POPULAR GOVERNMENT

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J. Carlyle Sitterson, new chancellor at U. N. C. in Chapel Hill, appears on this month's cover. An interview with Chancellor Sitterson begins on page 1.

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J. Carlyle Sitterson: Carolina's New Chancellor

By Elmer Oettinger

Chancellor Sitterson (center) chats with former U.N.C. Chancellor Robert B. House (seated) and a student during graduation weekend on the main campus in Chapel Hill.

Tar Heel with Vision

Joseph Carlyle Sitterson is a Tar Heel born and bred, but, more than that, he symbolizes the quintessence of the spirit and the vision which are at the heart of the great tradition of the University of North Carolina at Chapel Hill. That becomes especially important when it is considered in relationship to Lyle Sitterson's new job as U.N.C. Chancellor. For, as Sitterson has pointed out, Carolina has its own built-in dynamism—a dynamism which inspires profound love (and perhaps, in some cases, the opposite), incentive for higher achievement, and leadership among institutions of higher learning in the South. Such a dynamic University would seem to require a dynamic Chancellor. Steeped in its tradition, tempered and tested in its scholarly and administrative processes, and advertent to its responsibilities and potential, Lyle Sitterson has taken over the helm of this sturdy academic ship with a dynamism and confidence that reflects his heritage, experience, and outlook.

To talk with Chancellor Sitterson is to obtain a clear perspective on the University and the State it serves. Sitterson is direct, candid, and eloquent, especially when talking about the University. He is modest, though equally candid, when asked questions about himself. In his forthrightness can be detected his dislike for sham and circumlocution. In the cogency and precision of his answers is reflected 30 years as a faculty member and some 11 years as an administrator at the State University.

Symbol of Hope and Glory

Sitterson has been called a symbol of "hope and glory" for the University at Chapel Hill. Certainly he has both *hope* and faith that the University will continue to lead the State and its people into a *glorious* future. He takes pride in the dynamic role of the Chapel Hill campus in the life of the State and beyond. He is aware that nine departments of the University recently were ranked in the top 20 in the nation, but he sees that sort of statistic as a stimulus and challenge. Accordingly, he regards the higher standards for student admission, the vastly increased numbers of students attending the University, the outstanding faculty, and the growing public service programs on and off the campus as segments of the logical total development of a world-renowned institution of higher learning, which is dedicated to serve the people of North Carolina in their quest for the best in education. He will tell you that his hopes for the years ahead include substantial advances in each of several areas:

1. A constantly increasing University role in the discovery of knowledge.
2. Greater stature in the whole academic community.
3. An impact upon the life of the State, in all of the University's programs.

He sees in the education of those thousands of people who come to Chapel Hill annually a stimulating effect upon the life of the communities throughout the State. He recognizes in the University's distinguished and able faculty a matchless resource for students, which in the long run brings benefits to all the citizenry of North Carolina. And he is determined to find ways and means of making the dialogue between the University faculty and the State community continuous, constructive, and ever more meaningful.

Concept of University

These hopes fit in with Sitterson's concept of the multiple University role of acquiring, transmitting, and applying knowledge. He says: "We sometimes overlook that the University world is composed of many functions. Some people find satisfaction in one

function: teaching, research, or service. (The service function supplies and applies knowledge to current problems.) It happens that from the very first, I have not regarded myself as being engaged in only one function. I have had teaching and research from the outset, and have participated in the interaction of State and academic community. So I have had less disruption, perhaps, than others who have made a similar change from teaching and research to administration."

Thus, he feels that his early and continued association with varied facets of the University, in a very real sense, prepared him for the assumption of his later duties. Reminded of a rather disconcerting introduction of Dean (later President) Barnaby Keeney of Brown University at a meeting of the Medieval Academy several years ago as "formerly a scholar, now a dean," Chancellor Sitterson smiled in appreciation but, characteristically, reserved his right to disagree with the implications of the introduction. "We make a mistake," he observed, "in downgrading administrative responsibilities. Such responsibilities can be highly complex. Direction is bound to be important and, if we do not recognize its complexity, the functions of the administrator and the institution will suffer." He noted that he did not want to be misunderstood—he has no illusions about administration; yet his experience equips him to know the importance of *creative* administration.

Background for the Job

It is clear that the 11 years (1955-1966) he served in administrative capacities prior to taking over the permanent Chancellorship has made for a gradual adjustment and prepared both Sitterson and his family for the demands of changes in status and responsibility without undo strain. For ten years he served as Dean of the College of Arts and Sciences and, simultaneously, for the last four years of that period (1961-1965) as Dean of the General College. He gave up his Deanships to accept appointment as a Vice-Chancellor of the University in September, 1965. Acting Chancellor (succeeding Chancellor Paul Sharp who became President of Drake University) in February, 1966, and Chancellor in May, 1966.

Lyle Sitterson's roots lie deep in the soil of Eastern North Carolina. He told his Kinston home folks, gathered for "Carlyle Sitterson Day" last June 16: "I suppose the most self-evident thing about me is my Eastern North Carolina roots. All branches of my family, whether they be Sittersons, Mitchells, Perrys, etc., have lived in Eastern Carolina for more than 200 years. It has always been a source of genuine personal pride to me to know that members of my family have played their part, sometimes large, sometimes small, in the life of this section over these generations." Lyle himself attended the Kinston Public Schools and between 1931 and 1937 received three degrees (A.B., M.A., and Ph.D.) from the University of North Carolina. During this period he served briefly as director of the North Carolina Hall of History. He married a Kinston girl, the former Nancy Howard, and their three children, Joe, Jr. (21), Mary (16), and Curtis (15), all have grown up in Chapel Hill. In fact, Joe is a Morehead scholar at the University.

But, much as Chancellor Sitterson has proved his love of his native State, there is nothing local or provincial about his record, interests, or outlook. As early as 1940 he accepted a Rosenwald Fellowship to make a study of the South's sugar industry. Soon after his return from the Army in World War II, he served for two years in Washington with the War Production Board. His publications include numerous articles and several books, among the latter *Sugar Country*, a study of the cane sugar industry in the United States. *The Secession Movement in North Carolina*, *Military Production for World War II*, and *American Society and the Changing World*. Some of these works were written in collaboration with other scholars. In addition, his career has been dotted with editorial and professional affiliations. He has been a member of the editorial board of the *Journal of Southern History*, on the Board of Editors of *James Sprunt Studies in History and Political Science*, and editor of *The South and World Affairs*, official publication of the Southern Council on International Relations. He was elected secretary-treasurer and executive council member of the Southern Historical Association and he also is a member of the American Historical Association, the Mississippi Valley Historical Association, and the Historical Society of North Carolina. He was honored by the University of North Carolina which made him a Kenan professor of History in 1961 and by fellow administrators who named him Chairman of the American Conference of Academic Deans in 1964. Not suprisingly, he is listed in *Who's Who in America*, *Who's Who in the South*, *Who Knows What*, and the *Directory of American Scholars*. The shelves of his office in South Building are lined with books whose subject matter suggests his own range and diversity. The titles run from *Contemporary America* to *Relativity, Groups and Topology* to the *Yackety Yack*, the student annual.

Perspective on Chapel Hill

His extensive background in scholarship, administration, and associations has given Sitterson a broad and deep perspective on the University and its special character. He recognizes that Chapel Hill is "different from other parts of the University." He explains: "More North Carolinians are concerned about what goes on in Chapel Hill than elsewhere. Any Chancellor has to expect reaction to any decision he may make. He can almost be certain that somebody will be offended. For people have a rare

The author, an assistant director of the Institute of Government, is editor of Popular Government.

kind of love for Chapel Hill. Sometimes it is manifest in a widespread feeling that Chapel Hill ought not to change. But a University has to change!" To illustrate this frequent feeling that Chapel Hill somehow must remain fixed and immutable, Sitterson cites letters sent to him by concerned persons who had heard that he was considering converting old Gerrard Hall into an office building. Actually the Chancellor had simply instructed the buildings department to look into possible temporary alterations to permit greater campus use of the building.

Sitterson understands and respects this keen public interest and feeling, and he believes firmly in right of dissent and its applicability to all University ideas and activities. But he has strong convictions that the University must be heard and understood. To this end he has tried to tell people in his own addresses and comments what the State University is and what it must be. He says: "The real challenge of administrative leadership is to interpret the ideas and feelings of others, to be able to use the knowledge of others. No man knows enough himself." And so he is encouraging University faculty members and others to join with him in the total effort to bring the University ever closer, in understanding and programs, to the people of the State. In this connection he is pleased that some alumni have conveyed to him their awareness that the University *has* to change and their feeling that it has improved with change and that the change has kept intact the spirit and quality of Chapel Hill.

Higher Standards for a Competitive Society

Chancellor Sitterson is determined to maintain and enhance the already high standards of the University. He says: "Human society is a competitive society. The whole course of American history has had as a constant theme improvement. North Carolina and the University are committed to the idea that ours is going to be a better State in the next generation than in this. Thus, a true role of the University is to set sights—not to be removed from reality but to look ahead, to relate knowledge to possibilities. We constantly reinterpret our sights in the light of what a human being can hope to be. We can't adopt a role of sheer expediency. Our sights determine the future. But we constantly re-examine the relevancy of our role to reality. There is always interaction between that goal and the present." He further explains: "Human imagination is related to human experience, but not limited to it. We are always trying to extend the best of our ideas, knowledge, and experience to more people. In fact, the essence of the American experience is based on the assumption that it is possible for the common man to acquire the tastes and values of the best." Sitterson sees in this the most daring concept of any society in history. And he asserts: "The University is the principal social instrument for the realization of this concept."

The Chancellor plans to involve more University people in bringing to the public the full flavor of the University. He thinks it is essential that they give "first-hand interpretations." He claims: "I am a second-or-third-hand interpreter. The University needs visibility in depth—which we hope to achieve by the projection of individual 'A' [a University professor] bringing heightened awareness in the community of what he is doing."

Helping People Understand Their University

Why Chancellor Sitterson conceives growing communication between the University and the people it serves to be so important may be understood, in part, in the light of recent University history. The quick passage and subsequent controversy over the so-called "Speaker Ban" law indicated a possible gap in communication that no Chancellor would relish. He has said publicly: ". . . there are many persons in our state who unfortunately neither understand nor appreciate what the University of North Carolina is, what it means to its students, and what it means to the entire community of North Carolina." He has stressed such University functions as "freedom of the mind, the right to criticism, and emphasis of the individual." He has pointed out that some public criticism of the University suggests "a reluctance of so many of the citizens of the state to recognize that 'to err is human' and that the University of North Carolina has never made any pretensions of infallibility or perfection in meeting its multiple educational tasks." And Lyle Sitterson has a plan of action to help meet this need for greater public understanding.

He believes that the more the people get to know their University, its faculty, students, challenges and

problems, the greater the likelihood that they and the University will be able to move forward together. He explains: "Colleges and universities have changed so much in the past 40 years that it is difficult for many people to be aware of the changes. We have known a veritable explosion of knowledge. That knowledge is changing with incredible rapidity in every discipline, and, with the change, there is the fact of and the need for much greater interchange of information." To illustrate his point, he ticks off, with the greatest of ease, systematic changes which have occurred in the biological and physical sciences and "in the social and economic arena." He is convinced that "we have not fully appreciated the changes that have taken place in race relations in North Carolina—and without a great amount of tension." In Lyle Sitterson's judgment, the progress of the state in race matters has been "a major achievement in social advancement, change with so little dislocation." He sees in the magnitude of this change in the State a remarkable accomplishment.

Responsibility to Apply Knowlege

The new Chancellor ties all this in with the responsibility of the University to apply the knowledge it has acquired through research and study and is transmitting directly to students. He points to the Institute of Government as an important example of the resources of the University in supplying knowledge and information for public officials and private citizens. He says that the acquisition, transmission, and application of knowledge can never be mutually exclusive and he points out that knowledge loses its relevance if not applied. He uses this concept as a basis for faith that the University, through its study of the past and present, must serve the future. In his words: "A state university has got to apply knowledge. There is no other institution which can serve in applying *new* knowledge. Government has to spend so much time on housekeeping that lots of its energies necessarily are devoted to serving the present. A state university must make judgments and evaluations as to directions for the future. It must also determine directions which are undesirable for the future." Again, he cites the role of the Institute of Government in consulting with and publishing for wide range of officials on matters relating to public law and government.

Sitterson is under no illusion as to the problems that remain to be met if the University is to achieve and strengthen its goals in public service. He points to a vital need for coherent and constant use of the mass communication media. As he puts it: "The communication media represent most important outlets for assisting the University in its teaching and public service roles. Yet motion pictures and television have not yet realized their educational possibilities."

