POPULAR GOVERNMENT

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In This Issue:

This month's cover photograph pictures five distinguished North Carolinians who recently received the North Carolina Award from their state. From left to right, standing, they are Dr. Hiram Houston Merritt, Jonathan Daniels, and Albert Coates. Seated are Dr. Carl Gottschalk and Dr. Benjamin Swalin. Please see the citations in the back cover and inside back cover.

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Municipal Election Law Maze

by Henry W. Lewis

[Editor's Note: This article was originally presented as an address before a group of municipal officials. Its appearance here seems particularly timely as the general Assembly considers the Election Laws Revision Commission's recommended recodification of the general election law.]

Lewis

No unit of local government has inherent authority to hold elections, referenda, or straw votes. In fact, any election held without affirmative constitutional or statutory authority is a nullity.[1] It follows that every municipal election must be grounded in the Constitution, the general laws of the state, or the charter of the particular city or town. City councils are not free to hold elections when, if, and how they please.

Although the Constitution of North Carolina provides that elections should be free[2] and frequent,[3] it contains no detailed instructions on the manner in which and the machinery by which any elections—state, county, or municipal—are to be conducted. Nevertheless, it does prescribe qualifications for suffrage and eligibility for public office.

Suffrage Qualifications

The suffrage qualifications established by the North Carolina Constitution may be classified under three headings:

I. General requirements

A. Citizenship — the voter must be a citizen (native or naturalized) of the United States.[4]

B. Age—the voter must be twenty-one years old.[5]

C. Literacy—the voter must be able to read and write any section of the North Carolina Constitution in the English language. Whether municipalities lying within a county which has been brought under the Federal Voting Rights Act of 1965 may continue to administer a literacy test has not been settled by the courts.[6]

D. Criminal record — the voter must not have been convicted of, nor have confessed in open court, upon indictment, his guilt of any crime punishable by imprisonment in the State Prison, unless his rights of citizenship have been restored.[7]

II. Residence

A. State — the voter must have resided in the State of North Carolina for one year "next preceding an election."[8]

B. Precinct, ward, or other election district—the voter must have resided in the election district in which he offers to vote for thirty days "next preceding an election."[9]

1. Tucker v. North Carolina Board of Alcoholic Control, 240 N.C. 177, 81 S.E. 2d 399 (1954)
2. North Carolina Constitution, Art. I, §10.
3. *Id.*, §28.
4. *Id.*, Art. VI, §1.
5. *Ibid.*
6. *Id.*, §4, See 42 U.S.C.A. §1973b (b).
7. *Id.*, §2.
8. *Ibid.*
9. *Ibid.*

III. Registration – the voter must be "legally registered."[10]

Eligibility for Office

Two general constitutional provisions pertain to eligibility for office.

I. Every voter is eligible to hold office unless he is disqualified by some provision of the Constitution.[11]

II. Disqualified persons

A. Any person not qualified to vote (as of the time he seeks to qualify).[12]

B. Any person who denies the being of Almighty God.[13]

C. Any person who has fought a duel, or assisted in a duel as a second; any person who has sent, accepted, or knowingly carried a challenge for a duel; or any person who has agreed to go outside the state to fight a duel.[14]

D. Any person who has been convicted of corruption or malpractice in office (in addition to any other felony) unless restored to the rights of citizenship.[15]

E. Any person who already holds a public office (unless the position is expressly excluded from the prohibition).[16]

Municipal Election Laws

With respect to registration, the Constitution itself calls on the legislature to enact general laws to carry out the voting qualification requirements of the fundamental law.[17] The qualifications for voting and office holding in municipalities are identical with those established for general elections.[18] Within this constitutional framework the General Assembly is free to legislate concerning the holding of elections, including municipal elections, by general or special act.

The only general law providing for the holding of municipal elections is to be found in Chapter 160 of the General Statutes, Article 3, sections 29 through 51. Section 29, as amended, provides

> All elections held in any city or town shall be held under the following rules and regulations,

but then proceeds specifically to exclude Charlotte, Fayetteville, Greensboro, and the cities and towns in the following counties: Bertie, Cabarrus, Caldwell (except Lenoir), Catawba (except Newton), Davidson, Edgecombe (except Whitakers), Gaston, Nash (except Castalia and Whitakers), Pitt, Robeson, Stokes, Surry (except Pilot Mountain), Vance, Wayne, Wilson.

So much for the general election law for municipalities found in Chapter 160 of the General Statutes. But that is not the sole legislative enactment pertaining to municipal elections. Indeed, as the exceptions already noted indicate, the provisions of Chapter 160 are not necessarily the controlling enactment for a given city or town.

The charters of most municipalities contain provisions regulating the holding of city and town elections—some of them are detailed; some of them are irritatingly vague and general; some are filled with references to obsolete ward boundaries and obsolete offices; and some of recent vintage contain detailed provisions copied from model charters or other city charters with little practical relevance to the particular municipality. These charter provisions may or may not agree or harmonize with the general municipal elections law. If they do not, the charter provisions—assuming they do not violate constitutional standards—supersedes the general municipal election law.[19]

A truly paradoxical situation is presented when the charter of a city exempted from the general law contains a statement that its elections are to be governed by the general municipal elections law. When asked for an opinion, the Attorney General expressed the view that the charter provision will control, thereby making Chapter 160 applicable despite express provisions in G.S. 160-29 to the contrary.[20]

An examination of the general municipal elections law found in Chapter 160 will disclose no requirements for secret ballot and the other safeguards associated with what is generally called the "Australian Ballot." But when one turns to the chapter of the General Statutes which contains the Australian Ballot Law,[21] he will find that it is made expressly applicable to all municipal elections[22] and takes precedence over the provisions of both the general municipal elections law and individual city charters.[23]

Finally, it should be noted that the last section of the law dealing with regular city and town elections closes with the following statement:

10. *Id.*, §3.
11. *Id.*, §7.
12. *Ibid.*
13. *Id.*, §8.
14. *Id.*, Art. XIV, §2.
15. *Id.*, Art VI, §8.
16. *Id.*, Art. XIV, §7.
17. *Id.*, VI, §3.
18. State v. Viele, 164 N.C. 122, 80 S.E. 408 (1913); State v. Carter, 194 N.C. 293, 139 S.E. 604 (1927).
19. Letter of the Attorney General to A. A. Powell, February 16, 1953.
20. Letter of the Attorney General to Mrs. Laura C. Moore, March 23, 1959.
21. General Statutes Chapter 163, Art. 20.
22. G.S. 163-148.
23. Letter of the Attorney General to J. M. Holland, February 18, 1953.

