisonment for not more than 60 days.  
 (c) for a third offense within a 12 month period, the offense is de-

(Continued inside back cover)



*Graduates of the Eleventh Municipal Administration Course. First row: William L. Brown, Jr., Superintendent of Treatment Plants, Asheboro; Fred R. Harwell, Tax Collector, Washington; Billy Chapman, Finance Director, Valdese; and James H. Stewart, Fire Chief, Chapel Hill. Second row: Paul Birkner, Planner, Winston-Salem; Robert Little, Manager, Madison; Howard A. Jones, Clerk, Shelby; Horace R. Faucette, Public Works Coordinator, Greensboro; Robert Lee Nelson, Accountant, Greensboro; and Hugh T. Ragland, Jr., Manager, Oxford. Standing: William L. Dorsett, Assistant City Engineer, Burlington; D. L. Smith, Jr., City Engineer, Albemarle; Joseph H. Mc-*

*Daniel, Jr., Clerk, Kings Mountain; B. Clyde Goforth, Jr., City Engineer, Shelby; John A. Parham, Building Inspector, Durham; Wilfred A. Wells, Manager, Clinton; William L. Molyneux, Assistant Superintendent, Building Inspections, Charlotte; Pressly F. Beater, Water Distribution Supervisor, Charlotte; Mary D. Lassiter, Clerk, Raleigh; Willie H. Stell, Jr., Finance Director, Tarboro; Kenneth E. Wright, Engineer, Durham; and Jake Wicker, coordinator of the Course for the Institute. Frank C. Styers, Sewage Plants Supervisor, Winston-Salem, was absent at the time the picture was made.*

## MUNICIPAL, COUNTY ADMINISTRATION COURSES GRADUATE THIRTY-FOUR

For the past year 34 city and county officials have been working together in the Institute's courses in municipal and county administration. The Municipal Administration Course has been offered for eleven years, and the 22 graduates of the Class of 1965 brought to more than 300 the number of municipal officials who have completed the course since it was started in 1954.

The twelve county officials who were graduated from the County Administration Course at combined graduation exercises for the two classes were all members of the Institute's first course in County Administration. It is the purpose of the two courses to provide intensive and advanced training in the fundamentals of municipal and county government for city and county managers, department heads, and other officials

with administrative responsibilities.

The two classes met concurrently for twelve weekends and a total of 160 class hours between the first session in October, 1964, and graduation on May 15. For about two-thirds of the class hours, the two classes met as one—for examination of such areas of common concern as the nature of

local government and its relationship to the State; city and county planning; techniques of administration; property taxation; and personnel administration. The classes met separately when there were significant differences between the municipal and county applications of the subject, or when the subject was of interest



*Chapel Hill Mayor Sandy McClamroch, a director of the North Carolina League of Municipalities, presents the League's George C. Franklin Award to the member of the Municipal Administration class who made the most distinguished record during the year: John A. Parham, Durham Building Inspector.*



*State Senator Voit Gilmore of Southern Pines addresses graduates of the County and Municipal courses.*

only to the members of one class. In this area were class sessions devoted to finance and budgeting and such functions as streets, schools, public welfare, and sanitation.

The members of the two courses agreed that the joint sessions of the two classes were valuable in increasing understanding of each other's problems and recommended that joint sessions be continued in future years.

Jake Wicker, Assistant Director of the Institute, has been coordinator for the courses. Other staff members participating include John Sanders, Henry Lewis, Philip Green, Donald Hayman, Robert Stipe, George Coltrane, Joseph Ferrell, Allan Markham, Ed Hinsdale, Dorothy Kiester and Elmer Oettinger.

Among state and local officials taking part in the instructional program were Mrs. Davetta L. Steed, Executive Director of the N. C.

*(Continued on page 32)*



*Five members of the Municipal Administration class discuss a problem in finance. Pictured are Robert Little, Madison; Joseph M. McDaniel, Jr., Kings Mountain; D. L. Smith, Jr., Albemarle; William L. Brown, Jr., Asheboro; and William L. Molyneux, Charlotte.*



*Members of the County Administration Course work on a problem in personnel administration. From left to right are Melvin C. Holmes, Northampton; Joseph C. Spence, Pasquotank; Mary T. Covington, Richmond; Hazel H. Hatley, Mecklenburg; and Colleen Foust, Alamance.*



*Graduates of the First County Administration Course. First row: Pansy Elliott, Accountant, Chowan; Joseph C. Spence, Register of Deeds, Pasquotank; Mary T. Covington, Accountant, Richmond; Bernice M. McJunkin, Accountant, Iredell; Hazel H. Hatley, Clerk, Mecklenburg; and Everitt Barbee, Auditor, Onslow. Second row: Jake Wicker, coordinator of the course for the Institute; Col-*