Lyle Sitterson has been close to students of the University and their problems, first as their teacher for a quarter of a century, then as their Dean, and more recently as their Vice-Chancellor and Chancellor. He knows their attitudes, their interests, their increasing numbers, their potential. He knows that, as the storehouse of knowledge has increased, the quantity and quality of student learning has advanced. University requirements and standards have risen through the years. It is a far cry from the Chapel Hill which had 2,000 students in his undergraduate days of the 1920's, to the Carolina which will have more than 13,000 students this fall and is expected to enroll some 17,000 by 1970-71. Not untypically of a major University, the increase in enrollment is predominately in the graduate and professional schools. The freshmen class of 1970-71 is expected to have about 2,500 students, only 200 more than the class enrolled this month. Yet that same academic year, the Graduate School, whose present enrollment about equals that of the freshmen class, is expected to have nearly 4,000 students, an increase of more than 1,500 in four years. Similarly, professional schools are expanding rapidly. The Law School, which will move into a new building next to the Institute of Government before the end of the decade, expects to increase its enrollment from 450 to 600; the Medical School is on its way from 70 to 100 doctors-to-be in each class and the Dental School will have 75 dental students rather than the present 50.

Preserving and Enhancing Student Identity and University Character

Chancellor Sitterson has no intention of presiding over a University grown impersonal with size. Although he recognizes the problems of growth and the necessity for controlling it, he is battling vigorously for an affirmative, effective course of action that will permit the retention of individual student identy and participation in University life to the utmost extent of individual talent and interest. His eyes sparkle when he talks of the role of the individual in the University. He tells you: "The spirit, quality, and character of the individual have been the basis for the spirit, quality, and character of the University of North Carolina at Chapel Hill. We now face the real challenge. Are we going to be altered so as to lose the character of our University community?" So far as Lyle Sitterson is concerned, the answer is "No!" Students residence halls with programs and identities of their own have sprung into actuality. Thorough study of the residence hall program by an administration-faculty-student committee has been in progress for a year. New residence halls for the growing campus have been designed to permit grouping of students in relatively small numbers so as to assure some inter-personal relationship. Sitterson

feels that the additional cost of such designs for these necessarily larger structures (the University already has a 10-story dormitory, with more on the way) is essential to the preservation of the Carolina character and tradition. He says flatly: "Budget difficulties must be resolved with the understanding that design is vital to keeping the individual important and enabling him to enter the large University community without being lost. And very imaginative ideas have been advanced, creative new steps by which the individual enlarges his contacts, without losing himself. These ideas provide an exciting design for living. But to realize it, we will need understanding of the importance of these plans and the essential budget expansion."

Sitterson also is enthused over current experiments in the organization of curriculum. An independent study is underway, with the goal of finding solutions to a vexing question related to preserving student identity: "As most classes get larger, how can we create a sufficient number of smaller classes, so that the individual will not be lost by being placed exclusively in big lecture sections?" The Chancellor is confident that such challenges can and will be met. He believes that the quality of the design for living, class organization, study, and participation in campus activities, like the quality of instruction, will meet the challenge of increasing numbers and calibre of students. He is proud that the quality of students, always high, grows even better. He says: "We are far more selective than in the past. We have to be. The average score on the College Board Examination has gone up over 200 points in the last four years. Thus, it is virtually impossible to avoid selectivity if academic quality is to be maintained. Actually, over 99% of our incoming freshmen ranked in the top half of their senior classes in high school and some 72% of them graduated in the top one-fourth of their classes. It is not that we are trying to keep people out. We are not. We are simply forced by the chain of events and circumstances not to accept students who cannot meet University standards."

Shaping an Honest View of Life

Lyle Sitterson has begun to carry this distinctive brand of thinking to the people himself, in speeches and in interviews. Speaking on "Parent's Day" in Chapel Hill last May, he bluntly informed the assembled fathers and mothers that the University is likely to be exacting in its intellectual challenge for their beloved sons and daughters and that they must expect them to learn to question things they had been taught were true. He said: "College students, more than any others in our society, I am convinced, are genuinely seeking knowledge of the world and of man. As [a student] studies the arts, literature, history, and sciences, he comes to learn something of the interdependence of knowledge and for the first time perhaps he comes closer to a realization of the complexity of life. In this learning process, he unavoidably undergoes considerable self-examination and attempts what thoughtful man has always attempted—that is, to shape and fashion an honest view of himself, his life, and his world. And with this, there is an unavoidable degree of questioning, of doubt, about some of the things he had formerly accepted without really questioning—not because these things were always necessarily true, but because he had believed them to be true, or perhaps because his elders had led him to think they were true."

Will success inevitably come to the growing, questioning university student? Not necessarily, according to Sitterson: "There are hazards in this process of inquiry, learning, doubts, and reconstruction of one's thoughts. Some find it difficult, even impossible, to construct a satisfying view of life, but the process of trying is as inescapable for an intelligent man today as it always has been in history."

But the Chancellor seeds his advice to parents with characteristic affirmation. He concludes: "You and I must somehow come to see that inquiry on the part of youth does not necessarily mean rejection of values—that examination of accepted mores, whether in race, religion, politics, or economics, does not jeopardize the future, although it may certainly raise questions about the present.

"Finally, let us remember that we Americans have always placed our best hopes in youth, and the record of our history seems to be convincing proof of the wisdom of this view of man."

The Quest for Careers and Continuing Education

Chancellor Sitterson has advice for students searching for a career, too. He tells them: "First, study something that interests you personally; second, study something that you yourself think is important. If you do this, then you will have no worry about your career. It will take care of itself."

He also has and voices ideas relating to adult education. Speaking to a banquet for bankers, he raised questions as to whether knowledge had become "so easy to come by that few recognize its intrinsic value" and "too readily regard education as ending with graduation," associating the process "almost exclusively with preparation for a job." "The consequence," according to the Chancellor, "is that we almost immediately forget the essential characteristic, indeed the indispensable characteristic of education, namely, that it is a continuing, never-ending process."

Upgrading Cultural Values Through Inquiring Minds

Sitterson does not hesitate to use his historian's perspective in making his points stick. For the bankers, analyzing the dangers of accepting mediocrity as a standard of values, he cited historical change and significance in clear and cogent terms:

". . . however much settlers at Jamestown and Plymouth, and throughout the 17th and 18th centuries, emphasized material well being, they never made the mistake of equating material culture and 'The Good Life.' The founders of American society, however much they sought material well being, always recognized that this material well being was but one part of the good life and was not synonymous with the good life. In all fairness, I think, in the era of Jacksonian Democracy, in the age of the common man, it was never contemplated that intellectual and cultural values should be altered to suit the taste of the average man. On the contrary, the thesis of Jacksonian and American Democracy was that the common man should have an opportunity to gain access to those intellectual and cultural values which in previous ages had been opened only to the few and the privileged. The paradoxical fact in our age seems to be not so much that opportunities have been and are still being increasingly opened to the common man but rather that this enlargement of opportunity has resulted in a change in values and taste. Thus, instead of the common man or, to use a more contemporary term, the culturally deprived, acquiring the values of a higher life, the common values (that is, those values shared by the largest number of people) have become our standards. To put it somewhat more moderately, they threaten to become our standards. To make the standards held by the largest number the essential qualities of our national life is, I believe, to create a 'cult of the average.'"

Sitterson's view of a dynamic society in which persons of all ages must continue to educate and re-educate themselves in quest of the highest standards of knowledge and understanding provides additional insight into the role of the University, as the Chancellor sees it. He specifies: ". . . we must permit the different, tolerate the eccentric, and turn our backs on conformity for mere conformity's sake." With unassailable logic, he asserts: "It follows, too, that the true University world which recognizes and paramounts the intellect must, if it is to mean anything, value and cherish the right to criticize, the right of dissent, for it is from such criticism and such dissent that new ideas, new values, new achievements, in matters of the spirit and the mind are formed. This means again that in essence a University if it is truly to be the home of the intellect must not be devoted to the defense of or the maintenance of any particular social, economic, political, or religious system, but must be devoted essentially and unequivocally to the primacy of knowledge."

It is not difficult to see the mind and heart of the scholar of history in Chancellor Sitterson's comments. He observes: "It is a truism known and demonstrated by the history of all cultures in the long vantage point of time that ultimately all human organizations pass away, but knowledge remains." And he finds in "the happiness of knowing the purest and least selfish satisfaction known to man, except those of creating a work of art and healing the sick." He phrased it this way in the closing line of a speech: "Man is indeed a noble creature and his ultimate destiny is indeed the pursuit of virtue and knowledge."

Public Service Without Sectionalism

A State University serves the people of the State primarily in making available to them the knowledge of the world, putting this knowledge into meaningful and useful patterns, and providing insights and guidance as to their directions and potential for the future. Such concepts appear to lie at or near the core of Lyle Sitterson's philosophical approach. While recognizing and enumerating the impressive percentages of Eastern North Carolinians who attend the University and graduate from its various undergraduate, graduate, and professional schools, Sitterson pointed out to his homecoming audience: "No University worthy of the name can—nor should it—claim to be a purely sectional institution, serving only or even primarily the needs of one section of our State." And, later in the same address he said: ". . . it has become abundantly clear that when North Carolina es its human and material resources under wise and energetic leadership, the state moves forward to the greater benefit of all the people from Manteo to Murphy." He made clear that he understands the University's role to require harmonizing and harnessing its resources and energies with those of other institutions and the people at large. He says: "The University has never thought of its mission in higher education in North Carolina as an exclusive one. It has sought, and it will continue to seek, a role in which it can make its optimum contributions to the development of North Carolina from the mountains to the sea."

After expressing his faith that the University will continue to attract "the best of your young manhood and womanhood" and that the University will stimulate and inspire them "to undertake careers of constructive leadership in their home communities," he expressed his own innate confidence in terms which could be cited as a keystone to his own faith and character: "It is to those future leaders that you and I must look for the continued advancement of our state. I am confident that in the future, as in the past, Eastern North Carolina and the Uni-

versity hand and hand, will walk down the path to a brighter future." There can be no doubt that the Chancellor, although orienting his remarks to his Eastern audience, cherishes a larger vision of the entire State and the University going forward, hands joined, into that "brighter future."

Human, Dedicated, Looking to the Future

In sum, Lyle Sitterson is a very human man who carries his responsibilities with the poise, ability, and dedication which always have stamped his personality and character and marked his career. He is easy to talk to, thoughtful and direct in his responses, and profound in his judgments. In his own approach to people and life he exemplifies his conviction that "dignity of the individual is the very essence of civilized life." He himself inspires the kind of feeling he says he got from his home folks: he said he felt in their greeting "a new appreciation of the warmth, the friendliness, and the generous affection of man for man . . ."

For beneath and beyond the resolve and reserve, the idealism and realism which the press has professed to see in the new Carolina chancellor is a man who epitomizes the realized potential of a talented native son and in himself evidences the sound basis for his own vision of a better University future. "The remarkable thing about U.N.C.," Lyle Sitterson says, "is that everyone of its futures has been better than its past. Perhaps that is the source of its dynamism." Both the University and the State of North Carolina can be assured that the chancellorship of Joseph Carlyle Sitterson will nourish the flame and hold high the torch of knowledge that lights their way to that "ever brighter future." □

Piedmont Crescent Urban Policy Conference Scheduled for U.N.C. at Charlotte

A major effort to help leaders of Piedmont Carolina cities solve problems associated with rapid urbanization will be furthered in October on the eampus of the University of North Carolina at Charlotte.

This effort will take the form of a series of 12 seminars and will be known as the Piedmont Crescent Urban Policy Conference. The conference will provide an opportunity for governmental and civic leaders in the area extending from Raleigh in the east to Spartanburg, S. C., in the west to discuss common problems with leading authorities in the field of urban affairs.

Financed by Duke Power Company, the seminars are being arranged by the Brookings Institution of Washington, D. C., a private non-partisan research organization. Although they will be devoted to the specifie problems of the Piedmont Crescent, the seminars are based on similar programs presented by Brookings Institution in other urban areas of the United States in recent years.

Dr. John Osman, director of the conference and a member of the Brookings staff, declared that a primary aim of the conference will be "to identify and organize the urban research that is available so . . . public officials and civic leaders can be brought up to date on urbanization."

The initial seminar is scheduled for October 19 and the concluding one for June 13, with seminars spaced at three-week intervals during this period. About 70 public officials (city managers, mayors, planners) and community leaders (Chamber of Commerce officials, newspaper editors) will be invited to attend the seminars, which will be held twice each week.

Seminar discussion leaders will include John W. Dyckman, chairman, Center for Planning and Development Research, University of California; Scott Greer, director, Center for Metropolitan Studies, Northwestern University; Edward Higbee, professor of land utilization, University of Rhode Island; Leo Molinaro, executive vice-president, West Philadelphia Corporation; and Lynton K. Caldwell, professor of government, Indiana University.

The Brookings Institution and the Institute of Government joined in conducting a related program in Chapel Hill last spring. "The City of the Future" was the subject of that four-day Regional Urban Policy Seminar, attended by some 30 state and local officials. (See *Popular Government,* May, 1966, page 24.) □

Book Reviews

THE COSTS OF AMERICAN GOVERNMENTS. Frederick C. Mosher *and* Orville F. Poland. Dodd, Mead and Company, New York, 1964. 180 pp. $3.50, paperback.

FINANCING STATE AND LOCAL GOVERNMENTS. James A. Maxwell. Brookings Institution, Washington, 1965. 276 pp. $5.

The concerned citizen who wants certain basic and simple information about government finances is too frequently confronted by a morass of statistical material which leaves him hopelessly confused. These two short books, one a paperback, have done a great deal to overcome this deficiency.