> In all other respects all elections held in any town or city shall be conducted as prescribed for the election of members of the General Assembly.[24]

This is a reference to Chapter 163 of the General Statutes and seems to indicate a legislative intention to have the provisions of that chapter complete and supplement the general municipal elections law found in Chapter 160.

But this also produces problems. Some portions of Chapter 163 are written in terms which make their applicability to municipal elections plain and reasonably simple to administer. (The Australian Ballot Law already referred to falls in this category.) Other provisions of Chaper 163, however, are written in terms of state and county elections and for state and county election agencies without reference to municipalities and municipal election officials. Some years ago this situation gave rise to a case in which the issue was whether the absentee-voting provisions of the general election law[25] applied to municipal elections. When the matter came before the North Carolina Supreme Court, the justices answered in the affirmative on the ground that, by its own terms, the Absentee Ballot Law as then written applied to *all* elections within the state.[26] Three years later the General Assembly amended the law by deleting the reference to all elections, inserting in its place the words "any general election." In 1963 the section was rewritten to restrict use of the absentee ballot to a "State-wide general election."[27] Thus, the history of the present statute shows that at least one probable reason for the amendments was to counteract the effect of the Supreme Court's decision.

The Municipal Officials' Dilemma

Consider the town clerk, mayor, or municipal board of elections faced with having to prepare for registration and conducting a regular election in a particular city or town. How should he or they proceed? If one looks to the municipality's charter he will be making a proper start, but in no charter with which the writer is familiar will he find all he needs to know. More dangerous than omissions may be charter provisions long outmoded or even unconstitutional. If one looks at the general municipal elections law in Chapter 160, he will find it sketchy and, in certain sections, confusing. If he turns to the laws governing county and state elections he will find some help, but he will not find it easy to decide which ones apply to his problem and which ones do not. His only solution is to call on the city attorney, and, although equipped by training to deal with the problem, the attorney will find himself having to make recommendations for action on the basis of educated guesses rather than specific legal provisions.

Aids for Municipal Officials

Biennially since 1935 the North Carolina League of Municipalities has published manuals for use by city and town officials responsible for conducting elections. The most recent, *1967 Municipal Election Procedure and Forms*, by Ernest H. Ball, can be of great help. In 1961 the Institute of Government published *Conducting Municipal Elections*, which can also be of assistance. But as both of these publications carefully point out, no single manual will serve for all or even a majority of the municipalities in this state:

> Only a minor fraction of North Carolina's 400-odd cities and towns rely wholly on the general municipal elections law found in Chapter 160 of the General Statutes; most of them have charter provisions which supersede or greatly amplify the state law.[28]

This means that each municipality needs an election manual tailored to its own peculiar legal requirements.

Recent Legislative Activity

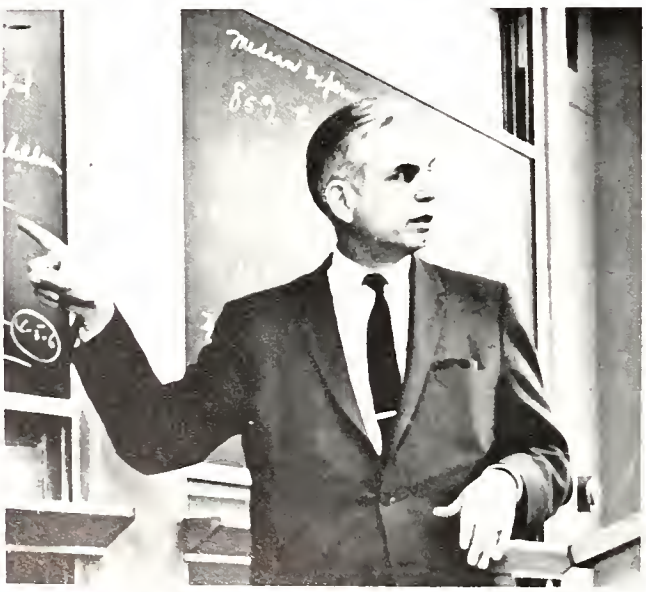
A cursory survey of legislation enacted by the General Assembly at the regular sessions of 1961, 1963, and 1965 discloses that some 125 cities and towns have revised the laws governing their elections and election procedures. This means that more than a fourth of the municipalities of the state have found it necessary to make election procedure changes within a six-year period. (The total for 1967 is not yet known, but from the number of bills on the subject already introduced it seems likely that the rate of amendment will remain high.) Part of the need for change arises from new patterns of representation on municipal governing bodies, but much of it comes from a need for more complete elections systems. The general law provisions are admittedly inadequate. Heretofore it has been simpler to rewrite the election laws of a single municipality than to propose a revision of the election laws found in Chapter 160 of the General Statutes.

The General Assembly of 1965 took the initiative to establish a commission to revise the laws governing county and state primaries and general elections, and the recodification proposed by that commission is being considered by the current General Assembly. If that recodification is enacted, would it not be wise for interested municipal officials and legislators to give thought to drafting an adequate statewide municipal election statute? If such a statute were enacted, it is likely that much of the confusion now common in municipal elections might be eliminated. □

24. G.S. 160-50.
25. Now codified as G.S. 163-53 to -69.
26. Phillips v. Slaughter, 209 N.C. 543, 183 S.E. 897 (1936).
27. G.S. 163-54.
28. Lewis, Conducting Municipal Elections (Institute of Government, 1961), ii.