*leen Foust, Accountant, Alamance; Alfred L. Hurt, Accountant, Cabarrus; William T. Charles, Manager, Hertford; Melvin C. Holmes, Manager, Northampton; and George W. Swicegood, Accountant, North Carolina Local Government Commission. L. P. Zachary, Anson County Manager, was absent at the time the picture was made.*

# North Carolina's Uniform Traffic Ticket

By Robert L. Gunn, Assistant Director, Institute of Government

A new Uniform Traffic Ticket is now available from the Department of Motor Vehicles to all law enforcement agencies enforcing the traffic laws. This ticket replaces the one presently used by the State Highway Patrol and made available to other law enforcement agencies by the Department of Motor Vehicles. It is the product of a joint effort of the Institute of Government, the North Carolina Department of Motor Vehicles, and the Attorney General's Office. Valuable assistance was received from court officials, police departments and superior court judges.

Some benefits to be derived from its use by agencies enforcing the traffic laws are reduction of complaints, simplification in handling of traffic cases in the courts, and facilitation of the reporting of traffic convictions by the courts to the Department of Motor Vehicles. When properly used, it will eliminate complaints by adequately informing the defendant of the offense with which he is charged as well as the location of the offense and the identity of the issuing officer. Written instructions as to its suggested use are also available to all users from the Department of Motor Vehicles.

In designing the new ticket, a primary aim was to produce a form satisfactory to agencies enforcing the motor vehicle laws which would be legally sufficient as a warrant when properly executed. This would eliminate the need for the present practice of issuing a separate warrant to be used as the trial document. Two superior court judges and a representative of the Attorney General's office have voiced the opinion that the new ticket is legally sufficient as a trial document when properly executed.

Use of the ticket should facilitate full and efficient reporting of traffic convictions to the Driver License Division. The second copy of the ticket is labeled as "Driver License Division Copy" so that in order to report the conviction, the clerk of court need only to enter the verdict and judg-

102206	<b>North Carolina Uniform Traffic Ticket</b>						<b>102206</b>	
	ISSUING OFFICER		NUMBER	ZONE/TROOP	TRACT/DISTRICT	DATE OF ISSUE		
						MO.	DATE	19
	AFFIDAVIT AND WARRANT							
State of North Carolina								
COUNTY OF _____				CITY OF _____				
CODE _____				DOCKET NO. _____				
<b>STATE V.</b>								
TITLE/RANK		FIRST NAME		MIDDLE NAME		LAST NAME		
RESIDENCE NO. AND STREET		CITY		STATE				
BUSINESS/ADDRESS (IF NEEDED)				MILITARY SERVICE NO. (IF ACTIVE)				
DRIVER LICENSE NO.				STATE	TYPE	SEX	RACE	DATE OF BIRTH
								MO. DATE YEAR
Veh.	VEHICLE LICENSE NO.		STATE	MAKE	TYPE	YEAR	SPEED	
	DAY/WK.	MO.	DATE	19	TIME	ON (HIGHWAY NO./STREET)		
						M.		
Violation	AREA	WEA.	VIS.	TRAFFIC	ACCIDENT	AT/NEAR INTERSECTING ROAD		
	DAY/WK.	MO.	DATE	19	TIME	IN VICINITY OF		
						M.		
Court Convenes	DAY/WK.		MO.	DATE	19	TIME	IN VICINITY OF	

In the \_\_\_\_\_ Court \_\_\_\_\_, N. C.  
The affiant, being duly sworn, says that the above-named defendant, on or about the above-stated violation date in the above-named county, did unlawfully and willfully operate the above-described motor vehicle on a street or highway:

- [Check applicable box.]
- ☐ By speeding \_\_\_\_\_ MPH in a \_\_\_\_\_ MPH zone  
Within city limits ☐ Yes ☐ No
  - ☐ By failing to stop at a duly erected stop sign
  - ☐ By disobeying a duly installed stop signal
  - ☐ By failing to see before (starting) (stopping) (turning from a direct line) that such movement could be made in safety
  - ☐ While under the influence of intoxicating liquor
  - ☐ By failing to yield right-of-way in obedience to a duly erected (yield sign) (stop sign)

☐ In violation of city ordinance(s) Chap. \_\_\_\_\_ Sec. \_\_\_\_\_  
In violation of, and contrary to, the form of the statute in such cases made and provided and against the peace and dignity of the State.

AFFIANT  
Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

ISSUING OFFICIAL  
To any officer authorized to arrest for this offense -- Greeting:  
You are hereby commanded, forthwith, to arrest the named defendant and safely keep so that you have said defendant in the above court without delay to answer the complaint and be dealt with as the law directs.