Mosher and Poland are refreshingly comprehensible as they deal with the wide variety of expenditures made by the three levels of our government. Fortunately comprehension has not been obtained at the cost of analytical accuracy. They have increased the reader's understanding of the basic changes which are taking place by separating defense from non-defense expenditures; by showing federal, state and local expenditures individually; and by placing trust funds, such as the social security system, apart from other expenditures. They have illustrated strikingly the different ways by which government expenditures can be measured and they have analyzed the problems created by the fact that the value of the basic measuring device, the dollar, changes over time.

The authors discuss the major causes of sharp increases in governmental expenditures, essentially wars and depressions, as they illuminate the "crisis theory" of government finance. They appraise the different ideas surrounding concepts of "balanced" budgets, and they evaluate the changing size of the public debt. Because a preponderance of governmental expenditures support personal services, the authors devote a chapter to changes in public employment patterns, again separating federal from state and local changes while also giving individual consideration to employment in education.

The book is much less adequate on the revenue side of the ledger, but the authors deliberately chose, as the title indicates, to focus primarily on costs or expenditures. For state and local finance, this shortcoming is more than overcome by the Maxwell book. This latter book focuses almost entirely upon the revenue aspects of state and local finance, and is a part of the continuing series of excellent publications the Brookings Institution is publishing in its "Studies of Government Finance."

Maxwell gives extensive attention to individual income, sales, property, and selected non-property taxes and also provides some comments about non-tax revenues, particularly those of public service enterprises. The book contains excellent discussions on the significance of intergovernmental transfers, predominantly grants-in-aid; the changing nature of state and local debt; and the use of earmarked revenues and capital budgets. Maxwell's analyses are noticeably more sophisticated than those provided by Mosher and Poland, as he deals with measures of fiscal capacity and performance, the income redistribution effects of government grants and the implications of dispersions in property assessment ratios. The first two authors attempted nothing comparable in their study. While less readable and more technical than the Mosher and Poland book, this volume is perfectly complementary to the former and makes its own significant contribution to our understanding of state and local finance. —S.K.H.

(Continued on page 30)

Dexter Watts, whose memorandum appears on the following pages, is an assistant director of the Institute of Government specializing in the area of criminal law and procedure.

MEMORANDUM

TO: Officials Concerned with the Administration of Criminal Justice

FROM: L. Poindexter Watts

DATE: July 20, 1966

SUBJECT: Decision in the Post-Escobedo Cases

On Monday, June 13, the Supreme Court of the United States handed down a consolidated opinion in four cases under the heading Miranda v. Arizona, 16 L. Ed. 2d. 694 (1966). These cases answered some of the questions which had been raised by the opinion in Escobedo v. Illinois, 378 U.S. 478 (1964). Like Escobedo, the basic split of the Court was five-to-four, with Mr. Justice Fortas agreeing with the majority opinion written by Chief Justice Warren. (Mr. Justice Fortas replaced Justice Goldberg, the author of the Escobedo decision.)

The majority opinion extends the Escobedo rule quite explicitly and holds that the privilege against self-incrimination is fully as applicable in the police station as in the courtroom. The Court was troubled by the difficulty of enforcing the privilege during "in-custody interrogation" in which the accused faced police questioning alone. The Court then offered some "guidelines" which police must follow in order to have confessions which are obtained during periods of in-custody interrogation admitted into evidence.

The Court emphasized that its guidelines were not absolutes, but until state legislatures and courts (through their rulemaking powers) come up with "creative" alternative solutions, the police must abide by the guidelines

of the Court. Since the decision was based on constitutional grounds, however, the Court made it quite plain that the alternative solutions which the states might reach must be "fully as effective as. . . [the Court's guidelines] in informing accused persons of their right to silence and in affording a continuous opportunity to exercise it."

Warning as to Rights

An absolute requirement must be met as to warning the accused of his rights before any incriminating information elicited during an in-custody interrogation can be used against the accused in court. No matter how intelligent and educated the accused, the warning must be given beforehand. And, it applies to admissions and exculpatory statements as well as confessions--if they are in fact incriminating in effect and are sought to be used against the accused.

The warning is in four parts:

(1) The accused must be told of his right to remain silent.

(2) The accused must be told that what he does say may be used in court against him.

(3) The accused must be told that he has a right to have a lawyer present during the interrogation.

(4) The accused must be told that he has a right to an appointed lawyer if he cannot afford to hire one.

Furnishing Counsel to Indigents

If the accused cannot afford a lawyer and requests that one be appointed, the state has two choices: (1) get him a lawyer or (2) stop asking questions.

The Requirement that Interrogation Stop

If the accused indicates that he will utilize his right to remain silent, the interrogation must stop. (That is what the guideline says; in any event, it seems clear that the courts will not knowingly allow the state to use against the accused--directly or indirectly--any information gained from further questioning.) If the accused asks for a lawyer, the interrogation must stop till the (retained or appointed) lawyer gets there. If the accused answers some questions but then, when the net seems to be closing in on him, indicates he will say no more, the interrogation must stop at that time. The Court said:

> At this point [of indicating a desire to remain silent] he has shown that he intends to exercise his Fifth Amendment privilege; any statement taken after the person invokes his privilege cannot be other than the product of compulsion, subtle or otherwise. Without the right to cut off questioning, the setting of an in-custody interrogation operates on the individual to overcome free choice in producing a statement after the privilege has been once invoked. . . .

If a lawyer is present to advise the accused as to his answers, the police can probably continue asking questions despite the silence of the accused for at least a short while. The Court said in a cautious footnote:

> If an individual indicates his desire to remain silent, but has an attorney present, there may be some circumstances in which further questioning would be permissible. In the absence of evidence of overbearing, statements then made in the presence of counsel might be free of the compelling influence of the interrogation process and might fairly be construed as a waiver of the privilege for purposes of these statements.

Where the Accused Does Confess After Warning

Where the accused does confess during in-custody interrogation (i.e., no defense lawyer or other outsider present) and after the four-part

warning has been given, the road ahead is still not very clear. The Court held:

> If the interrogation continues without the presence of an attorney and a statement is taken, a heavy burden rests on the Government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel. Escodedo v. Illinois, 378 U.S. 478, 490, n. 14. This Court has always set high standards of proof for the waiver of constitutional rights, Johnson v. Zerbst, 304 U.S. 458 (1938), and we re-assert these standards as applied to in-custody interrogation. Since the State is responsible for establishing the isolated circumstances under which the interrogation takes place and has the only means of making available corroborated evidence of warnings given during incommunicado interrogation, the burden is rightly on its shoulders.
>
> An express statement that the individual is willing to make a statement and does not want an attorney followed closely by a statement could constitute a waiver. But a valid waiver will not be presumed simply from the silence of the accused after warnings are given or simply from the fact that a confession was in fact eventually obtained. . . .

This last quoted paragraph hints strongly that waiver probably will not be found unless the accused states in actual words that he is willing to talk and that he does not want a lawyer; in any event the words or actions purportedly constituting waiver must affirmatively appear in the record. Too long an interrogation will be almost invariably fatal. The Court said:

> Whatever the testimony of the authorities as to waiver of rights by an accused, the fact of lengthy interrogation or incommunicado incarceration before a statement is made is strong evidence that the accused did not validly waive his rights. In these circumstances the fact that the individual eventually made a statement is consistent with the conclusion that the compelling influence of the interrogation finally forced him to do so. . . .

Warning Not Necessary if No Interrogation

If a person comes into a police station wishing to confess, the police

do not have to stop him and give him the warning. Also, the police can ask their usual investigatory questions at the scene of a crime, etc., and use all the information they get--without giving a warning beforehand. The warning requirement in terms applies to in-custody interrogations. This would depend not so much on place so much as other circumstances. As one newspaper commentator put it, the thrust of the opinion cannot be evaded by "long rides in squad cars."

If an interview situation reached the point that it turned into an interrogation, with the questions of the officer changing and beginning to "focus" on the person interviewed as a probable accused, then it would be necessary for the officer to stop (in the British manner) and give the four-part warning. Though the Court seemed primarily concerned with prisoners being held incommunicado, the "in-custody" phrase may cover a great many situations where the police have isolated a person being questioned so that he cannot easily back away from the interrogation. For example, if the police (or a policeman) were in a man's home or in his automobile when he had no one around who was on his side and willing to stick up for his rights, this could be the locale of an "in-custody interrogation." If, however, it could be shown that the person being questioned felt free to order the police out and was under no substantial compulsion and made his incriminating slips merely in a misguided attempt to outwit the police, there might be a great deal more leeway in the type of questioning permitted. There undoubtedly will be a number of cases testing exactly what "in-custody interrogation" means.

Application of Rule in Misdemeanor Cases

The Court did not specify whether the rule applied to all cases or

whether it applied only to felonies. In fact, the Court has left unanswered the full scope of the right-to-counsel requirement of Gideon v. Wainwright, 272 U.S. 335 (1963). A recent opinion has held that the right to a jury in contempt cases applies when the punishment exceeds imprisonment for six months. Cheff v. Schnackenberg, 16 L. Ed. 2d. 629 (1966). Some see this as the level of punishment at which the states must begin to furnish counsel to indigents.

Since the warning requirement involves the Fifth Amendment privilege against self-incrimination just as fully as the Sixth Amendment right to counsel, the chances are good that the warning rule will apply across the board. In its in-court operation, the privilege against self-incrimination has always been understood to apply to all cases, no matter how minor. Also, if any misdemeanor is serious enough to require in-custody interrogation, it is probably a serious enough case that the right to counsel will exist and the right to a warning will be required. (If this belief proves true, it may have a large effect in a number of misdemeanor cases in which questioning the accused is routine --e.g., driving while under the influence of intoxicating liquor and the recommended series of questions on the back part of the Alcoholic Influence Report Form.)

Nonretroactive Application of Warning Requirement

One week after the Miranda decision, the Court held in Johnson v. New Jersey, 16 L. Ed. 2d. 882 (1966), that Escobedo and Miranda should not be given retroactive effect.

This means that the conviction of anyone whose trial began on or before June 22, 1964 will not be disturbed merely because there was a confession and there was a failure of compliance with Escobedo's rule that the defendant

had the right to consult with counsel in the interrogation room upon request.

In the case of the Miranda rule, it means that the conviction of anyone whose trial began on or before June 13, 1966, will not be disturbed merely because of police failure to give the full four-part warning before interrogation and to abide by the follow-through provisions implementing this warning. (Since Escobedo made a strong point of the warning of the absolute constitutional right to remain silent, this warning may be held necessary as to any trial begun after June 22, 1964, in which a confession--or any evidence gained as the result of a confession--was utilized.)

A confession will still be retroactively subject to attack on the more traditional ground that there was a failure of due process in the method of obtaining it. The Court made specific reference to Davis v. North Carolina, 16 L. Ed. 2d. 895 (1966), in which on the same day an old conviction was invalidated upon collateral attack because of the oppressive totality of circumstances surrounding the obtaining of the confession.

NOTE: In interpreting the holding of Miranda, it may be necessary to note closely the traditional police usage of the term "interrogation"; the Court employed the term extensively after analyzing several police interrogation manuals. Normally the police make a sharp distinction between an "interview"--in which witnesses and potential suspects are asked questions as an information-gathering process--and an "interrogation"--in which a person who is a prime suspect is subjected to very close and relentless questioning in order to obtain incriminating admissions.

It should be recalled that Escobedo said the right to counsel arises where:

> the investigation is no longer a general inquiry into an unsolved crime but has begun to focus on a particular suspect, the suspect has been taken into police custody, [and] the police carry out a process of interrogations that lends itself to eliciting incriminating statements . . . .

The Miranda opinion stated that its phrase "in-custody interrogation" was descriptive of this very same point in the investigatory process, and that the four-part warning was required before this point was reached.

Several persons have raised the question whether the exclusionary rule applies when the defendant is in custody and the investigation has clearly begun to focus on him alone but he is not "interrogated" and he makes an incriminating admission simply during an apparently casual conversation with police or custodial officials. This question cannot be satisfactorily answered at present. The case of Massiah v. United States, 377 U.S. 201 (1964), may indicate that after a certain point in the prosecution any information gained in absence of counsel (unless there is a specific waiver of counsel after warning) must be excluded. It should be noted, though, that Massiah involved an element of trickery and the conversation in fact was far from casual. It seems clear, however, that the full warning should be given to all persons in police custody and charged with crime as a matter of routine--whether or not any interrogation is immediately contemplated.

Two Join Institute Staff; Two Take State Positions

Cleland

The Institute of Government has added two new staff members and lost two old ones. Lee T. Quaintance and George M. Cleland have joined the Institute staff while George A. Coltrane and Allan Markham have accepted positions in State government.

Quaintance is a 1966 graduate of the New York University School of Law. He also has an M.A. degree in Political Science from the University of Chicago and graduated *cum laude* with a B.A. degree from Claremont Men's College in California.

Cleland received his LL.B. degree in 1965 from the Tulane University School of Law. Prior to that he had attended the United States Naval Academy and Wake Forest College. He has had editorial experience and has worked on legal matters pertaining to drafting and negotiation for the State Highway Commission.

Cleland joined the Institute staff in August; Quaintance, in September.