This group of local building inspectors has been attending sessions of a Building Inspectors School for several months. The course has been under the supervision of Philip P. Green, Jr.

INSTITUTE SCHOOLS, MEETINGS AND CONFERENCES



Dean Norton Beach of the School of Education, University of North Carolina at Chapel Hill, makes a point with the group of school board members from across the state who met at the Institute of Government on April 14-15.

. . . The point comes across with these interested school board members. Robert E. Phay, of the Institute staff, was responsible for the conference.

Memorandum:

TO: Officials Concerned With the Administration of Justice

FROM: L. Poindexter Watts

DATE: April 14, 1967

SUBJECT: Issuance of Warrants by Police Desk Officers

On April 12, 1967, the Supreme Court of North Carolina handed down a decision in *State v. Matthews* invalidating a warrant issued by a police desk officer attached to the Raleigh Police Department. As the opinion in the case is a far-reaching one that will affect the administration of justice in a number of counties in North Carolina, this memorandum will treat the more important points raised and attempt to anticipate the effect of the case on criminal procedure.

Counties Under the New Court System Not Affected

It should be made clear from the first that the twenty-two counties under the new court system are in no way affected by the decision in *State v. Matthews.* G.S. 7A-274 provides:

> The power of mayors, law enforcement officers, and other persons not officers of the General Court of Justice to issue arrest, search, or peace warrants, or to set bail, is terminated in any district court district upon the establishment of a district court therein.

The decision, at least as to law enforcement officers, merely hastens an event that would have taken place in every county in the state by the first Monday in December of 1970 at the latest.

Legislative Background

Prior to 1963 a number of police desk officers held appointments as justices of the peace for the purpose of issuing warrants. The court-reform amendments to the Constitution of North Carolina, however, which were ratified by vote of the people on November 6, 1962, deleted the provision exempting justices of the peace from the rule against double-officeholding. Thus, the earliest effect of the constitutional change was felt by police desk officers and a few other public officials who also held appointments as justices of the peace.

Many local bills were consequently enacted by the 1963 General Assembly to preserve the status quo. Most of them simply conferred on various local enforcement chiefs the power to appoint police desk officers, who would have the authority to issue warrants. They would not take any additional oath but simply have an extra power delegated to them; thus there would be no double-officeholding problem. As the number of local bills swelled, legislative leaders determined that a statewide act might be helpful, and this led to the passage of G.S. 160-20.1. It authorized the chief of police in any municipality with a population greater than 4,000 at the last census to appoint police desk officers who would be authorized to issue warrants in criminal matters. The local acts that had passed all remained on the books also, and covered a number of towns under 4,000 and in some counties desk officers in sheriff's departments and the like.

The City of Raleigh was covered by G.S. 160-20.1 as well as by a local act that contained almost identical provisions.

Essential Facts of the Case

The warrant against Matthews was issued by a desk officer of the Raleigh Police Department for a misdemeanor offense on the date of the alleged offense — May 22, 1965. The complaining witness who signed the affidavit portion of the warrant was another police officer of the City of Raleigh.

The defendant entered a plea of not guilty in the City Court of Ra-

leigh, and was tried and convicted. Upon appeal to superior court, his first trial ended in a mistrial when the jury was unable to agree. When the case came to trial the second time in superior court, the defense moved to quash the warrant. The judge, in his discretion, entertained the motion. The trial judge found the warrant unconstitutional in that it had been issued by a police officer and ordered that the warrant be quashed. The State appealed, and the Supreme Court of North Carolina affirmed the quashing of the warrant.

No Right To Quash Warrant After Plea

One very important point must be made at the outset. The opinion says quite plainly that the traditional rule still holds as to motions to quash the warrant: as to most grounds they can be made *as a matter of right* by the defendant only *before* he enters a plea (that is, "guilty," "not guilty," or "nolo contendere"). After that point, it lies in the discretion of the trial judge whether he will or will not entertain motions to quash. (There is an exception, though, where a warrant is fatally defective on its face for failure to charge a crime. As to it, a motion to quash may be made at any time. The Court gave no indication, however, that any exception would have applied in this case; quite to the contrary, the opinion rather broadly hinted that the trial judge would have been within his rights to refuse to entertain the motion to quash.)

Although the general rule in this State is that an appeal to superior court from a lower court for a trial *de novo* wipes the slate completely clean, the Court gave an indication that a motion to quash made for the first time in superior court may come too late. The opinion said:

> By pleading not guilty to such warrant in the City Court of Raleigh, defendant waived all defects with reference to the authority of the person who issued the warrant. Whether the motion to quash *would be entertained when made for the first time in the superior court* was for determination by the trial judge in the exercise of his discretion. [Citations omitted.] Judge Braswell, in his discretion, elected to do so; and, after consideration, allowed defendant's motion . . . .
>
> . . . Here, Judge Braswell having elected to entertain defendant's motion, it became and is for consideration as if timely made. [Emphasis by the Court.]

Basis of the Ruling

Stressing the fact that the affidavit in the case was signed by a fellow police officer of the issuing officer, the Court first held that the warrant was invalid under the Fourth Amendment to the Constitution of the United States, as made applicable to the states by the Fourteenth Amendment. The Court cited several cases of the Supreme Court of the United States emphasizing the requirement that there be "a neutral and detached magisistrate" and indicated that the Fourth Amendment applies to arrest warrants as well as search warrants.

Instead of stopping there—as it could have since the affidavit portion of the warrant was in fact signed by a fellow officer — the Court next explored whether a police officer might issue a warrant when the complainant was a private individual. In this portion of the opinion the Court shifted from the Constitution of the United States over to the Constitution of North Carolina.

The Court examined the 1962 court-reform amendment to the Constitution and said:

> The primary purpose of said amendment of Article IV of the Constitution of North Carolina was to establish "a unified judicial system." To accomplish this result, *all* judicial power, except that vested in a court for the trial of impeachments and in administrative agencies, is now vested *by the Constitution* in the General Court of Justice. A police officer is not an official of the General Court of Justice. Obviously, he is not an administrative agency within the meaning of Section 3. Hence, the General Assembly lacks constitutional authority to confer judicial power upon a police officer.