This \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
ISSUING OFFICIAL

ment prior to forwarding it to the Department. This feature was brought forward from the ticket presently in use.

Six offenses are preprinted in "check off" style and three blank

lines are provided for writing in charges which are not preprinted. The six charges which are preprinted are speeding; failing to stop at a duly erected stop sign; disobeying a duly installed stop signal; failing to see

before (starting) (stopping) (turning from a direct line) that such movement could be made in safety; driving while under the influence; and failure to yield right of way at an intersection in obedience to a duly erected yield sign. Suggested language for some of the more common violations not preprinted on the ticket has been prepared by the Institute of Government and is available from the Institute and from the Department of Motor Vehicles.

A feature of the ticket not incorporated in the one currently used by the State Highway Patrol is a provision for the defendant to go before a court official, plead guilty, deposit a sum of money to pre-pay fine and costs and waive appearance for trial. Whether this provision may be used will depend upon the practices of the court to which the violator is cited and the nature of the offense charged.

When this provision is used, the violator goes before the court official and signs a statement that he pleads guilty to the offense charged, waives appearance, and deposits a certain sum of money with the court official to be used in payment of any costs and fine adjudged against him for the offense.

The new ticket is 8 inches long and 4 3/16 inches wide, the same size as the present Uniform Traffic Violation Record. Tickets are available in books of twenty-five. Each ticket consists of five copies, the third of which is pink in color, labeled "Citation" and should be given to the violator by the issuing officer. The first two copies are white, the first is labeled "Affidavit and Warrant" and may be used as the trial document; the second is labeled "Driver License Division Copy" and its use is explained above. The fourth and fifth copies are yellow and white, respectively; they are intended for the records of the using agency. Tickets are prenumbered and printed on chemically treated paper so as to reproduce without the aid of carbon paper. ☐

*Shown at left is the back of the new uniform traffic ticket. A front view appears on the facing page.*

### WITNESSES:

### PLEA OF GUILTY AND WAIVER OF APPEARANCE

I, the undersigned, do hereby acknowledge receipt of a copy of the warrant on the reverse side hereof, and do hereby plead guilty to the offense(s) as charged therein, and waive my right to be present at trial. I have been informed that the record will be sent to the Licensing Authority of this State (or of the State where I received my license to drive). I hereby authorize and direct that the sum of \$\_\_\_\_\_, deposited by me with the Agent of the Court, shall be applied in payment of any costs and fine which may be adjudged against me in the motor vehicle violation(s), ALL WITHOUT RECOURSE. This the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Defendant's Signature \_\_\_\_\_

Received by \_\_\_\_\_ Title: \_\_\_\_\_

Receipt No. \_\_\_\_\_ Issued. \_\_\_\_\_

Plea: \_\_\_\_\_ Verdict: \_\_\_\_\_ Date: \_\_\_\_\_ 19\_\_\_\_

### FINAL JUDGMENT

_____	Fine . . . . \$ _____
_____	Costs . . . . _____
_____	Forfeiture _____
_____	_____
_____	_____
_____	_____
_____	Total . . . . \$ _____

Driver License taken up \_\_\_\_\_ Sent to D.L. Div. \_\_\_\_\_ Date \_\_\_\_\_

Judge \_\_\_\_\_ Signature \_\_\_\_\_ Court \_\_\_\_\_

City of \_\_\_\_\_, N. C. \_\_\_\_\_

### EXECUTION OF WARRANT

Received this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Served this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

_____	Name	Code No.	Dept.
-------	------	----------	-------

☐ Appealed to \_\_\_\_\_ Court

Defendant ☐ Bound over to \_\_\_\_\_ N. C.

Appearance bond set at \$ \_\_\_\_\_



*The baby-boom and the population explosion: guest instructor Al Rumbough lectures on techniques of population and employment forecasting.*



*John Wells puts finishing touches to detailed land use and parking survey of downtown Hillsborough.*

## TWO WEEKS AT THE INSTITUTE: *Basic City Planning Course*

The fifth annual two-week course in Basic City Planning Methods and Techniques, one of the Institute's more grueling courses, was successfully completed by ten students in the spring of this year. The course, which is thought to be unique in its approach to the subject, consists of approximately 105 hours of work divided almost equally among lectures, field surveys, and design problems, with an actual town used as a laboratory for student problems. Textbooks and reading assignments are mailed to the students ahead of time to give each one some basic "feel" for the field.