Coltrane assumed his new duties as deputy secretary of the North Carolina Local Government Commission in July. He had served the Institute in the area of county government. His background includes both law and accounting.

Coltrane

Markham accepted a position as chief of the research section of the State Department of Community Colleges. He, too, began his new assignment in July. His field at the Institute was education. A lawyer, he also worked with registers of deeds. □

Quaintance

Markham

Area Representation in North Carolina County Government

By Joseph S. Ferrell

Mr. Ferrell is an assistant director at the Institute of Government whose area of specialization includes municipal law and administration.

Election of the board of commissioners "from the body of the county" has been the form of representation prescribed by the General Statutes of North Carolina for county government since 1905,[1] but over one-half of the 100 counties have at some time obtained local acts providing for area representation.[2] While area representation in legislative bodies most often takes the form of each constituency nominating and electing its own representatives, its essential characteristic is that some or all of the members of the legislature are charged with the responsibility of representing the citizens of a defined district or area. So long as this principle of representation is maintained, the composition of the electorate may vary. Thus in North Carolina counties, the most common varieties of area representation include nomination and election of each commissioner from districts[3] nomination from districts and election at large,[4] and requirements that members of the board reside in specific districts even though all voters in the county participate in their nomination and election.[5] Two other varieties are a limitation that not more than one commissioner may reside in any one township,[6] and a requirement that at least one commissioner must reside in a specified township while no residence restrictions are placed on other members of the board.[7] Area representation is also combined with the election of one member at large in some counties.[8] All of the plans have in common the policy that members of the governing board should be widely distributed throughout the geographic extent of the county in order to promote separate representation of identifiable areas.

In determining the areas to be given separate representation on county boards of commissioners, relative population has definitely taken second place to an effort to give a representative to as many separate communities as can be managed with the number of seats available (usually five).[9] Thus, several counties found it possible to assign one commissioner to each township,[10] increasing the size of the board to five, six or seven if necessary. Others found multi-township districts unavoidable if a small board was to be maintained.

Reapportionment

The decisions of the United States Supreme Court holding that constituencies in state legislatures and the Congress must be substantially equal in population dealt the policy of representation for all communities within a governmental unit a severe blow. Even though democratic ideology has never explicitly approved of wide population disparities among legislative constituences, it has allowed the ideal of equal representation for equal numbers to yield to the ideal of representation for all communities, whether these be counties, townships or other groups expressed in terms of geography. By 1960 substantial population disparity among constituencies had

1. G.S. § 153-4 (1964).
2. There is a county by county survey as of December 1965, in FERRELL, CASES AND MATERIALS ON LOCAL APPORTIONMENT (1965), Ch. V. See also, Sanders, *Equal Representation and the Board of County Commissioners*, POPULAR GOVERNMENT, April 1965, p. 1.
3. Cherokee and Pender Counties. Several counties initially used this variation but later changed to one of the others.
4. Carteret, Chatham, Duplin, Harnett, Lincoln, Onslow, Roheson, Rutherford Washington and Yadkin as of December 1965.
5. Anson, Beaufort, Bertie, Camden, Caswell, Chowan, Cleveland, Columbus, Craven, Cumberland, Currituck, Dare, Edgecombe, Franklin, Gaston, Gates, Granville, Halifax, Hertford, Hyde, Martin, Montgomery, Moore, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Richmond, Scotland, Tyrrell, Vance, Wake, Warren and Wilson.
6. Brunswick.
7. Rowan.
8. Chowan, Currituck, Montgomery, Pasquotank and Scotland.
9. Although the general law prescribes a three-man board of commissioners, only 22 counties have this number. Seventy-three boards have five members; the remainder have six or seven members.
10. Camden, Chowan, Currituck, Gaston, Lincoln, Onslow, Pamlico, Perquimans, Scotland, Tyrrell and Washington.

become the rule rather than an exception at all levels of government from the county to the Congress. With unusual speed and clarity the Supreme Court made population equality in legislative constituencies an all-pervasive principle, extending to both houses of a bicameral state legislature and the United States House of Representatives, and leaving little or no room for its avoidance in legislative bodies of whatever nature. The states have complied with these decisions with surprising promptness, though not without the intervention, actual or threatened, of the federal courts in each instance.

It was in response to a reapportionment suit that the North Carolina General Assembly met in extra session in January of 1966 to reapportion both its houses and revise the congressional districts. All three of these tasks were performed with dispatch and good faith, if not with alacrity.[11] Among other accomplishments of the extra session was an act authorizing the 49 counties in North Carolina having area representation plans for their boards of commissioners to either redistrict on an equal population basis or provide for election of all their commissioners at large.[12] This act was also a response to county board reapportionment suits, two having been filed in the federal courts against Onslow and Carteret Counties. While neither suit had yet reached final decision when the act was passed, application of the "one person, one vote" principle to local governments seemed a foregone conclusion, as did the probability that Onslow County's districts could not meet constitutional standards.[13]

Significantly, the 1966 County Reapportionment Act allowed the 49 affected counties to discard area representation altogether. Thus presented with a clear alternative to accept or reject area representation, without legislative indication of preference, the problem was brought to focus: should the members of governing boards represent subdivisions of the unit (assuming that the subdivisions are substantially equal in population), or should each member of the board represent all the citizens of the unit.

In the ten-week interval between adjournment of the extra session and the deadline for action under the County Reapportionment Act in time for the 1966 primaries and election, at least 22 county boards of commissioners pondered the problem of representation on the board.[14] The matter was discussed at the district meetings of the North Carolina Association of County Commissioners, and the Institute of Government held a seminar on local reapportionment. By March 29, the deadline date, 12 counties had taken some action, dividing equally between redistricting and going at large.[15] The redistricted counties are Carteret, Duplin, Moore, Perquimans, Vance and Rutherford. Counties adopting the at large system are Edgecombe, Cleveland, Lincoln, Onslow, Richmond and Rowan. In some instances election of the at-large option can be attributed to the impracticability of redistricting—the commissioners found it impossible to draw sensible districts which would meet the population equality standard required by the Constitution. In others, however, the decision to redistrict or to go at-large was based on a conclusion that one system was preferable to the other. As with most political issues, it is tempting to take an *a priori* stand for one or the other alternative. Depending on one's point of view, the option selected would be justified as more conducive to "good government" and democracy than the other. A sounder view, it seems to me, is that the choice cannot be made on the basis of abstraction speculation alone. The proper solution for a given county will depend on a complex of conditions peculiar to itself. One of these conditions is the pattern of perspectives of the people in general and their political leaders in particular about area representation as a policy of governmental structure.

Area Representation: Acceptance or Rejection

The principle that legislators should represent specific groups of persons living in defined geographic regions, together with the principle of majority rule, is so ingrained in American political thought that it is rarely questioned (except by political scientists and philosophers) as applied to Congress and state legislatures. Opinions differ, however, on the best method of structuring local government boards. In most states, city councils display widely varying forms of government, and in many states county government may take alternative forms. One of the most common variants is the use or rejection of area representation.

The context of conditions underlying adoption of area representation by one local government while its next door neighbor finds no need for such a scheme are as complex as the political process itself. In some instances decisive factors are easily identifiable; in others they may be obscure to the point of subconsciousness. A rather limited analysis of the 52 North Carolina counties which have at one time or another used some variation of area representation on their boards of commissioners leads me to identify four common conditions which may have been influential in the acceptance or rejection of a policy favoring area representation: urbanization, centraliza-

11. See Sanders, *Legislative Representation in North Carolina*, POPULAR GOVERNMENT, February 1966, p. 1 March 1966, p. 4.

12. G.S. §§ 153-5.1 — 5.8 (1966 interim Supplement). Cherokee County was exempted from the application of this act.

13. See generally, Ferrell, *Local Government Reapportionment*, POPULAR GOVERNMENT, Feb. 1966, p. 8. The Onslow County suit was mooted when the commissioners selected the at-large option of the 1966 County Reapportionment Act. The Carteret County suit was dismissed by the federal district court after the commissioners redistricted. It is now pending in the state Superior Court

14. Carteret, Cleveland, Craven, Chowan, Cumberland, Duplin, Edgecombe, Gaston, Greene, Halifax, Lincoln, Martin, Moore, Onslow, Perquimans, Richmond, Rowan, Rutherford, Scotland, Vance, Wake and Washington. There may have been others unknown to me.

15. Resolutions on file with the Secretary of State of North Carolina.

tion, community rivalry, and military impaction.[16] In the discussion of each of these conditions which follows I do not mean to imply that any one of them alone can explain the action of any particular county, or that the list is exhaustive.[17] Rather, I suggest that each of these conditions has influenced to varying degrees that complex of human interactions called government to produce a local policy favoring area representation.[18]

Urbanization: people move to town

In 1960 North Carolina was still predominantly rural. In 1900 it was more so. At the beginning of county government as we know it today the State's largest city, Wilmington, had just under 21,000 residents. Charlotte had around 18,700 citizens and Asheville, Raleigh and Winston-Salem were under 15,000 in population. In 1920 only 19 per cent of North Carolina's people lived in towns of 2,500 or more citizens. By 1960 this percentage had crept up to 39.5. Increases in the number of town dwellers were due both to the growth of old towns and the incorporation of more and more communities by the General Assembly in response to a demand for services not furnished by the counties. Meanwhile, farm population was continually declining. The population shift away from the countryside to the towns inevitably diminished the influence of those who remained in the country and enhanced that of the townfolks.

So much has been written about the effect of urbanization on state legislative reapportionment that I hesitate to labor the obvious in recognizing its impact on local area representation. There is no question but that the effects of urbanization have been substantial in many counties and cities. But the literature on reapportionment in general has contributed to a widely-held belief that urbanization and a resulting town-country conflict of interests have been the major conditioning factors in malapportionment.[19] While reserving comment on the accuracy of this belief as it concerns state legislative reapportionment, I do not believe it fairly represents the facts of local government area representation in North Carolina.

Significantly, area representation has never been formally prescribed for the counties containing the State's major cities except Wake. Charlotte, Greensboro, High Point, Winston-Salem, Asheville, Durham and Wilmington all lie in counties which have never adopted area representation. Each of these cities has had a majority of the county's population at least since 1910. Raleigh, on the other hand, did not gain an absolute majority of Wake County's population until the 1960 census. Thus, in the typical districted county there has never been any real possibility of "city hall domination" of county government. Table I summarizes the urban-rural balance of each of the 49 presently districted counties for the 1930 and the 1960 censuses. I have used as my definition of urban any place reported separately by the census (whether incorporated or not) with a population of over 2,500. In some cases the population of suburban places was added to a central town to give a total more realistic than that dictated by municipal boundaries.

In ten of these counties some support can be mustered for the proposition that their districting systems were designed from the beginning to weight county politics against town dwellers and in favor of rural people. In each of them over 20 per cent of the county population lived in one major town and its surrounding area at the time area representation was adopted, enough to pose a substantial threat to continuous rural control of the county government.[20] Without exception the proportionate representation of the commissioner districts containing these towns was substantially less than it would have been under a plan conforming to equal representation for equal numbers. Table II summarizes the statistics.[21]

But the most striking characteristic of the majority of the districted counties is their *lack* of urban

Table II

County	*Town*	*% Deviation from Ideal*	*Census*
Chowan	Edenton	+ 33	1930
Cleveland	Shelby	+ 11	1910
Craven	New Bern	+ 18	1920
Cumberland	Fayetteville	+ 55	1920
Edgecombe	Rocky Mount	+ 27	1920
Gaston	Gastonia	+ 66	1910
Pasquotank	Elizabeth City	+111	1930
Wake	Raleigh	+ 91	1920
Wilson	Wilson	+ 95	1930
Vance	Henderson	+ 28	1940

16. I have made no attempt to be "scientific" in this analysis.

17. In at least two counties, Carteret and Cherokee, strong party rivalry has been the major factor in adopting districting systems. Both of these counties have districted quite recently, Carteret in 1963 and Cherokee in 1965. Political party conflict may eventually become a significant conditioning factor in North Carolina local government representation but at the present time the two-party system on the local level is too under-developed for analysis on a broad scale.

Another factor, the influence of trends in neighboring counties, may have led a few counties to adopt area representation without thinking deeply about it one way or another.

18. Some readers will recognize terms more familiar to the political scientist than to the lawyer or layman such as power, influence, perspectives, context of conditions, political equilibrium, and the like. I use these terms as defined in LASSWELL & KAPLAN, POWER AND SOCIETY (1950).

19. A typical argument maintains that "urban and suburban" interests have been consistently "underrepresented" while "rural" interests have maintained a "stranglehold" on the state legislative process. The arguments have been supported with exhaustive statistical analyses of constituency population. They seem to me to rest on three dubious hypotheses: (1) there are identifiable patterns of perspectives which can be labeled "rural" and "urban"; (2) statistical analysis of constituency population is a valid measure of relative influence in the legislative process; and (3) reapportionment will strengthen the hand of urban, liberal and labor interests in state government. To my knowledge there has been little, if any, attempt to verify the hypotheses.

20. With one or two exceptions, all the districted counties have five commissioners rather than three as prescribed by the general law. Thus, any area within the county having at least 20% of the population would be entitled to one commissioner under a districting plan based on population.