Mindful of the fact that a district court will not be established in Wake County, the Tenth Superior Court Judicial District, until the first Monday in December 1968, GS Chapter 7A, Article 13, this excerpt from Section 21 of Article IV, as amended in 1962, is pertinent: "The statutes and rules governing procedure and practice in the Superior Courts and inferior courts, *in force at the time the amendments constituting this Article are ratified by the people*, shall continue in force until superseded or repealed by rules of procedure and practice adopted pursuant to Section 11(2) of this Article." [Our italics.] The statutes authorizing "desk officers" to issue warrants were adopted in 1963, *subsequent* to the date (November 6, 1962) of ratification of the amendments to Article IV. . . .

The Court thus held that both G.S. 160-20.1 and the Raleigh local act were enacted in violation of the Constitution of North Carolina and were therefore void.

Effect of Decision

The case invalidates (1) arrest warrants, (2) search warrants, (3) peace warrants, and (4) any other criminal process issued by a police officer upon the application of a fellow officer; this will be the case no matter when the statute authorizing the officer to issue warrants was enacted. It also invalidates all such criminal process issued by *anyone* (not part of the General Court of Justice) who holds his warrant-issuing power by virtue of any statute or rule enacted after November 6, 1962.

Although there are a few pre-1962 local acts vesting warrant-issuing power in certain law enforce-

ment or other officials, the practical effect of the decision is to put law enforcement officers completely out of the warrant-issuing business. Though the case leaves the question open, it would be decidedly risky for any law enforcement officer to issue any criminal process—no matter who the complainant might be and no matter what the date of the authorization to issue such process.

How the Defendant May Challenge the Warrant

A defendant in a case in which a warrant was issued by a law enforcement officer might take advantage of the ruling in *State v. Matthews* in one or more of the following ways:

(1) *By motion to quash the arrest warrant.* This would be of benefit in misdemeanor cases tried on the warrant in lower courts, and on appeal from such courts in the higher courts. Where the case originated in superior court on an indictment, quashing the warrant would not affect the case. As noted previously, this motion must be made before a plea is entered to the charge, although a judge may in his discretion entertain the motion at a later time.[1]

(2) *By motion to suppress evidence—search warrant.* Where a search warrant has been issued by a law enforcement desk officer, defendants will undoubtedly move to suppress all evidence found on the grounds that the search was an illegal search. This motion would apparently be valid even after a plea to the charge had been made.

(3) *By motion to suppress evidence—search incident to arrest under warrant.* Where a defendant is arrested with a desk officer's warrant and incriminating evidence is discovered in a search incident to the arrest, it can be anticipated that here too defendants will move to keep the evidence out of court. The arrest will be said to be illegal since under a defective warrant, thus tainting the search made incident to the arrest. There is no reason to believe, however, that searches incident to *lawful* arrests *without warrant*—see G.S. 15-41—would be tainted merely because the defendant was brought before a law enforcement desk officer for issuance of a warrant after the apprehension.

(4) *Civil and criminal suits against arresting officers for false arrest, false imprisonment, assault, etc.* Civil suits of this type are rare because law enforcement officers do not often have enough attachable wealth to make it worth suing them. An exception may be cases in which sheriffs are sued on their bonds for their own acts or for those of their deputies. In any event, if a law enforcement officer executed a desk officer's warrant in good faith and there was nothing but the technical illegality, a jury would be likely to give only nominal damages. If, however, the defendant were killed or seriously injured during an arrest and there were some question whether excessive force was used, the technical illegality might very well handicap an officer's defense of any civil or criminal suit.

Issuance of New Warrant After Prior One Quashed

Unless the statute of limitations has run, there is nothing in the rules of criminal procedure to prevent the State from securing a new warrant in a case where the old one has been quashed. The argument seems to run that the defendant was never *actually* in jeopardy since he successfully picked a flaw in the prosecution document (the warrant, in most misdemeanor cases); thus the defendant cannot argue double jeopardy.

In *State v. Matthews* itself, the original offense was committed on May 22, 1965. If a new warrant is issued for that misdemeanor before May 22, 1967, Matthews can be tried again. There is no statute-of-limitations problem, of course, in felony cases.

Retroactive Application of the Ruling?

The Court went out of its way to point out that entertaining a motion to quash was a discretionary matter once a plea to the charge had been entered. This was clearly an attempt to keep from unsettling past convictions. There will probably be no great problem concerning motions to quash in cases already before the court. And in any case not yet before the court, the solicitor can simply nol-pros the desk officer's warrant and have the prosecution initiated again under a new one. Suppression of evidence gained in a search, however, presents a more troublesome issue.

It would be difficult to predict how the Supreme Court of North Carolina (much less the Supreme Court of the United States) would react to the case of a post-conviction petition by a prisoner who was convicted on strong evidence gained by virtue of a search, when that search was dependent for its legality on either an arrest or search warrant issued by a police desk officer. Traditionally, constitutional rulings have been applied retroactively in criminal matters because of the theory that the court was only announcing what had always been the law. Federal decisions forcing the states to

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1. One lawyer has suggested three additional modes of procedure: (1) motion in arrest of judgment; (2) petition for a writ of habeas corpus (by a prisoner before or during trial); (3) postconviction review proceeding (as this comprehends the habeas corpus remedy after conviction). His theory in advancing this suggestion is that if the officer issuing the warrant had no authority, the warrant (serving as an indictment substitute) is therefore void and thus the above remedies would be available. My belief, however, is that the Court's deliberate dictum on the motion to quash shows that it would not accept this reasoning. If the warrant were totally void, the motion to quash would lie as a matter of right at any time; the Court, however, indicates that it is merely voidable if attacked within the given time.