The main objective of the course is to provide in-service training for a wide variety of local and state government officials who in the course of their regular duties may find themselves charged with the responsibility for one or more aspects of local planning programs. Typically, the jobs represented in the course would be those of city manager, city engineer, planning director, building inspector, planning department draftsman or technician, State Highway Commission advance planning engineer, and, occasionally, representatives of a power company or a downtown development corporation. Covered in the course are such subjects as: planning organization; population and economic studies and projections; studies of land use and land capability; trans-

portation and public works planning; zoning administration; shopping center and subdivision design; urban renewal; and kindred subjects. Students spend many hours in the field and working over drafting tables with both live and simulated problems designed to drive home in actual practice the points covered in lecture periods. The laboratory area for the course is the Town of Hillsborough, located 14 miles north of Chapel Hill.

Since the students normally bring to the course a wide diversity of occupational skills and educational backgrounds, each thereby requiring considerable individual attention from the instructors, a limit of ten students per course has usually been imposed. At the present time there is a backlog of 17 applications for the course, which will require that it be offered at least once again this year.

The main burden of teaching and administering the course falls upon Institute Assistant Director Robert E. Stipe, assisted by Philip P. Green, Jr. of the Institute staff, and by a number of invited guest instructors and lecturers who represent various planning specialties. Those assisting in the first 1965 course were: R. Albert Rumbough, formerly Planning Director of Fayetteville; George H. Monaghan, Administrator of the Division of Community Planning, North Caro-

*(Cont. next page 31)*

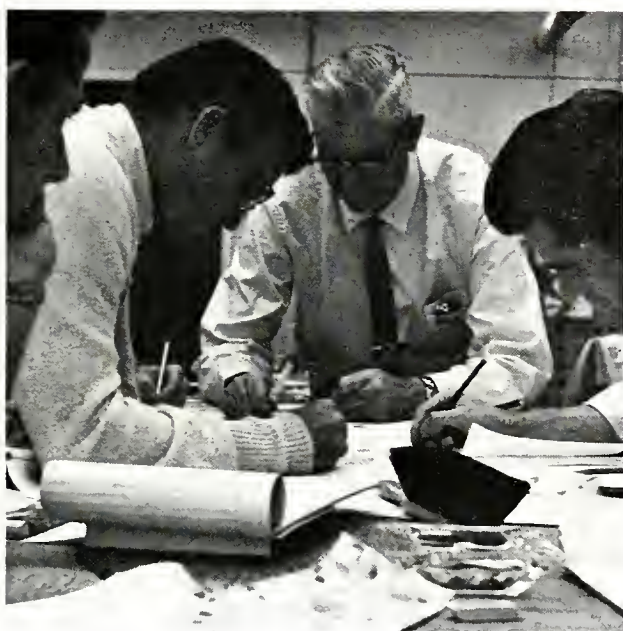


*Staff member Bob Stipe (right) attempts to unscramble the mysteries of the U.S. Census Reports for students Charlie Chambers of the State Highway Department and Bill Shuford, Director of the Gastonia Downtown Development Association.*

*Below, two building inspectors, Clarence Burch of Roxboro and Tom McDonald of Sanford, pause to ponder aspects of a problem on subdivision design.*



*Above, students receive instruction on conduct of a land use survey prior to departure for Hillsborough.*



*In the background above are portions of the General Land Development and Thoroughfare Plans of Hillsborough, prepared by three student teams in competition. In the foreground, Instructor Stipe superintends construction of land capability studies by students Mike Brunner of Gastonia and Gene Reynolds of the State Highway Department.*



*Upper left, pencils fly as Harry Burns of Rocky Mount, Bill Shuford of Gastonia, Tom McDonald of Sanford, and Gene Reynolds of the State Highway Department toil far into the night to meet a problem deadline.*

*Left, Bob Kimley of the North Carolina Highway Department responds to a question on major street and thoroughfare planning.*

*Students Tom Birmingham of Charlotte (left) and Ed Higginbotham of Roanoke (right) reflect on fact that their subdivision design requires sewage to flow uphill.*





## Twin City All-America 1964

Winston-Salem is an All-America city for 1964. The National Municipal League and *Look* magazine have named North Carolina's twin city among the 11 cities so honored "because their citizens acted to solve community problems." Another North Carolina city, Charlotte, was listed among the 11 runners-up. In other years Gastonia, Salisbury, High Point, and Laurinburg have been named All-America cities. This is the second time in six years that Winston-Salem has gained the coveted All-America honor. Charlotte's runner-up status is also a repeat performance.

The announcement of the 1964 awards in *Look* states, in part: "Some towns win because people survived a crisis—a corrupt government, a flood, or galloping economic decay. But there is bar to the well-run, healthy city that did not feel the adrenalin of disaster. This year's winners were picked by the All America Cities Jury from a field of 111."