21. In computing urban district population the entire district was taken into account. With the exception of Henderson in Vance County, each of these districts included some rural territory.

Table I

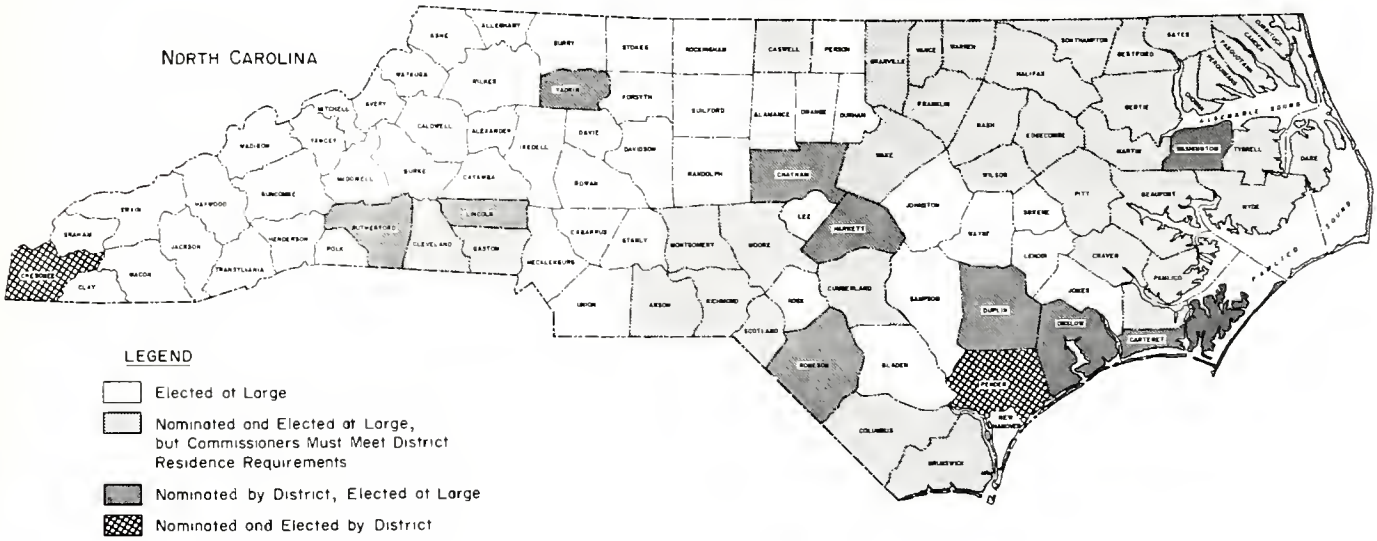
County	% Urban Population 1930	% Urban Population 1960	Year Area Representation Adopted
Anson	11.4	15.8	1939
Beaufort	27.6	29.2	1947
Bertie	0	0	1931
Brunswick	0	0	1931
Camden	0	0	1951
Carteret	61.6	27.5	1963
Caswell	0	0	1943
Chatham	0	16.6	1951
Cherokee	0	0	1935, 1965
Chowan	46.2	38.0	1937
Cleveland	46.3	39.0	1915
Columbus	0	9.6	1927, 1935
Craven	39.0	31.2	1927
Cumberland	28.9	47.3	1917, 1923
Currituck	0	0	1939, 1957
Dare	0	0	1933, 1965
Duplin	0	0	1939
Edgecombe	34.2	42.9	1929
Franklin	0	10.0	1921, 1931
Gaston	35.5	65.7	1905
Gates	0	0	1943
Granville	14.3	21.1	1939
Halifax	6.4	36.2	1943
Harnett	12.0	22.3	1947
Hertford	0	31.8	1915, 1933
Hyde	0	0	1935, 1949
Lincoln	19.8	30.2	1917
Martin	13.2	25.5	1935
Montgomery	0	0	1951
Moore	8.9	14.8	1931
Northampton	0	0	1937
Onslow	0	21.3	1937
Pamlico	0	0	1919
Pasquotank	52.4	54.9	1931
Pender	0	0	1947
Perquimans	0	0	1939
Pitt	16.9	42.8	1935, 1955
Richmond	22.7	40.7	1931
Robeson	6.2	21.5	1919
Rutherford	17.6	34.4	1933
Scotland	16.4	35.5	1927
Tyrrell	0	0	1941
Vance	23.2	52.3	1945
Wake	39.4	75.9	1925
Warren	0	0	1937
Washington	0	34.6	1945
Wilson	28.1	49.8	1935
Yadkin	0	0	1939

character. Camden and Currituck have no incorporated municipalities at all. Twenty-four of the districted counties had no towns over 2,500 in population in 1930, and this number had only dropped by 6 in 1960.[22] When the counties are located on the map (Table III) it becomes apparent that area representation is primarily a phenomenon of eastern

22. Use of the 2,500 population standard to characterize "urban" areas resulted in excluding from analysis a few instances in which both town and county population are quite small. Thus, Plymouth and Columbia had 20% of the population of Washington and Tyrrell Counties respectively in 1940.

Table III

METHOD OF ELECTION
COUNTY BOARDS OF COMMISSIONERS



North Carolina. This region is and always has been agricultural, has been either declining in population or lagging considerably behind the rest of the State in population gain, and has seen its ancient dominance of State politics steadily decline for two centuries. While the general trend toward urbanization has had its influence in these counties, we must look elsewhere for conditions favoring area representation in the typical districted county in North Carolina.

Centralization: the community of interests expands

The same economic and social conditions which produced urbanization have contributed to a national trend toward what Henry Lewis calls expansion of the relevant community of interests.[23] Within the memory of many adults the political arena having the greatest impact on their lives has expanded beyond the county to the state, is now expanding beyond the state to the nation, and may eventually encompass the world arena. Put another way, national and state policies have come more and more to displace local policy, leaving the freedom of action of local governing boards to embrace less and less. One response to this shifting political equilibrium has been institution of area representation in local government. A brief historical review of the structure of North Carolina county government may be helpful in seeing why.

Nineteenth century North Carolina was intensely local minded. Poor transportation and communications made it difficult to lift one's horizons beyond the neighborhood. A journey to the county seat 20 miles distant might consume an entire day. The only windows to the world outside were books and newspapers, sea captains and railroad men, drummers and peddlers, veterans and politicians. By the turn of the century these conditions had changed but little in a rural North Carolina just emerging from the wreck and chaos of war and reconstruction. In such a context a local government structure designed to place maximum responsibility for governmental affairs in the counties becomes coherent. It was in a rural society that area representation took root in North Carolina more as a reflection of the underlying social order than as a result of theorizing about government.

From the Revolution until 1868, North Carolina counties were governed by the Justices of the Peace meeting together in general court for legislative and administrative business. A number of Justices were appointed in each county by the Governor upon the recommendation of the county's representatives in the General Assembly. Customarily, at least one justice of the Peace was appointed for each community within the county and he was typically a man of distinction. The county was divided into militia mustering districts which corresponded roughly with communities defined by kinship, economic interests and the church, but these districts played no direct role in local government. While meeting with his colleagues in general court, each Justice of the Peace could be expected to represent the views of his section of the county and consensus could be seen by each community as having been arrived at with its participation. Area representation was not a formal prescription of such a system: it was inherent.

The drafters of the Constitution of 1868, influenced by the ideals of Jacksonian democracy and north-eastern examples,[24] devised a system of county government for the State which, together with electoral reform, was to sweep out the aristocracy and transfer political control to "the people." The counties were divided into townships with semi-independent governing boards of their own and the administration of county affairs was parceled out among these township trustees and a county board of commissioners composed of five members elected from the county at large.[25] The townships generally corresponded to the old militia districts and thus continued to reflect the geographic configuration of the county's sub-communities. Again, no formal provision was made for area representation on the central county governing board for it was not necessary. It was assumed that each township would conduct its own affairs to a large extent. In any event, the township officials could be expected to represent the interests of their section to the county commissioners in those matters which affected the whole county.

The 1868 experiment with township government lasted only seven years, primarily because Negro suffrage was feared at the local level. In 1875 a Constitutional Convention was assembled to undo the most unpopular features of the dictated Constitution of 1868. One of its revisions returned ultimate control of county affairs to the General Assembly by the curious device of authorizing the legislature to "modify, change or abrogate" key provisions of Article VII which set out the from of county and township government. The General Assembly promptly reinstated a version of the old system. The boards of county commissioners were retained but they were appointed by the Justices of the Peace in general court, and the Justices were in turn appointed by the legislature. While primary responsibility for the administration of county government was entrusted to the commissioners, the Justices of the Peace were

23. Lewis, An Introduction to County Government (1963) 6-8.

24. Especially Ohio and Pennsylvania. See Tourgee, A Fool's Errand and the Invisible Empire 488-91 (1879). Albion Tourgee, a native of Ohio who moved to North Carolina after the Civil War, was instrumental in the drafting of the Constitution of 1868, especially the provisions relating to local government. More than any other he was the father of township government in this State.

25. N. C. Laws 1868 Ex. Sess. c. 20 (county government); N. C. Pub. Laws 1868-69 c. 185 (township government). The commissioners were responsible for levying taxes and retiring county debt. They were given authority to maintain a jail, to provide for relief for the poor, to establish public hospitals, open and clear navigable streams, establish public landings, license tavern keepers and peddlers, and perform a few other minor functions. The actual administration of the county road program, which accounted for the bulk of the budget, was confided to the township trustees. The trustees also assessed property for county taxation and could levy their own taxes for necessary expenses.

given a veto power over such crucial decisions as the levy of taxes. Township government was all but abolished. As concerns area representation, the 1875 form of government differs but little from the 1776 system. Each township was entitled to at least one Justice of the Peace, and these gentlemen were the lions under the throne.

Domination of state politics by the old guard Democrats was shaken mightily in the 1890's by the Fusionist movement which united dissident liberal Democrats and the Republicans against them. The Fusionists won control of the General Assembly in the elections of 1894 and among the reforms instituted by this legislature in 1895 was return of control over county government to the voters. All formal power exercised by the Justices of the Peace over the county commissioners was abrogated. In 1896 the Republican-Populist coalition won the governor's election and carried with them the local elections in many counties. As it had during Reconstruction, control of many county governments shifted to Republicans and Negroes.[26] The "Red Shirt" movement soon intimidated enough Negro voters to allow the Democrats to regain control of the legislature in 1898, and immediately local government in many counties was withdrawn from Fusionist boards of commissioners and returned to the Justices of the Peace (still appointed by the legislature). Democratic domination of state government was finally restored in the elections of 1900 on a white supremacy platform which was soon implemented to effectively insure a safe white Democratic majority in all but the traditionally Republican (and predominately white) counties of the far west. By 1905 county government had been "returned to the people" for good in every county and the 1895 statutes revised and codified in the Revisal of 1905. Under this plan all county powers were vested in a board of commissioners composed of three members elected from the county at large. Superficially this seems to be the first form of local government in the history of the State to deny area representation as a fundamental tenent. But this view neglects the important, perhaps paramount, role of the special district during the first third of this century.

In addition to white supremacy, the Democratic platform of 1900 had strongly advocated good schools and roads as essential to the economic recovery of the State. But the State's policy was to be encouragement of local action, not large-scale state programs. Even on the county level, the tendency was to encourage action by the communities, not to undertake school and road building on a uniform and co-ordinated county-wide basis. By 1928 Professor Paul Wager identified five separate kinds of local school districts and five ways of administering county roads authorized by general law,[27] not to mention the multitude of local acts on these subjects. Typically, taxes were levied and programs administered by special districts. In most instances these districts corresponded to the old communities represented by the townships or to newer communities which had grown up since 1868.

The significance of special districts in county government prior to 1931 becomes apparent upon recognition that by far the major portion of county taxes was spent for maintaining roads and schools and retiring bonds issued for these activities. The other major county departments—courts, law enforcement and records keeping—were financed by the free system, not tax levies. Under these conditions there was again little demand for formal area representation on the central county governing board. Although they did not have the degree of local autonomy they were to have enjoyed under township government, the local communities had a substantial voice in the planning and conduct of roads and schools through the special districts.

In 1931 the State assumed total responsibility for secondary or county roads and in 1933 it assumed most of the financial burden of the school system except capital outlay. The precipitating crisis of depression had bankrupted the counties. Many counties found that it took nearly all the property taxes they could collect to pay the interest on outstanding bonds, leaving little for current expenses. State assumption of the major expenses of local government was one of the emergency measures designed to bring order to county financial chaos. In the reorganization, the old road and school districts were abolished and their functions transferred to the State or the central county government. Those aspects of local responsibility remaining were vested in the board of commissioners, elected at large, or the county board of education appointed by the General Assembly. Now for the first time the old community power structure in many localities found itself without any immediately effective influence in the formulation and execution of local policy. Road policy was entirely controlled by the State, and school policy was shared by the State, the county commissioners and the county board of education. Local committees were retained for each school but they had little power. One compensation for such a drastic power shift was the formalization of area representation on the central policy-making bodies. The function of area representation once performed by the local Justice of the Peace, township government or the special district was assigned to a specific mem-

26. It is tempting to identify a large Negro population as one condition favoring adoption of area representation since the counties having such a system are also those with the highest percentage of Negro population. However, when most of these counties adopted area representation, in the 20's and 30's, almost no Negroes were voting. I have not been able to identify a single example of obvious under-representation of an area heavily populated by Negroes. The non-representation of the Negro in North Carolina county government has been the result of disenfranchisement, not malapportionment.