When a warrant is used as authority to make an arrest, the authority of the issuing official is crucial, but when it is utilized later merely as a prosecution document by a court of competent jurisdiction, it is the acceptance and utilization of the prosecution document by the court that is the operating factor. One prior North Carolina case, for example, has held that an indictment properly returned to a superior court judge in open court is valid (no motion to quash being timely made) even though it may lack the signature of the solicitor preparing it. (It was this distinction between the warrant's function as an arrest document and a prosecution document that caused me to use the particular hypothetical set of facts below concerning a search in discussing retroactive application of the decision in *State v. Matthews.*)

adopt stringent exclusionary rules, and liberal post-conviction review procedures where denials of constitutional rights are asserted, have changed things greatly. Full implementation of some of the new holdings would have come close to evacuating some prisons.

The Supreme Court of the United States broke precedent three years ago and refused for the first time to apply one of its criminal constitutional rulings retrospectively. It would be something of a radical step for the Supreme Court of North Carolina to follow suit, but it may feel that it is forced by circumstances beyond its control to do so.

As a practical matter, though, the search question may not affect a large number of cases. Most arrests are made without warrant rather than with warrant, so there will be very few searches incident to arrest under a warrant. (The biggest category may be driving-under-the-influence cases in which the driving was not done in the officer's presence, thus requiring him to secure an arrest warrant before demanding that the defendant submit to a chemical test of his breath.) As far as search warrants issued by law enforcement desk officers are concerned, the Institute of Government in 1963 anticipated the possible results of *State v. Matthews*. It circulated a general warning to law enforcement officials as part of its discussion of 1963 legislation advising them to refrain from allowing their desk officers to issue search warrants. This warning was heeded in a number of counties, and to this extent the problem is reduced.

Steps That Can Be Taken in the Seventy-Eight Counties Affected

The decision will undoubtedly cause some disruptions in a number of places. Numerous desk officers have learned by experience how to write relatively foolproof warrants in the types of cases most commonly coming before them; they know how to type efficiently; and they are rotated on duty-shifts so as to be available twenty-four hours per day. Finding someone to replace officers such as these will be difficult. And, unfortunately, replacing them will be required in most instances. If desk officers currently serving were to quit their enforcement jobs in order to be appointed as justices of the peace or clerks of the court, there would be a loss of valuable law enforcement retirement benefits.

In some cities and counties it may be necessary to hire additional personnel in the offices of clerks of court in order to have night clerks on duty to issue warrants. It is important to note that under the new court system clerks of superior court (and their assistants and deputies) can issue arrest warrants in their own right, but this is not true in the seventy-eight counties under the old system. The clerk of superior court may only issue arrest warrants as ex-officio clerk of an inferior court—which he is, however, in over half of the counties. (The legislation pertaining to inferior courts in almost every case provides for issuance of process by the clerks of those courts.) As for search warrants, a few types may be issued by the clerk of superior court in his own right, but most follow the same rules as arrest warrants. Compare G.S. 15-25 with G.S. 15-25.1 and -25.2. See also G.S. 18-13.

Another approach in a county feeling the impact of *State v. Matthews* would be to create additional justices of the peace. The simplest method is probably an appointment by the resident judge of superior court of the district under G.S. 7-115. This statute authorizes a judge to appoint a justice of the peace for a two-year period. In the sixty-one counties slated to go under the new court system the first Monday in December of 1968, of course, the appointments will not run for the full period, but capable people may nevertheless be willing to accept such appointments in hope of proving themselves and becoming eligible for appointment as magistrates when the new system goes into effect.

A third possibility of relief may come from mayors in towns that do not have municipal courts. They will retain their powers to act as justices of the peace in criminal matters under G.S. 160-13 until the new court system takes effect. Under G.S. 15-21 a mayor's warrant is valid throughout the county in which his town is located. □

Pomrenke Teaches at University of Hawaii

Norman E. Pomrenke, assistant director of the Institute of Government in the field of police administration, will spend June and July teaching in the first summer session of the University of Hawaii, which is inaugurating a new police science program.

Wicker Presents Paper at Washington Conference

Warren J. Wicker and Milton S. Heath, Jr., of the Institute staff have written a paper entitled "Standards for Evaluating Organizational Arrangements for Water Services," which Mr. Wicker presented recently before the International Conference on Water for Peace in Washington, D. C.

This meeting was a gathering of 4,000 professional water-resources experts and high government officials from more than 70 nations called to consider the problems of supplying adequate water services to the peoples of the world.

Police Executive Development in North Carolina

by Norman E. Pomrenke

[*Editor's Note: This article reports on a recently completed, specially designed Police Management Institute that was offered by the Institute of Government and financed by the Office of Law Enforcement Assistance of the Department of Justice. Its author was coordinator of the project. The article will later appear nationally in* Traffic Digest and Review, *published by Northwestern University.*]

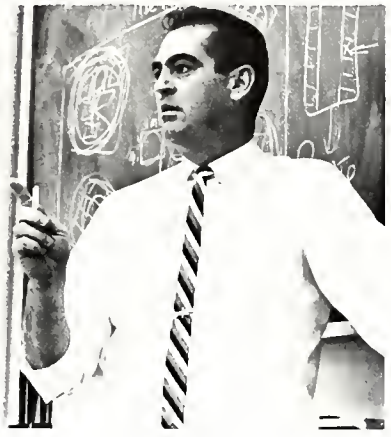
Being a police officer today is a much bigger and more complex job than it was forty years ago. Enormous changes have taken place in the world since 1925. The pressures of population are being felt. A social revolution has taken place in the past five years. Standards of morality have changed. New drugs —some destructive, some therapeutic—have been discovered. New understanding has been reached about human behavior and motivation. A new concern for the preservation of basic human freedoms has been demonstrated in recent Supreme Court decisions. The public is newly aware of the widespread implications of any social ill on all aspects of society, and it is aware of the advances in sociology, psychiatry, medicine, and public administration that can be applied to alleviating some social problems. It has also come to expect that the police establishment will have sufficient depth and background that it can cooperate effectively and efficiently with these other forces at work in this half of the century.