Specifically, the *Look* citation is as follows:

WINSTON-SALEM, N. C.: Tobacco built it, but Winston-Salem is something more than a company town. It's a retort to those who think all cities but New York or San Francisco provincial. Four hundred citizens took all of two days last April to raise over \$1 million, by phone, for the North Carolina School of

Arts; \$5,500 gave. The Governor's School, financed partly by \$225,000 contributed at a luncheon, offers three eight-week summer terms to exceptional junior and senior students from North Carolina high schools. The North Carolina Advancement School quarters in a city-owned former hospital for \$1 per year rent. The faculty there, including teachers from all over the state, digs for ways to intercept high school dropouts. Seventh and eighth graders in trouble can get a 90-day crash course to hone reading and learning skills, then return to hometown schooling. Goodwill Industries Rehabilitation Center now has dormitory space to house some of the handicapped people who train there for new jobs; local foundations and citizens footed \$250,000 of the cost.

The magazine shows a picture of student volunteers at work in Winston-Salem's new Nature-Science Center. The caption runs:

"The Junior League put ingenuity, its own cash and more from the Winston-Salem Foundation into a Nature-Science Center that opened last December. The Center building, donated by the Babcock Foundation, has a past—it used to be a barn. Now, its silo is full of a planetarium. . . ."



George Esser (above) gives keynote address on the emerging responsibilities of planners in an increasingly urban North Carolina.



Above, Billy Rose, Assistant to the Director of Highways, discusses a problem with Lindsey Cox, Guilford County Planning Director. Rose addressed the group earlier on the subject of carrying out plans for major streets and thoroughfares.



William J. Veeder (above), Charlotte City Manager and President of the North Carolina City Managers Association gave the conference address on the theme: A City Manager Takes a Critical Look at Planning and Planners.



An award for distinguished newspaper writing in the field of community planning and development is presented to Jack Trawick, above, of the Winston-Salem Journal. Other awards in the competition, sponsored by the Sears-Roebuck Foundation, were presented to Jim Allen and the staff of the Shelby Daily Star, and to Tom Faison of the Durham Morning Herald.

Below, left to right: Mrs. H. F. Maya of the Winston-Salem/Forsyth County Planning Board staff, Dr. J. M. Pearce and Marvin Johnson of the North Carolina Department of Public Instruction discuss current problems of implementing plans for public school facilities.

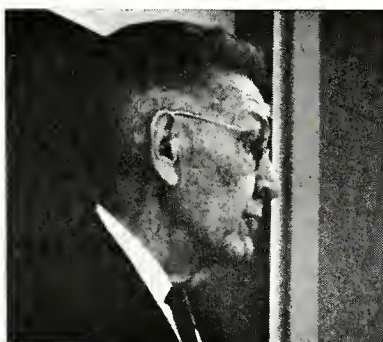


Above, E. L. Rankin, Jr., Director of the Department of Administration, discusses the State's role in planning operations. Appearing on the panel with Rankin were (left to right) John Hampton, Coordinator; James White, Economic Opportunity Program Director; and Thad L. Beyle, Administrative Consultant, all of the Department of Administration.

Gathered below for coffee and talk are Phil Green, Assistant Director, Institute of Government; Ronald Scott, Greensboro Planning Director; Watt Garrison, Burlington City Engineer; F. Stuart Chapin, Jr., of the UNC Department of City and Regional Planning; and Bill Dorsett of the Burlington Engineering Department.



## North Carolina Planners:



General James R. Townsend of Durham (above) presides at the business meeting of the association.

## EIGHTH ANNUAL CONFERENCE

On April 15-16 the Institute of Government was the scene of the Eighth Annual North Carolina Planning Conference, sponsored by the Institute, the North Carolina section of the American Institute of Planners, and the North Carolina Planning Association. With a total attendance of approximately 125 city, county and State planning officials in attendance for the two-day meeting, the subject of this year's conference was "Implementing Plans." Sessions were held on zoning administration, the uses of

federally-assisted urban renewal programs in the central business district, park and school planning problems, state planning, and the problems of implementing major street and parking plans. The conference address was given by William J. Veeder, City Manager of Charlotte, and the keynoter was George H. Esser, Jr., Director of the North Carolina Fund. Leslie N. Boney, Jr., architect of Wilmington was elected by the group as its new President, succeeding Gen. James R. Townsend of Durham. □