27. Wager, County Government in North Carolina (1928) 188-207 (roads); 289-293 (schools).

ber of the board of commissioners charged by law with the representation of the interests of a described area of the county. This scheme was also adopted for county boards of education in some places,[28] though not to the extent prescribed for the boards of commissioners.

While much of this analysis is based on speculation, the rate of adoption of area representation among the counties lends its support. (See Table 1) In the 24 years between 1905 and 1929 only 12 counties adopted area representation plans. Between 1931 and 1941 more than 23 counties adopted the system, some for only a few years but most permanently. After 1941 the rate of adoption leveled off with ten more counties joining the trend through 1951. No county has adopted area representation for the first time since 1951 except Carteret (which is a special case).[29]

Community Rivalry: old communities find their dominance challenged by new ones

To illustrate what I mean by community rivalry as a factor leading to adoption of area representation on the county governing board, let us consider a fictitious example. Lancaster County was created in 1712, one of the first new counties to be formed after colonization of the State spread beyond the original Albemarle settlements. The only town in the broad territory of the new county was designated the county seat and named Prince George's Towne after Queen Anne's consort. The little community flourished, serving as the colonial capital for a time in the 1750's. After the Revolution the town's name was changed to Lafayette and it continued to grow in size and influence during the first half of the nineteenth century. During this time the county government was centered in Lafayette, several of its citizens attained high office in the State, and one of its sons became a close aide of General Robert E. Lee.

In the 1880's one of the major issues dividing the community was whether the railroad should be allowed to come into town. Those opposed to this noisy, dirty intrusion won out and the railroad junction for Lancaster County was located in a rural village some 15 miles north of Lafayette. This was to become crucial for the future political history of Lancaster County.

As an economic center for the surrounding territory, the little rural village which accepted the railroad began to grow by leaps and bounds. In 1882 it was chartered by the General Assembly as the Town of Lanesboro (after its leading citizen, who owned the bank) and by 1895 its population equalled Lafayette's. In the twentieth century Lanesboro continued to grow while Lafayette actually lost some population. County government was still centered about Lafayette but its political influence in the county continually waned. After the advent of motor vehicles, Lanesboro's economic boom leveled off as the dominance of rail transportation passed and by 1940 the entire county had settled down to a stable economy based on agriculture and merchandising. There was little influx of industry due to its remoteness from the great commercial centers of the Piedmont and all during the twentieth century the county grew considerably less than the State average. By 1950 there were two major towns in the county, Lafayette and Lanesboro, and several smaller communities surrounding each.

An observer of Lancaster County political life in 1965 would be struck by the polarization of Democratic Party factions between the northern half of the county (surrounding Lanesboro) and the southern half (surrounding Lafayette). The northerners were fond of referring to their rivals as "the courthouse crowd" while the latter could scarcely conceal their distaste for "those Lanesboro folks." The old rivalry for political domination of the county had ended in a stalemate which had been formalized in 1935 by a districting system which gave Lanesboro and its circle two seats on the board of commissioners, two seats to Lafayette, and one seat to a remote part of the county sparsely inhabited.

Any resemblance between our fictitious county and several older counties in the State is intentional but not pejorative.[30] It would be superficial to attribute the Lancaster syndrome to urbanization alone. The county's two major towns together have never had more than 40 per cent of the population within their borders, and "rural" interests have never controlled the county government. What happened in fact was a shift of power from an old historic community to an "upstart." And let us remember that what constitutes an "old historic community" can be quite subjective at times.

Military Impaction: the nameless threat

World War II worked many changes in American life and among these was the enormous impact on the economy and politics of counties in which large military installations were located. Thousands of people poured in either as dependents of military personnel or in search of the soldier's dollar. In a few years time what was formerly a rural township with a few hundred residents became a bustling bedroom suburb of the base, its highways choked with traffic and lined with taverns, shopping centers, trailer parks, and billboards. But military dependents do not typically become assimilated into the community. They are migratory; they normally do not register for local elections but prefer

28. *E.g.*, Edgecombe and Gates Counties.
29. See note 17, *supra*.
30. Compare the situations in Chatham, Halifax, Northampton, Harnett, Edgecombe and Hertford.

to cast absentee ballots in their home states; their community is the military base, not the established social order in which the base is thought of as an intrusion if it is taken into account at all. Still, large numbers of military personnel in a county do have political significance. Increased representation in Congress or the General Assembly may depend on counting them in the county's population. In local government, however, they are perceived as a nameless threat to the established order. What if large numbers of them should register and vote in local elections? If they are counted for representational purposes, are not the permanent residents of that area (who alone are really concerned with local affairs) given a disporportionate voice in county government?

In each North Carolina county having large military installations (except Wayne), area representation on the county board of commissioners preceded establishment of the bases.[31] Military impaction has therefore not been a factor in the initial decision to institute a districting system. But it has been a major factor in resistance to change of old district lines.

Summary and Conclusion

It has been my purpose in this discussion of area representation and county government in North Carolina to point out, without attempting to prove rigorously, several factors which either alone or in combination seem to me to have been influential in the decision of some 52[32] counties to district the board of commissioners at one time or another since the institution of our present system of county government in 1905. I am not convinced that "urban-rural" conflict has been anywhere near the major cause of area representation in local government which it has assumed in the literature. In North Carolina not even a majority of the counties with commissioner districts can be said to exhibit any significant degree of urbanization. Rather, the typical county in this category is largely rural, situated east of Raleigh, has been declining in relative population, and shows a high degree of local satisfaction with its existing form of government.

If any thread can be seen running through these causes of area representation, urbanization, centralization, community rivalry, and military impaction, it is the operation of a political equilibrium compensating for shifting patterns of power and influence. The rise of cities; the expansion of the relevant community of interests beyond the village, beyond the county, and now perhaps beyond the State; the growth of new communities and the decline of the old—all these trends have tended to shift political control from one group to another. Many counties felt the impact of these trends and compensated by the many informal facets of politics beyond the ken of formal law. Other counties secured local acts providing for area representation. There is nothing intrinsically good or evil about one system or the other. So long as local government is responsive to the greatest possible participation in the formulation of local policy by all citizens of the unit it makes little difference under what *form* of government the county operates. □

31. These counties are Cumberland (Fort Bragg), Craven (Cherry Point) and Onslow (Camp Lejeune).

32. The following counties have experimented with area representation at some time but had reverted to at large representation prior to 1965: Caldwell, Haywood and Person.

Attorney General's Rulings

Compiled by Allan Ashman

COUNTIES

Conveyance of Land to the State

5 April 1966
A. G. to Herman A. Moore

Question: If a county or a municipality has no statutory authority to convey property to the State 'without consideration', can a county participate in the program of acquiring an Alcoholic Rehabilitation Center by furnishing building sites to the State for a nominal consideration?

Answer: No. An agreement whereby land would be conveyed to the State and in return the State would agree to constrct an Alcoholic Rehabilitation Center whose services and facilities would inure to the benefit of the citizens of a county would not be construed as 'consideration'. A county has no authority to acquire land in order to dispose of it, whether by sale or by lease. Thus, a county cannot expend or budget tax money for the purpose of purchasing land which would be made available to the State for such a center. Nor can a county use non-tax derived funds for the purchase of such land. A county is not authorized, under the general law, to dispose of any land it owns except surplus land, land which is no longer needed for any proper county purpose. Even if a county should possess such surplus land, it is our opinion that it could not dispose of it whether by sale or by lease at less than its fair value. The only suggestion which this office can make would be for a county to secure enabling legislation at the next session of the General Assembly to authorize it, in some way, to participate in acquiring these Rehabilitation Centers.

Public Bidding Contracts

5 April 1966
A. G. to L. S. Blades, III

Question: Is a public hospital, which is wholly owned by a county and whose board is appointed by the county commissioners, an agency of the county and subject to the advertisement procedures set out in G.S. § 143-128?

Answer: Yes. Where the county owns the corporation and the corporation board is appointed by the county commissioners, it is our opinion that the operating corporation is an agency of the county. Therefore, the public bidding statute [G.S. § 143-128] is applicable and should be followed to avoid any possible criticism.

Double Office Holding

22 April 1966
A.G. to Larry S. Moore

Question: Can an individual who serves as a member of a city ABC Board and the County Board of Public Welfare serve on the City Council?

Answer: This office has ruled previously that although a member of a County Board of Welfare is considered a public officer, he comes within the exception to Article XIV, Section 7, of the State Consitiution. Therefore, he would be able to hold another public office. However, should this person be elected to the City Council, he would not be able to continue his service as a member of the ABC Board since both positions are considered public offices and serving in such a dual capacity would be in violation of Article XIV, Section 7, of the State Constitution.

29 April 1966
A.G. to Carroll E. Gardner

Question: Can a county commissioner, superintendent of schools, high school principal, county accountant, city attorney, public health director, mayor, city manager, county extension chairman, supervision of Farm Home Administration and city commissioner serve as a member of the Board of Directors of a non-profit corporation without contravening Article XIV, Section 7 of the North Carolina State Constitution which prohibits double office holding?

Answer: We have expressed the opinion that persons appointed to local development commissions, economic or industrial commissions under Chapter 158 of the General Statutes, possess and exercise a portion of the sovereign authority of the State of North Carolina and, therefore, would be public officers under Article XIV, Section 7 of the State Constitution. It is our view, however, that members of the Board of Directors of a non-profit corporation are not public officers within the meaning of Article XIV, Section 7 of the Constitution, and, therefore, individuals who serve in a public capacity would not be prohibited from serving on the Board of Directors of such a non-profit corporation.

MUNICIPALITIES

Prohibited Activity

7 April 1966
A.G. to Nicholas Long

Question: It has been the policy of a city, upon the request of a subdivision and receipt of payment in advance of the costs of doing the work, to lay storm drainage pipes, curbs and gutters, and to pave in the subdivision. The Board of Commissioners of the city is requested by a corporation, which owns a subdivision, to lay storm drainage pipes, curbs and gutters and to do paving. The president of this corporation and its principal stockholder is a member of the city's Board of Commissioners. Would it be proper for the Board of Commissioners to approve this work upon the payment in advance of the costs of doing the work if the member of the Board, who is also the president and principal stockholder of the corporation requesting the work, takes no part in the discussion and decision?

Answer: G.S. § 14-234 is the relevant section and proscribes certain activity by public officials such as entering into contracts for their own benefit in which the State, county, city or town may be in any manner interested. This agreement constitutes a transaction which would come within the meaning of G.S. § 14-234. Inasmuch as a violation of the statute is a misdemeanor, it is our opinion that it would be wiser and safer not to enter into the proposed agreement.

PUBLIC OFFICER

Double Office Holding

6 April 1966
A.G. to Joseph B. Huff

Question: Would a member of the Western North Carolina Regional Planning Commission created under Article 21 of Chapter 153 of the General Statutes, and a member of the Upper French Broad Development Commission be considered as holding public office?

Answer: G.S. § 153-267.1 states that the Western North Carolina Regional Planning Commission is a State agency and instrumentality. It would appear that the powers and duties of the commission would place its members in the category of public officers. If the Upper French Broad Development Commission was created under the authority of Chapter 158, relating to local development, economic and industrial commissions, it is our opinion that members of this Commission would be considered public officers.

Next Month

"The State University and Civic Responsibility" is the subject of an article by Vice-President Fred H. Weaver of the Consolidated University of North Carolina in the October issue of *Popular Government*.

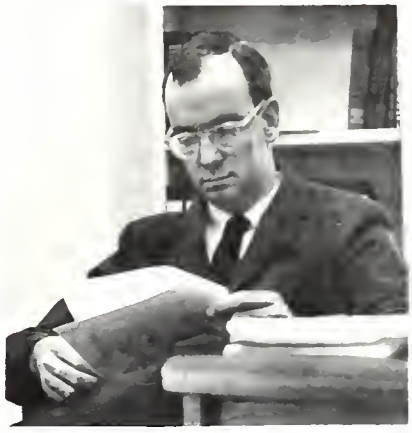
The Juvenile Court Re-examined: The U.S. Supreme Court Speaks

By Mason P. Thomas, Jr.

[*Editor's note: A former juvenile court judge, Mr. Thomas is an Assistant Director of the Institute of government specializing in the fields of public welfare and corrections with emphasis on juvenile courts. This article first appeared in the summer 1966 issue* [*Vol. XVII, No. 2*] *of* Juvenile Court Judges Journal.

The philosophy, procedures and effectiveness of juvenile courts have been widely discussed recently in law reviews and professional journals.[1] A number of basic questions have been raised, with the experts and professionals giving widely differing answers: What are the constitutional rights of a child in juvenile court? Is there a right to an attorney? If so, at what point—during police interrogation, at the time of detention, at intake, at the hearing, etc.? What is the appropriate role of an attorney in juvenile court—an advocate for the child or an adviser to the court? Does the child's attorney have the right to examine the social or probation records concerning his client? Is the constitutional privilege against self-incrimination applicable to children in delinquency proceedings? What is the nature of the juvenile court process—an informal treatment - oriented proceeding or a legally-oriented judicial process in which jurisdiction is established before treatment is contemplated? Is the treatment philosophy effective in dealing with our nation's serious delinquency problems? These and other questions are being asked in an increasing number of articles critical of the juvenile court system.