All of these changes mean that the demands made upon a good police officer in terms of the problems with which he must deal and techniques that he is expected to apply are greater than ever before. In particular, they mean that a great deal more in terms of general ability, breadth of background, and skills of organization and personnel administration is required of the top level of police management, because it is from this level that new ideas and attitudes will be transmitted to the rest of the police organization and the force organized into its greatest efficiency and effectiveness. A police executive needs to have the same depth in administrative skill as any other professional.

The development of schools of police administration within many junior colleges, colleges, and universities is a result of this fact, and well-trained men from these schools are now placed in police agencies all over the country.

At the same time, very often chiefs of police and command and supervisory personnel have been promoted from the ranks. They have neither the time nor the inclination (considering their ages and personal responsibilities) to pursue academic degrees. Nevertheless, they are able, intelligent, conscientious men who recognize the advantages that professional police training, particularly in administration, can bring to their work.

With these men and the cities they serve in mind, the Institute of Government of the University of North Carolina at Chapel Hill recently obtained a grant from the Office of Law Enforcement Assistance of the Department of Justice to finance a specially devised short course in Advanced Police Management. The enrollment in this course was limited to municipal law enforcement administrators of North Carolina from cities with populations ranging from 15,000 to 200,000. Twenty-six invited police command officers participated. They represented approximately 400 years of experience in municipal police operations.



Pomrenke

The Institute of Government's extensive previous experience with short courses of a functional nature has indicated that they are most effective when broken up into short, intermittent instructional sessions with periodic returns to the normal job. This allows the student sufficient time to complete various assignments and to do the required reading. For this reason the Police Management Institute was scheduled in five four-day sessions, one each month from November, 1966, through March, 1967. In all, 120 hours of classroom instruction were given, plus numerous outside assignments of both reading and actual problem solving.

Curriculum

The curriculum was designed to present concisely and in a form useful to the students the theory and application of a wide variety of administrative techniques and skills. Some of the material they already had some acquaintance with, but much was new, and a special effort was made to relate these skills to the achievement of the goals that had been set for their specific police organizations. The daily schedule was organized according to the material to be covered, with time allowed for discussion, review, and summation. A general listing of the subjects included will give an indication of the scope of the program. The five four-day sessions were divided into six basic administrative functions. They were:

1. *Management and Organization* —The ability to recognize and correct weaknesses of the organizational structure. This section included the formal organizational structure, the chain of command, the principles of organization, dividing operational and managerial work, the staff line concept, position analysis, special organizational forms, and the delegation of responsibility and authority.
2. *Personnel Administration*—Building an efficient and well-adjusted work force. This section included human factors in organization and personnel selection, the application of psychological testing for selection and promotion, training programs including training problems peculiar to the law enforcement agency, evaluation and management appraisal, determining and meeting management objectives, measuring work effectiveness and organizational performance, human relations and management, and morale and motivation as it pertains to the law enforcement organization.
3. *Community Relations*—Building public understanding of police activities and problems. This section included the public relations and community relations function of the police administrator as it applies to the complex society he faces daily.
4. *Administrative Practices* — The ability to work with and through associates in a wide range of situations. This section consisted of the nature of organizational planning, the basic management functions, managerial decision making, policy making, measuring the effectiveness of law enforcement operations, the administration of records and office management, budgeting, manpower allocation, and future needs and long-range planning for the law enforcement agency.
5. *Dynamics of Administration* — The ability to develop communication, leadership, and direction within the law enforcement agency and between the agency and the community in which it serves. This section included the process of direction, the role of the leader, authority and influence, group dynamics and supervision, communication within the organization, discipline, and the utilization of voluntary control systems.
6. *Control*—Assuring the success of plans by gathering the information vital to decision making. This section consisted of the basic elements and function of control systems, the inspectional process, performance evaluation, planning and research for the future, and computer application and data processing for the law enforcement administrator.

Thompson S. Crockett, Chairman of the Department of Police Science at Florida Junior College in St. Petersburg, illustrates an idea.

Faculty

A curriculum of this breadth obviously needed a faculty of equal breadth. The nucleus of this staff came from the Institute of Government's regular faculty, who provide training and instruction for officials in nearly all areas of both state and local government in the State of North Carolina. The author, whose

Dr. A. C. Germann, Professor of Criminology at California State College at Long Beach, Calif.

field at the Institute is police administration, was the project coordinator. Dr. Donald Hayman and Dr. S. Kenneth Howard, in personnel administration and public administration respectively, completed the Institute planning cadre. For the remainder of the faculty, heavy reliance was placed upon distinguished consultants from many areas.

The consultant lecturers were:

Chief John Ingersoll
Chief of Police
Charlotte, North Carolina

Dr. Robert Rehder
School of Business
University of North Carolina
at Chapel Hill

Chief William Winters
Chief of Police
Chula Vista, California

Mr. John Klotter
Southern Police Institute
The University of Louisville
Louisville, Kentucky

Mr. Ray Dahl
Southern Police Institute
University of Louisville
Louisville, Kentucky

Mr. Richard Calhoon
School of Business
University of North Carolina
at Chapel Hill

Mr. Harold Barney
(formerly of the International Association of Chiefs of Police)
Administrative Assistant to the
Director of Public Safety
Miami-Dade, Florida

Lieutenant Ed Swing
Director, Planning and Research
Division
Greensboro Police Department
Greensboro, North Carolina

Mr. Hugh Donnelly
Assistant Director of the Planning
and Research Division
St. Louis Metropolitan Police
Department
St. Louis, Missouri

Dr. A. C. Germann
Department of Criminology
California State College at
Long Beach
Long Beach, California

Dr. Elmer Oettinger of the
Institute of Government Staff

Mr. Richard McMahon of the
Institute of Government Staff

Mr. Linwood Savage
International Business Machines
Raleigh, North Carolina

Mr. Richard McDonell
IBM Director in Charge of Law
Enforcement Activities
Oakland, California

Dr. William Edgerton
Department of Community
Psychiatry
School of Medicine
University of North Carolina
at Chapel Hill

Mr. Quinn Tamm
Executive Director
International Association of
Chiefs of Police
Washington, D. C.