## BOND SALES

From March 2, 1965, through May 25, 1965, 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
<i>Cities:</i>			
Broadway	200,000	Water System	3.87
Charlotte	10,800,000	Water, Sanitary Sewer, Street Land, Street, Fire Station	3.04
Clinton	55,000	Sanitary Sewer	3.19
Gastonia	1,500,000	Electric Light	3.10
Greensboro	8,150,000	Sanitary Sewer, Street Widening, Extension and Improvement, Bridge and Culvert	2.97
Long View	255,000	Sanitary Sewer	3.79
Maiden	475,000	Water	3.87
Monroe	1,300,000	Sanitary Sewer	3.13
Mooreville	505,000	Sanitary Sewer	3.46
Raleigh	7,300,000	Water, Sanitary Sewer	3.06
Warsaw	70,000	Sanitary Sewer	3.78
<i>Counties:</i>			
Beaufort	180,000	School, School Refunding, General Refunding	2.93
Carteret	1,000,000	School Building	3.79
Haywood-Junaluska	251,000	General Obligation Water System	3.99
Sanitary District			
New Hanover	6,075,000	Public Hospital, Industrial Education Center	3.16
Vance	145,000	School Building, Refunding Courthouse, Refunding School	3.02
Watauga	1,130,000	School Building, Public Hospital	3.37
Wayne	225,000	Road, Bridge and General Refunding, Refunding School	3.08

## The Press and Local Government

(Continued from page 9)

bats. Much of the criticism hurled against the press, I think, comes from sources where there is a lack of understanding of the responsibility of the press in a democratic society. But I must confess that some of the criticism is justified.

I think it will do us newspaper people good to acknowledge occasionally that we are not infallible. We are men and not God.

It will do us good to engage in self-criticism.

No responsible newspaper can condone:

Failure to ferret out all the pertinent facts of a story;

Inaccuracies that occur when

reporters are lazy or careless or unduly pressed for time;

Sensational journalism that seeks only to sell newspapers;

Partisan coverage of the news;

Indiscriminate reporting of police speculation and hearsay evidence against persons suspected of crime but not yet convicted;

Expression of editorial opinion not based upon sound knowledge; the failure of editorial writers to prepare themselves for their jobs by general reading, research, and close association with the people, both of high and low estate;

The tendency of some reporters

## Notes from Cities and Counties

(Continued from page 15)

will of benefactor Theodore G. Empie, the park will be located in a recently annexed area and will be named for his daughter, Virginia Pearson Empie, who died as a child.

\* \* \*

The *Durham* Housing Authority has approved a contribution of up to \$50,000 toward construction of a community center for the elderly, provided another \$100,000 can be raised privately.

\* \* \*

### Sanitation

Standard rates have been set for independent garbage collectors in *Buncombe* County. Permits are now required for the collectors and trucks

(Continued on page 31)

and editors to assume the Jehovah complex.

Nor should we condone:

The lack of courage in publishing socially or politically significant stories that reflect adversely upon public officials or other influential persons;

Or the failure to take forthright positions on controversial issues.

The best public officials also have a spirit of humility—awareness of their public trust and acknowledgement of their status as fallible men. True humility coupled with courage makes for greatness in public office, as it does in the ranks of the press.

When press and officialdom approach their obligations to the community in good faith and good conscience, when press and officialdom suppress the temptation to be cynical toward each other, when press and officialdom balance their aggressiveness and courage with genuine humility, when press and officialdom seek honestly to understand each other's role in the process of popular government, we will have no great difficulty in solving the problems of how to protect the people's right to know what goes on at City Hall or the County Courthouse—a right that is no less sacred than the people's right to petition, their right to assemble peaceably, and their right to vote. □

## Notes from Cities and Counties

(Continued from page 30)

are inspected by health department representatives. A new regulation controlling the disposition of refuse in the county has also been set up.

### Streets and Highways

Life-sized white gulls have been painted on the pavement near *Avon*. The State Highway Department hopes the artwork will keep live gulls from dropping scallops onto the pavement in an effort to crack them open. The scallop shells have proved disastrous to automobile tires. The department's theory is that gulls will not drop scallops near another gull.

Retired street markers in *Winston-Salem* were given a new lease on life as fencing around the recreation department's Ernie Shore Field. The markers are of the "Washington monument" type.

*Gaston* County Commissioners are trying to assist the town of *Lowell* in getting a system of entrances and exits on Interstate 85. At present *Lowell* has only one entrance from the highway, inconveniently located at the northeast corner of the town.

Oversized speed limit signs have been erected along Bragg Blvd. in *Fayetteville* in an attempt to cut down on accidents in the heavily congested area.

A new million dollar bridge across the French Broad River is in the works for *Asheville*. The bridge is expected to help in handling traffic from Interstate Routes 40 and 26.

*Chapel Hill* aldermen have approved a long-range thoroughfare plan which has been a source of frustration, failure and fulmination for a decade. The plan is the one recommended earlier by the Advance Planning Department of the State Highway Commission—with one change.

*Greensboro* will activate a new one-way street pattern in the central business section when a connecting street between two major thoroughfares is completed.