The U. S. Supreme Court accepted a wavier case which arose in the District of Columbia Juvenile Court for review on certiorari —*Morris A. Kent, Jr. v. United States*, 383 U.S. 541, 86 S. Ct. 1045 (1966).[2] While the Court's holding relates specifically to procedures under the juvenile code of the District, the majority opinion contains important implications for all U.S. juvenile courts. It discusses a number of controversial areas, including the *parens patriae* philosophy, the right to counsel, the appropriate role of counsel in juvenile court, counsel's right to review the juvenile court's social records concerning his client, the right to a hearing in waiver proceedings, and the duty of the judge to state reasons in ordering waiver.



Thomas

The Facts

Kent's parents separated when he was two years old. Following their separation, he lived with his mother. In 1959 when he was 14, Kent was apprehended for housebreaking and purse snatching. The police apparently fingerprinted him at this time. He was placed on probation by the D. C. Juvenile Court, which allowed him to continue living with his mother. The Court kept a record of his probation interviews in its "social service file."

A woman was raped and robbed in the District on September 2, 1961. The police found fingerprints in her apartment which matched those taken earlier from Kent. Kent was then 16 and still on probation. The police took him into custody around 3 p.m. on September 5. He was questioned for seven hours at the police dpartment. He admitted the rape and robbery; he also gave the police information about similar offenses of housebreaking, robbery and rape which he had committed. He was then taken to the Receiving Home for Children. He was released the "next morning" to the police for further questioning at police headquarters, which lasted until 5 p.m.

Kent's mother employed counsel around 2 p.m. on September 6

1. See for example, an article by Handler, cited by the Supreme Court in the *Kent* case, *The Juvenile Court and the Adversary System: Problems of Function and Form*, 1965 Wisconsin Law Review 7 (1965); Antieau, *Constitutional Rights in Juvenile Courts*, 46 Cornell Law Quarterly, No. 3 (1961); Beemsterboer; *The Juvenile Court—Benevolence in the Star Chamber*, 50 Journal of Northwestern University School, No. 5 (1960); Gardner, *Let's Take Another Look at the Juvenile Court*, 15 Juvenile Court Judges Journal 13 (No. 4, Winter 1964); McKesson, *Right to Counsel in Juvenile Proceedings*, 45 Minnesota Law Review 843 (1961); Paulson, *Fairness to the Juvenile Offender*, 41 Minnesota Law Review 547 (No. 5 April 1957).

2. For a comprehensive discussion of events in the *Kent* case prior to the Supreme Court opinion, see the article by Lefstein in the Spring, 1966, issue of the Juvenile Court Judges Journal: *Supreme Court Weighs Juvenile Case: Kent vs United States.*

—the day after he was apprehended. She and the attorney promptly talked with the Social Service Director of the Juvenile Court, who advised them that the Court might waive jurisdiction to the Federal District Court. The attorney indicated he would oppose waiver.

Kent was detained at the Receiving Home for about a week. The Court noted there was no indication in the record as to whether the police complied with the detention procedure required by the District Code.[3] There was apparently no detention hearing. The majority opinion comments: "There was no arraignment during this time, no determination by a judicial officer of probable cause for petitioner's apprehensions." His attorney arranged for Kent to be examined by two psychiatrists and a psychologist during his detention at the Receiving Home.

The attorney attempted valiantly to be Kent's advocate through motions in the Juvenile Court. He requested a hearing on the waiver question; he sought access to the Court's social service file concerning Kent; he offered psychiatric evidence that Kent might be rehabilitated through adequate hospital treatment.

The District Juvenile Court never ruled on these motions. There was no hearing on the question of waiver. The judge entered an order waiving jurisdiction of Kent's case to the U. S. District Court; the order cited no reasons for the waiver. The Court apparently considered the social service file in ordering waiver.

The attorney attempted a number of other procedural maneuvers to avoid trial in the District Court. When these failed, Kent was tried and convicted on six counts of housebreaking and robbery. He was found not guilty of several counts of rape "by reason of insanity." The District Court sentenced him to prison for 30 to 90 years. He was transferred to a mental institution as required by D. C. law until his sanity is restored; the time spent in the institution is to be deducted from his sentence. The District Court's judgment was affirmed by the D. C. Court of Appeals.[4]

The Supreme Court reversed in a 5-4 decision, with Justice Fortas writing the cogent and well-reasoned opinion for the majority. The case was remanded to the District Court for a hearing *de novo* on the question of waiver. The Court noted that Kent is now 21 and thus beyond the jurisdiction of the Juvenile Court.

Implications for the D.C. Juvenile Court

The *Kent* decision has specific significance for the District Juvenile Court in its interpretation of two sections of its Juvenile Court Act: (1) its waiver statute which gives the Juvenile Court discretionary authority to waive cases where a juvenile is charged with a felony "after full investigation";[5] (2) its statute dealing with confidentiality of juvenile court records, which provides the record must be withheld from "indiscriminate" public inspection, except that it "shall be made available by rule of court or special order of court to such persons . . . as have a legitimate interest in the protection . . . of the child . . ."[6]

The decision may be summarized as follows: (1) A child who is charged with a felony which the Juvenile Court may waive has a right to a hearing prior to entry of a waiver order. This hearing may be "informal." It need not conform "with all of the requirements of a criminal trial or even of the usual administrative hearing; but we do hold that the hearing must measure up to the essentials of *due process and fair treatment*" (emphasis added). (2) Such a child has a right to be represented by counsel in the waiver proceedings. (3) The attorney has the right to examine the Court's social or probation records concerning the child in a waiver proceeding. ". . . We deem it obvious that since these are to be considered by the Juvenile Court in making its decisions to waive, they must be made available to the child's counsel." Under the statute, the child's attorney has a "legitimate interest" in protection of the child, and "must be afforded access to these records." (4) The Juvenile Court must specify the reasons for waiver in its order waiving jurisdiction. The order of waiver must contain "the reasons motivating the waiver, including, of course, a statement of relevant facts." This statement of reasons need not "be formal"; it need not contain "conventional findings of fact." It should "demonstrate that the statutory requirement of full investigation" has been met; and that the question has received the careful consideration of the Juvenile Court; and it must set forth the basis for the order with sufficient specificity to permit meaningful review" (referring to appellate judicial review).

Broader Implications

The *Kent* decision appears to establish a constitutional principle which is applicable to proceedings in all juvenile courts—the child's right to *procedural due process and fair treatment*. The Court defines these concepts in relation to the D. C. waiver statute, which allows the Juvenile Court considerable discretion to retain or waive jurisdiction of a felony case "after full investigation." The Court comments this discretion "is not complete. At the outset, it assumes procedural regularity sufficient in the particular circumstances to sat-

3. D. C. Code 11-912 (1961) now § 16-2306 (Supp. IV, 1965), requires that a child taken into custody by police who is not released to his parent, guardian or custodian "shall be placed in the custody of a probation officer or other person designated by the court, or taken immediately to the court or to a place of detention provided by the Board of Public Welfare, and the officer taking him shall immediately notify the court and shall file a petition to do so by the court."

4. *Kent v. United States*, 343 F.2d 247 (C.A.D.C. 1964), reviewed in 14 Cath. U. L. Rev. 272 (1965).

5. D.C. Code § 11-914 (1961), now D.C. Code § 11-1553 (Supp. IV, 1965).

6. D.C. Code § 11-929 (b) (1961), now § 11-1586 (b) (Supp. IV, 1965).

isfy the *basic requirements of due process and fairness . . .*" (emphasis added).

The Court argues that the District's waiver statute "does not confer upon the Juvenile Court a license for arbitrary procedure. The statute does not permit the Juvenile Court to determine in isolation and without the participation or any representation of the child the 'critically important' question whether a child will be deprived of the special protections and provisions of the Juvenile Court Act. It does not authorize the Juvenile Court, in total disregard of a motion for hearing filed by counsel, and without any hearing or statement of reasons, to decide—as in this case—that the child will be taken from the Receiving Home for Children and transferred to jail along with adults; and that he will be exposed to the possibility of a death sentence instead of treatment for a maximum, in Kent's case, of five years, until he is 21."

While declining to decide the merits of waiver in Kent's case, the Court comments: ". . . There is no place in our system of law for reaching a result of such tremendous consequences without ceremony—without hearing, without effective assistance of counsel, without a statement of reasons. It is inconceivable that a court of justice dealing with adults, with respect to a similar issue, would proceed in this manner. It would be extraordinary if society's special concern for children, as reflected in the District of Columbia's Juvenile Court Act, permitted this procedure."

The Court noted: "There is much evidence that some juvenile courts . . . lack the personnel, facilities and techniques to perform adequately as representatives of the State in a *parens patriae* capacity, at least with respect to children charged with law violation. There is evidence, in fact, that there may be grounds for concern that the child recieves the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children."

The brief of *Amicus Curiae* urged the Court to rule that the constitutional protections available to adults in criminal proceedings should also be applicable to delinquency proceedings in juvenile courts. The Court specifically declined to so rule—to accept this "invitation."

Philosophy, Performance and Rights

The majority opinion discusses juvenile court philosophy at length. It "is rooted in social welfare philosophy rather than in the *corpus juris*. Its proceedings are designated as civil rather than criminal. The Juvenile Court is theoretically engaged in determining the needs of the child and of society rather than adjudicating criminal conduct. The objectives are to provide measures of guidance and rehabilitation for the child and protection for society, not to fix criminal responsibility, guilt and punishment. The State is *parens patriae* rather than prosecuting attorney and judge. *But the admonition to function in a* "parental" relationship is not an *invitation to procedural arbitrariness*" (emphasis added).

"Because the State is supposed to proceed in respect to the child proceeding as *parens patriae* and not as adversary, courts have relied on the premise that the proceedings are 'civil' in nature and not criminal, and have asserted that the child cannot complain of the deprivation of important rights available in criminal cases. It has been asserted that he can claim only the fundamental due process right to fair treatment. For example, it has been held that he is not entitled to bail; to indictment by grand jury; to a speedy and public trial; to trial by jury; to immunity against self-incrimination; to confrontation of his accusers; and in some jurisdictions . . . that he is not entitled to counsel.

"*While there can be no doubt of the original laudable purpose of juvenile courts, studies and critiques in recent years raise serious questions as to whether actual performance measures well enough against theoretical purpose to make tolerable the immunity of the process from the reach of constitutional guarantees applicable to adults.*" (emphasis added).

Right to Counsel

The right to counsel and counsel's right to see the child's social records in waiver cases had been previously established in the District.[7] The majority opinion reflects the Court's conviction about the importance of legal representation:

> The right to representation by counsel is not a formality. It is not a grudging gesture to a ritualistic requirement. It is of the essence of justice. Appointment of counsel without affording an opportunity for hearing on a "critically important" decision is tantamount to denial of counsel.

When the Court of Appeals denied Kent's attorney access to the social records, it defined the proper role of an attorney rather narrowly—to present "to the court anything on behalf of the child which might help the court in arriving at a decision: it is not to denigrate the staff's submissions and recommendations."[8]

The Supreme Court disagreed: "On the contrary, if the staff's submissions include materials which are susceptible to challenge or impeachment, it is precisely the role of counsel to 'denigrate' such matter. There is no irrebuttable presumption of accuracy attached to staff reports. If a decision on waiv-

7. *Shioutakon v. District of Columbia*, 236 F.2d 666 (C.A.D.C. Cir. 1956); *Black v. United States*, 355 F.2d 104 (C.A.D.C. Cir. 1965).

8. 343 F.2d 247, 258.

er is 'critically important' it is equally of 'critical importance' that the material submitted to the judge . . . be subjected, within reasonable limits having regard to the theory of the Juvenile Court Act, to examination, criticism and refutation. While the Juvenile Court judge may, of course, receive *ex parte* analyses and recommendations from his staff, he may not, for purposes of a decision on waiver, receive and rely upon secret information, whether emanating from his staff or otherwise. The Juvenile Court is governed in this respect by the established principles which control courts and quasi-judicial agencies of the Government."

Implications for the Future

The *Kent* decision supports the current trend toward a more legalized juvenile court. While the decision relates specifically to the District Juvenile Court, the majority opinion expresses concern—perhaps even shock—at the practices by police and juvenile courts who deal with alleged delinquents.

The Court leaves unanswered many basic procedural and constitutional questions. However, the majority opinion does reflect the trend of the Court's thinking about juvenile courts. Thus, one might attempt to predict that the U. S. Supreme Court's future decisions concerning juvenile court proceedings will establish that a child has a right to counsel in juvenile court proceedings; that there should be a juvenile court hearing at which the attorney may function in an adversary manner within reasonable limits related to the philosophy and purposes of the juvenile court; that the attorney may have the right to examine the social or probation records concerning his client which the judge considers.