(The consultants' lectures were taped and will soon be edited and published as a book of readings by the Institute of Government.)

Teaching Materials

Those who chose the textbooks for the course believed that the desired special emphasis on management would not be found in traditional police materials, and textbooks were therefore selected from outside the police field. The two basic works supplied to the students were *Management: A Book of Readings* by Harold Koontz and Cyril O'Donnell (New York: McGraw-Hill, 1964) and *Parkinson's Law*. Materials including various case studies and case problems were also furnished the class. The students were required not only to complete the assigned readings but also to use the readings in conjunction with their experience in reference to the case problems and studies in the application of a professional approach to inherent organizational problems.

Evaluation

The Institute staff felt that it could not evaluate this program, and that two separate judgments would be most meaningful in an over-all assessment of whether the objectives of the Police Management Institute had been achieved. Two independent evaluations were therefore requested. The first is being made by Dr. Claude George, Associate Dean of the School of Business of the University of North Carolina at Chapel Hill, who teaches management; an expert in this field with no police affiliation was purposely sought so that results could be correlated purely in terms of management, with no consideration of particular principles of police administration. The second evaluation is being conducted by the International Association of Chiefs of Police in Washington, D. C. The IACP has undertaken a study, based on questionnaires sent to the Institute participants, to determine (1) the degree of correlation between the theory and application of principles taught during the Institute and their actual organizational problems, and (2) if there is correlation, how they use these principles in their own offices.

Quinn Tamm, Executive Director of the IACP, spoke at the Police Management Institute's commencement. He pointed out that in all areas of activity, training and education should be a never ending process. Top business concerns send their executives to business schools and seminars; ranking military personnel attend command schools and national war colleges; medical men keep up to date through specially designed courses on closed-circuit television. Service in any activity that vitally affects the public welfare requires keeping up with new ideas and techniques and maintaining sharpness in skills. The very fact that the 26 police executives who completed the Police Management Institute had participated in the program indicated that they recognized this necessity and were ready to act upon it. □

Major Howard Wooters, Assistant Chief of Police in Greensboro, receives congratulations from Quinn Tamm, Executive Director of the IACP. John Sanders, Director of the Institute of Government, looks on. Norman E. Pomrenke, project coordinator for the Police Management Institute, is in the background.

The North Carolina Adult Film Project: ANOTHER LIBRARY SERVICE TO THE STATE

by Herschel V. Anderson

[*Editor's Note: The author is audio-visual consultant for the North Carolina State Library in Raleigh. In this capacity he has some responsibility for the film loan project described in this article.*]

One of the few national standards[1] for minimum public library service achieved by North Carolina public libraries is that for the free loan of 16-mm. films. This standard resulted from a cooperative effort by all the public libraries of the State in conjunction with the North Carolina State Library. Without this cooperation, there would be a film lending service in perhaps three of the larger cities in the State and no other; with it, each of the 350 library units across North Carolina receives a service that individually most could not afford. The cost of one film (between $100 and $500) prohibits a single small library's investment in such materials.

Cooperative Film Service

The cooperative film service, known as the North Carolina Adult Film Project, began in 1952 with a handful of films. The films were circulated through a small group of public libraries on a circuit system in which each library had a deposit of perhaps ten to twenty films that it kept for a specified period and exchanged for another deposit at the end of that period. The service has since grown to such an extent that today each library agency in the State has access to a collection of 1,500 adult films upon which it may draw directly on at least two weeks' advance notice. There is no charge to the borrowing public other than that of a very inexpensive one-way postage rate.

This film collection is supervised by the Extension Division of the North Carolina State Library in Raleigh and housed in a central location contracted by that division for distribution of the films. It is supported with a combination of state and federal funds spent by a selection committee of some fifty librarians from libraries throughout the State. The committee selects those films it judges by quality and subject matter to be of benefit to the adult borrowing public in North Carolina. This committee, the Audio-Visual Committee of the Public Libraries Section of the North Carolina Library Association, selects between 100 and 150 new films a year for addition to the collection. It tries to keep the selection well balanced in subject areas and advises and recommends policies in circulation and management to the State Library.

Library Responsibility for Adult Services

"Adult" in the title of the collection designates the group for which the films are bought and programmed. The only negative in the policy statement governing circulation, other than one stating that films may not be used where an admission is charged, is that the films may not be borrowed for curriculum-oriented classroom use in primary and secondary schools of any sort. Schools have their own sources of materials that are highly specialized and aimed at their curriculum.

Raising the considerable funds required for the support of school materials collections is the responsibility of individual school governing bodies. The budgeting of funds by the State Library Board for public library materials to serve adults constituted a recognition of the Board's service function to North Carolinians beyond school age. The North Carolina Adult Film Project's responsibility in providing and developing a film collection for the education and entertainment of the adult and non-school population of North Carolina is a reflection of that function.

Users of films from this public library film collection range from the rural church or community center to mental health clinics (for stimulating the imagination of the mentally ill) and educational programs (for expansion of the background of the culturally deprived). Discussion films are used to lead groups into consideration of current events and problems while mood films are often used to establish a common current of thought among groups considering such contemporary subjects as city planning, school drop-out rates, and the conservation of resources. Many libraries provide projection equipment to implement complete utili-

1. Standards developed by the American Library Association by which public libraries may measure the quality of their service to their communities.

zation of this range of materials to their communities.

In this state of small towns and many counties, expensive cultural and educational programs such as that described above can be supported only by cooperation across political boundaries. Such cooperation is necessary, particularly in libraries where the smallest economically feasible unit is one serving a minimum of 75,000 people. The North Carolina Adult Film Project is such a cooperative effort on the part of the North Carolina State Library (a State agency), each public library unit in the State (a local agency), and the North Carolina Library Association (a professional organization). The people of the State are direct beneficiaries of this cooperative endeavor. □

TENTH ANNUAL PLANNING CONFERENCE MEETS

Early in April the Institute was the scene of a special three-day conference on "The Future of Urban Development in North Carolina." Attended by more than 200 city, county, and state officials, the conference marked the tenth anniversary of the founding of the North Carolina Planning Association, which was joined this year in its sponsorship of the event by the North Carolina City and County Managers' Association, the North Carolina Section of the American Institute of Planners and the Institute of Government.