## THIS SUMMER AT THE INSTITUTE

Wildlife Recruit School	June 14-July 2
School for New Mayors and Councilmen	June 14-15
Driver Education In-Service School	June 14-18
Public Welfare Supervisors Seminar—Group III	June 16-18
National Association of Legal Secretaries	June 19
Public Welfare Directors Seminar—Group C	June 30-July 2
Basic Patrol School II	July 4-October 8
Wildlife Basic School	July 26-30
Wildlife Defensive Tactics	August 2-6
Wildlife Pursuit Driving	August 9-13
Assistant and Deputy Clerks of Superior Court	August 12-14

### Taxation

There will be no more licking and sticking of federal tax stamps on deeds and other documents in *Gaston* County's Register of Deeds office. Instead, a new documentary tax-stamping machine will automatically stamp each document with the exact amount of tax required. This is the first such machine put into operation in North Carolina.

### Transportation

Ten cities have been ordered by the State Utilities Commission to establish boards of directors to operate union bus terminals. They include *Asheville*, *Charlotte*, *Fayetteville*, *Gastonia*, *Goldsboro*, *Greensboro*, *Lenoir*, *Morganton*, and *Winston-Salem*. The action was prompted by complaints

of discrimination.

### Urban Renewal

A contract for site improvements in the *Wilmington* urban renewal project has been awarded a local firm. The contract calls for street work and installation of sewer mains, water mains, storm drainage and other utilities.

City councilmen have voted to sell the so-called "Magic Block" in downtown *High Point* to High Point College for \$254,000. The action ended a long wrangle between the council and the city redevelopment commission over disposition of the block, which is a prime feature of the city's urban renewal project. □



Robert Barkley, Executive Director of the *Greensboro* Redevelopment Commission, guides class through the intricacies of urban renewal organization and administration.

## Basic City Planning Course

(Continued from page 26)

lina Department of Conservation and Development; Pearson H. Stewart, Director of the Research Triangle Regional Planning Commission; Robert Kimley, Chief, and Ron Poole, of the Advance Planning Section of the State Highway Department; Robert Barkley, Executive Director, and Charles Fairley, Relocation Officer, of the *Greensboro* Redevelopment Commission; Robert N. Anderson, Jr., of City Planning and Architectural Associates, *Chapel Hill*; and Ronald Scott, Planning Director, *Greensboro*. □

# Book Reviews

THE CONGRESSMAN, HIS WORK AS HE SEES IT. By Charles L. Clapp. The Brookings Institution, 1963. 452 pages.

Written essentially from the congressman's point of view, this book is the product of a study conducted by the Brookings Institution, which in the spring of 1959 organized a Round Table Conference on Congress.

The purpose of the Round Table was to encourage a selected group of congressmen to discuss fully and frankly Congress and their life in it, thus providing a realistic and revealing view of the House of Representatives. The Round Table, which provided the core of the study, consisted of two panels, one composed of nineteen Democratic members of the House, the other composed of seventeen Republican members. Each group met separately at eight dinner meetings at which time spirited and sometimes even heated discussions were recorded. To round out these discussions fifty interviews were conducted, twenty with Round Table participants, twenty with non-participating members of the House, and the remainder with employees of Congressional Committees or employees of House members. It was from the stenographic records of the Round Table discussions and these fifty interviews that this most interesting and revealing book was written.

A sampling of the chapter headings—The Congressman and His Constituents, Pressure Groups and Legislation, The Committee System, Congressional Wives and Congressional Life—indicates the broad scope of the book. It covers all phases of the congressman's professional activities. Every conclusion or general statement made by the author is substantiated by one or more direct quotes from the stenographic record and an extensive index is included, thus enhancing the value of the book as a research tool.

The most enjoyable aspect of the book is the candid and very frank comments of the different congressmen. Even a most careful student of the Congress will be in for some surprises. The thorough, revealing and

informative nature of this book makes it a "must" for every freshman congressman, or for that matter anyone with Congressional ambitions. These same attributes make it interesting and enjoyable reading for the layman.—R. B.

THE FREE MEN. By John Ehle. New York: Harper and Row, 1965. 340 pages, \$5.95.

It will be difficult for many people to read this book dispassionately. The subject matter, the 1964 efforts to completely integrate the town of Chapel Hill, is too recent not to be sensitive. The central characters remain controversial, and the author's treatment, as a sympathetic (though inactive) friend of the young activists, leaves some impression of oversimplification: of "good guys" versus "bad guys."