The Court recognizes some legitimate differences between adult criminal procedures and juvenile delinquency practices. The juvenile court hearing may be informal if it complies with due process and fair treatment. The waiver order need not contain traditional findings of fact if it entains sufficient facts to show that the juvenile court met its statutory duty and is adequate for proper appellate judicial review.

Finally, the decision seems to sound a note of warning to the nation's police and juvenile courts who deal with delinquents. The police should follow statutory procedures in apprehending and detaining a child. Juvenile courts must act like courts, rather than social agencies, with appropriate attention to procedural due process and fair treatment. If they don't, we may expect future Supreme Court decisions to define more broadly the constitutional and procedural rights of alleged delinquents in juvenile courts. □

Book Reviews

(Continued from page 8)

PROGRAM BUDGETING — PROGRAM ANALYSIS AND THE FEDERAL BUDGET. Davis Novick, Editor. Harvard University Press, Cambridge, 1965. 382 pp. $6.50.

Despite its title, this book is not talking about program budgeting as that term is normally understood at the state and local level, nor are its ideas solely applicable to the federal government. It is a RAND Corporation research study and it provides the intellectual framework and rationale for the planning - programming-budgeting system currently sweeping the Federal government.

The book consists of a series of separate but interrelated essays and is divided into three parts. The first part analyzes the role of the budget in government decisionmaking and sets forth the conceptual framework of program budgeting, including the significance of cost-utility analysis. The second part describes actual and potential applications of the concept in such fields as national defense, space exploration, transportation, education, public health and natural resources. The final part discusses the problems to be encountered in implementing a program budget.

The book's major premise is "that a government can determine its policies most effectively if it chooses rationally among alternative courses of action, with as full knowledge as possible of the implications of those alternatives." (p. 26) Program budgeting will facilitate the choice process by "(1) providing a framework for more clearly defining the alternatives among which choices must be made and (2) creating an information system that will assist in measuring costs in relation to accomplishments" (p. 18). The "rationality" the authors seek in government decisions accords with economic theories of "efficient" resource allocation which seek to maximize benefits for a given level of expenditure or to achieve a given level of benefits for the least cost.

To improve the allocation of limited resources, increasing use of cost-utility analyses is encouraged. Indeed, the use of such analyses is a central tenet in the authors' definition of program budgeting. This requirement reduces to nearly zero the amount of program budgeting being done by state and local governments, despite the highly creditable improvements being made at these levels in the name of this concept. However, the authors maintain a laudable balance on the role such highly sophisticated and rigorous techniques can play in governmental decisionmaking. ". . . we visualize cost-utility analysis as playing a somewhat modest, though very

significant, role in the overall decisionmaking process. In reality, most major long-range-planning decision problems must ultimately be resolved primarily on the basis of intuition and judgment. We suggest that the main role of analysis should be to sharpen this intuition and judgment. In practically no case should it be assumed that the results of the analysis will *make* the decision." (p. 67, italics theirs)

Although the focus of this book is on federal budgeting, its ideas and proposals are not limited to that level and, indeed, they foretell vast changes in budgeting as it is currently practiced at all levels of government. Not only will attention be shifted from line items to categories which place emphasis upon outputs for specified programs, but refined quantification in the analysis of competing alternatives, whether it is called a cost-benefit ratio, a cost-utility analysis or something else, is going to increase. Budgetary decisionmaking will continue to take place in an environment of political bargaining, but it is going to be leavened by the rigors of a discipline which requires clearer delineation of goals and more thorough understanding of the implications of choice. This book is almost certain to be a landmark in these developments.

For those who might be interested, an abridged paperback edition is available from the Government Printing Office in Washington. —S.K.H.

GOAL SETTING: KEY TO INDIVIDUAL AND ORGANIZATIONAL EFFECTIVENESS, Charles L. Hughes, American Management Association, New York, 1965. 159 pp. $7.50.

This book is essentially concerned with motivation. Its major theme is that interaction among individuals in setting both personal and organizational goals can so motivate employees that it resolves the inherent conflict between the organization and the individual and produces higher levels of performance and achievement. Interaction in goal setting will enable the individual to affect the organizational objectives and at the same time, by knowing these objectives, to set his personal goals in a way which will fulfill both personal and organizational needs.

The author is an industrial psychologist. It is not surprising therefore that he starts from the perspective of the individual employee and views organizations as animate and dynamic agglomerations of people rather than as inanimate objects. All individuals have needs for achievement, growth, responsibility and recognition; they seek to actualize their human potential. By utilizing worker aptitudes, providing opportunities for development, creating a goal setting process which permits involvement and participation, and by using monetary incentives properly, management can provide media for satisfying these needs.

A perceptive analysis of the differences between maintenance and motivational needs is one of the book's strongest features. Maintenance needs tend to be physical in nature and rooted in the context of the job (working conditions, fringe benefits, compatible work group) while motivational needs are more psychological and rooted in the job itself (challenge, stimulation, opportunity for growth, use of aptitudes and experience). Well discussed also are the potentialities and limitations of money as a media for satisfying both maintenance and motivational needs.

This study joins others in emphasizing the crucial responsibility management has for setting clear and understandable goals. However, the book affords a new perspective by showing how centralized managerial planning can raise motivational levels rather than stunt them.

The author recognizes that man does not live by the job alone and he gives some consideration to personal goals which are not job-related. He notes the need for balance and an understanding of the fact that others need to actualize their potential too, so that, for example, high satisfactions derived from a challenging job do not come at the cost of family stability.

The book is flawed by a high degree of repetition, a very imprecise use of the concept of "systems" as it has developed in other social sciences, and a set of extremely ineffectual charts. Despite these shortcomings and its private business orientation, the book has a message and a challenge of great importance to administrators in all kinds of organizational environments.—S.K.H.

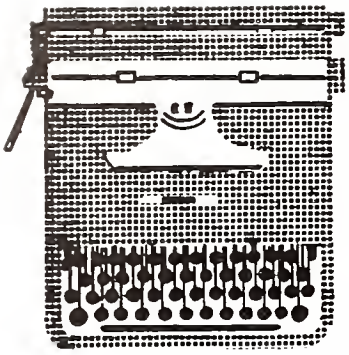
NEIGHBORHOOD GROUPS AND URBAN RENEWAL. By J. Clarence Davies, III. Columbia University Press, New York, 1966. 235 pp. $6.75.

Almost all public officials are apt to encounter neighborhood support for or opposition to particular projects, and for that reason this book will have wider interest than its emphasis on urban renewal would indicate. Knowing what to expect in the way of neighborhood reaction and how best to turn it into constructive channels is highly important in a democracy, and this book goes some of the way towards building a background of such knowledge. It examines in detail neighborhood reactions to three urban renewal proposals in New York City and then draws at least some tentative conclusions from them.

P. P. G.

New Publications

New Institute of Government publications include *Eminent Domain Powers for Cities and Counties* by Robert E. Phay and *Mapping Out a Valid Search Warrant* (Revised Edition) by Douglas R. Gill. Copies may be obtained by writing the Institute of Government, Chapel Hill.



● NOTES FROM . . . CITIES AND COUNTIES

Airports

Asheboro councilmen have approved a grant agreement with the Federal Aviation Agency for extensive improvements at the municipal airport. The FAA will invest nearly $97,000 in the airport including paving a 4,100 foot runway and installing a control tower and beacon.

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Annexation

Fayetteville's population jumped by more than 3,200 on July 25 when the city council voted to annex a 1.61 square mile area with an assessed property valuation of $2,095,300.

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Chapel Hill grew larger June 1 with the annexation of 92 acres with a population of 350. Services—garbage pick-up, fire and police protection, and road maintenance—began July 1 along with city taxes.

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Beautification

A Community Appearance Commission appointed in *Chapel Hill* will have broad advisory powers intended to bring about a more attractive Chapel Hill.

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High Point's Housing Authority has received a federal anti-poverty grant of $137,739 to beautify the grounds at two low-income housing projects. High Point is first in the nation to receive such a grant under the OEO program. The money will be used to hire 33 "chronically unemployed or underemployed" persons to reseed lawns, plant trees and shrubbery, build sidewalks and retaining walls and benches at Clara Cox and Daniel Brooks Homes.

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CATV

Raleigh councilmen have granted a license for a community antenna television system which will make at least six channels available to Raleigh subscribers.

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Chapel Hill aldermen are studying the third CATV proposal in 22 months. The latest proposal would provide subscribers with nine television channels.

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Elections

Randolph County voter registration is now being conducted on a year-round basis except for a 21-day period immediately following a general election. This spring the last of the 36 precincts in the county instituted a new system of loose-leaf registration.

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Historic Preservation

Bethabara, first Moravian settlement in North Carolina, has been formally opened and dedicated as a historic park. The community, near Winston-Salem, was first settled in 1753. Archaelogical work at the settlement site has been underway since 1964 and a number of early foundations have been excavated. Plans for rebuilding and restoration of some of the sites are being made.

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Law Enforcement

Granville County Commissioners have taken steps toward acquiring additional land adjacent to the county jail building for a new structure.

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Planning and Zoning

A five member county planning board has been formed in *Vance* county which will work in cooperation with a State Department of Conservation and Development crew in surveying population, industrial potential, and other conditions in the county.

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Public Health

Forest City town board members have approved a resolution to provide for purchase of flouridation equipment. Another resolution will be needed to actually instigate a water flouridation program.

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Final approval for a federal grant of $126,000 for construction of a new building for the *Alamance* County Mental Health Clinic has been received. Estimated construction cost is $200,000 including state aid and local funds.

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Public Housing

Contracts have been let for construction of 200 units of low-rent housing for the *Durham* Housing Authority and for 65 units for the *Greenville* Housing authority.

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The Housing Assistance Administration has approved a reservation and preliminary loan contract for the *Valdese* Housing Authority for construction of 100 units of low-rent housing, 24 of them for the early. Similar approvals have been made for the *Raleigh* Housing Authority for 500 units, 150 of them for the elderly; and the *Rockingham* Housing Authority for 75 units, 25 of them for the elderly.

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Recreation

A school building in *Roxboro* is being converted into a community centery by authority of the *Person* County Board of Education. The East Roxboro Community Club has said it would improve the building and beautify the grounds in addition to providing all utilities and maintenance.

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Streets and Highways

City and state representatives have reached informal but relatively concrete agreement on a route for the proposed north-south throughway across *Asheville's* urban renewal sector.

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Taxation

A tax advisory committee created by *Wake* County commissioners has precedents in several other counties. The committee will be comprised of seven commissioners and seven citizens and will aid the county tax supervisor in setting tax rates for the county following a property revaluation program now under way.

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A revaluation of property-tax assessments in *Mecklenburg* county has been recommended "at the earliest date" by the County Board of Equalization and Review. Mapping of all county property must be completed before revaluation can begin and the current mapping program is expected to be completed January 1, 1968. Revaluation itself would take two years.

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Utilities

Goldsboro expects to start landfill garbage disposal operations early this fall after all necessary equipment is purchased.

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The North Carolina Board of Water Resources has approved plans for four watershed projects: *Hobbsville-Sunbury* in *Gates* County; *Flea Hill* in *Cumberland*; and *Jacob Swamp* and *Meadow Branch* in *Robeson*. The projects are expected to reduce flood damage and give more intensive use of the land.

Basic school at Institute of Government finds North Carolina State Highway Patrol trainees (right) *in atmosphere of classroom concentration. The new troopers undergo three months course prior to beginning their responsibilities patrolling the State's highways. This class is one of two held at the Institute this summer. Some 60 men were under instruction.*

INSTITUTE SCHOOLS, MEETINGS, CONFERENCES

Wildlife Resources recruits (left) *are absorbed in study for class assignment. This group engaged in the intensive training program conducted regularly by the Institute of Government. The time was August, 1966.*

Coroners and medical examiners listen (right) *as Cleveland County coroner J. Ollie Harris* (far right) *addresses them. Harris is vice-president of the North Caroina Coroners-Medical Examiners Association. Shown in the audience are Grover C. Saunders, Jr.* (center), *Granville County coroner, and Dr. D. R. Perry* (right), *Durham County Medical examiner and past president of the Coroners-Medical Examiners Association. New president of the Association is Dr. Allan B. Coggeshall, Guilford County medical examiner.*

Credits: Photos on cover and p. 1, U.N.C. Communication Center. All other photos, Charles Nakamura. Design, Lynn Igoe.

Everybody talks about conservation. Now, through the efforts of public-spirited citizens and government, more is being done about saving our seashores.

Fifty years ago, most Americans were still only minutes away from unspoiled seashores, forests and meadows.

But slowly, this natural heritage diminished. We chopped, built, mined and machined our way to national wealth and power. We created the great cities that bit deeper each year into green countryside.

Local conservationists spoke out, and did what they could. But without authority and funds, progress was fitful. Then gradually, the entire country awakened to the importance of conservation. And now a great network of national parks is being created.

For example, the sweep of North Carolina's 45-mile Cape Hatteras National Seashore has been extended southward by the new 58-mile Cape Lookout National Seashore. And 40,000 acres of Massachusetts marsh and seascape have been dedicated as the Cape Cod National Seashore.

From coast to coast, business leaders, private citizens and government conservationists are working together to set aside irreplaceable historic and scenic treasures for all time and all men. It's the people who DO things who make a nation GO.

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