Unfortunately, the introduction by David Riesman tends to accentuate that impression. Certainly those who know something of the long, painstaking hours spent by many people of good will and courage to help resolve this University town's crisis will not readily accept *in toto* Ehle's selection and arrangement of facts, or his evaluation of character, or his emphases with regard to persons and events, or his interpretations of law as the final word on the subject. If his concern is praiseworthy and his craftsmanship beyond question, the depth and balance of his inquiry are not always so clear.

Yet, despite its flaws, *The Free Men* is a compelling book which merits discriminating reading and

## MUNICIPAL-COUNTY ADMINISTRATION

(Continued from page 23)

League of Municipalities; Alex McMahon, Executive Secretary of the N. C. Association of County Commissioners; Hoyt Galvin, Director of the Charlotte-Mecklenburg Libraries; Kenneth Scott, Chief Engineer of the North Carolina Fire Insurance Rating Bureau; Dr. Jacob Koomen, Asst. State Health Director; Adm. A. M. Patterson, Asst. State Archivist; Arthur Owens, City Manager of Roanoke, Va.; and Roddey Ligon, Forsyth County Attorney. □

careful consideration. It has a particular value for North Carolinians, both as a local record (with universal implications) and as an attempt at perspective (especially relating to motivations of the young integrationist leaders) on the complexities attending the battle for human rights and the requisites of applied knowledge, self-discipline, and understanding for effective government and good citizenship in our times. It remains for other observers to further illuminate the issues, people, and events.—E. O.

THE MAKING OF URBAN AMERICA: A History of City Planning in the United States. By John W. Reps. Princeton, N. J.: Princeton University Press, 1965. 574 pp. \$25.00.

If you are a history buff or a garden-variety citizen interested in the origins of the city in which you live, this book will probably prove fascinating to you. If you are a city planner, it will become an indispensable part of your professional library. The first study of such a scale in America, it brings together an astonishing variety of plans and early maps of American cities, with more than 300 illustrations in all.

Tracing the origins of American planning back to pre-colonial European cities, Professor Reps presents succinctly but interestingly an account of planned cities from coast to coast—the French, Spanish, and English colonial towns, pioneer towns in the Ohio valley, prairie cities designed by land speculators, company towns, utopian and religious communities, Chicago and Washington, D. C., on and on.

If nothing else, this massive collection should lay at rest for once and all the shallow claim that city planning in America is a product of 20th century Big Government—indeed, the book leaves off in its story with the First World War.

Although North Carolina is represented by early plans of New Bern, Edenton, Bethabara, Bethania, and Salem, this by no means exhausts the available data. One would hope that an enterprising Tar Heel might build upon Professor Reps' firm foundations by providing a comparable account of the early plans of our towns throughout the state.—P. G.



*At left are some of the 37 trainees enrolled in the first of two State Highway Patrol Basic Training Schools being conducted at the Institute this year.*

*Sgt. L. E. Sherrill, commandant of the Patrol Basic School, lectures to a class. Institute Assistant Director Bob Gunn is the staff member in charge. The present school ends August 19 and will overlap the second school scheduled to begin July 4.*



## INSTITUTE SCHOOLS MEETINGS CONFERENCES

### Judicial Department Act of 1965

*(Continued from page 11)*

ing expenses of the Judicial Department will become a State responsibility. Subchapter VI of the new law prescribes detailed guidelines for financing the new system of courts, and an unofficial chart of costs of court in the unified General Court of Justice is set forth as the center pages of this issue.

Also in December, 1966, assistant solicitors (Superior Court) become a

state responsibility in all counties. The effect of this change will be limited to those 15 or 20 counties which now provide an assistant to the superior court solicitor.

In the counties affected in 1966, the following cities may have some sizeable budgetary adjustments to make: Hickory, Fayetteville, Canton, Elizabeth City and Waynesville. This is so because of the abolition of a city court, or of a county court supported in part by a city. To a minor extent other cities in the initial 22 counties may be directly or indirectly affected.

Law enforcement officials in the 22

counties will be particularly concerned with the fact that in December, 1966, Mayor's courts and justice of the peace courts are abolished. Magistrates, as officers of the district court, will only be partial replacements, since they will not be empowered to try not guilty cases. Arrest and search warrants will be issued by clerks of court and magistrates only, not by law enforcement officers. Sheriffs' fees, including all arrest fees, become uniform throughout the State, and accrue in all cases to the government (not to an individual). □

## PUBLIC DRUNKENNESS AND HIGHWAY SAFETY

*(Continued from page 21)*

clared to be a misdemeanor punishable within the discretion of the court.

NOTE: The punishment for the second and third offense may remove the case from most inferior courts.

G.S. § 14-335 (19) In BUNCOMBE COUNTY . . .

G.S. § 14-335 (20) In CHOWAN COUNTY . . . (both are identical to the provision described in G.S. § 14-335 (10) which is set out on preceding page.) □

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