The program was designed to give North Carolina officials an opportunity to explore the problems of urban growth in some depth, and to relate recent changes in North Carolina to political, social, and economic change in the nation as a whole. The conference also provided a significant opportunity for the state's professional managers and planners to come together for an extended exchange of ideas and views.

Dr. Gilbert Y. Steiner of the Brookings Institution, Washington, D. C., presents one of the major conference papers, "Governing Urban America: Dilemmas and Directions." To his far left and right are Warren J. Wicker of the Institute staff, and Thad Beyle, an Associate in the Study of American States at Duke, who responded to Steiner's paper. John L. Sanders (middle), Institute Director, presided. Other main speakers at the conference included Philip Hammer, an economic consultant of Washington, D. C.; William L. Slayton, Vice President of Urban America, Inc.; Prof. Mark Ethridge of the University at Chapel Hill; John P. Eberhard of the National Bureau of Standards; R. Mayne Albright, Attorney of Raleigh, North Carolina; and Governor Dan K. Moore.

Major conference speakers addressed themselves to the problems of urban growth and change in four areas: economic development, social structure, the physical city, and governmental structure. These addresses were followed by brief responses prepared by "in-State" experts to relate changes in the national scene specifically to North Carolina. Thereafter all of the conference attendees were provided with an extended opportunity for small-group discussions of the ideas set forth previously. The major conference papers and responses will be published later this year by the Institute.

A busy scene presents itself at the registration desk, as more than 200 officials begin to register for the three-day conference. In addition to the unidentified official at the left are Jimmy Varner, Davidson County Manager; Jim Caldwell, Assistant Town Manager of Chapel Hill, and Phil Letsinger of the Division of Community Planning, Raleigh.

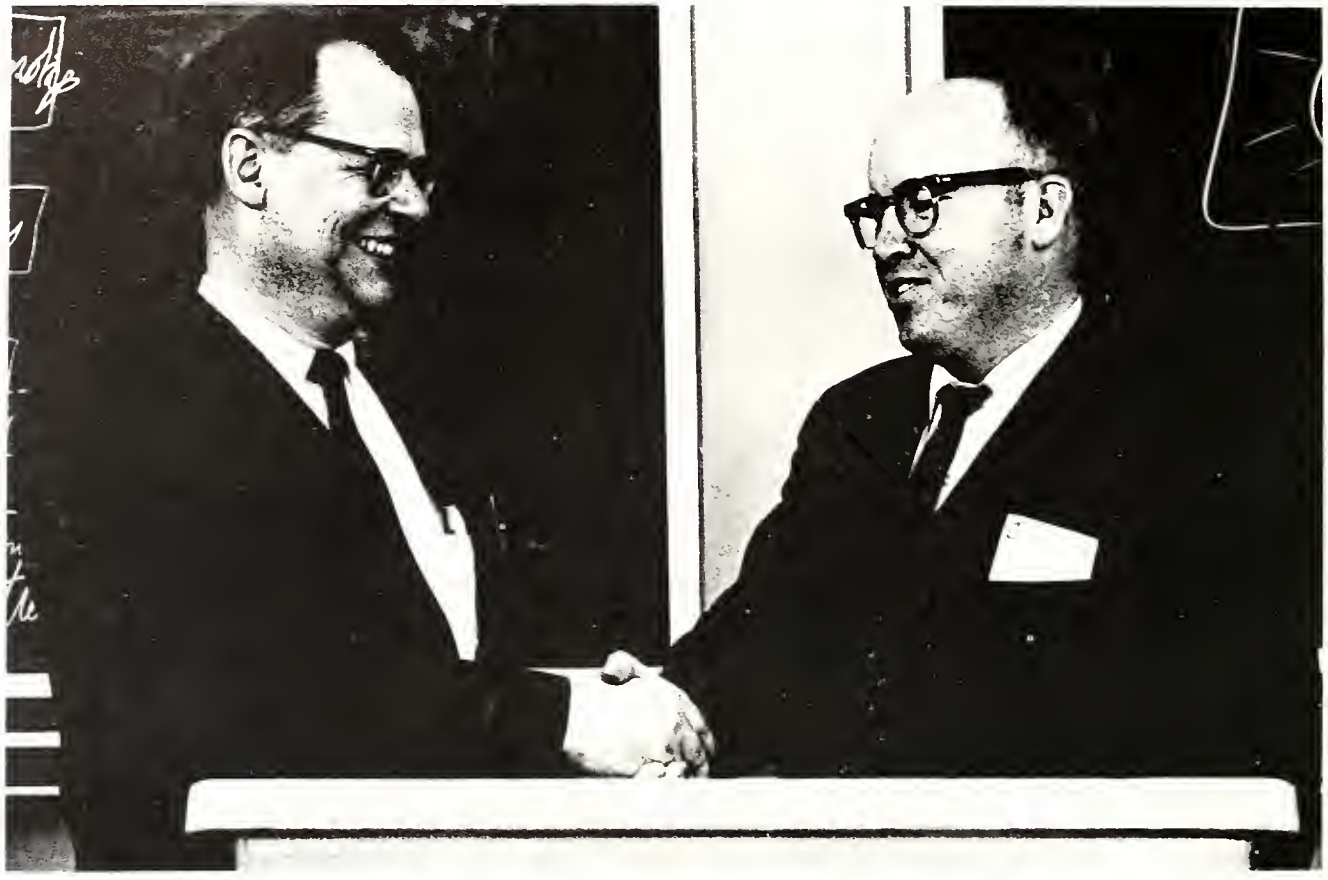
Chapel Hill Town Manager Bob Peck welcomes delegates on behalf of the North Carolina City and County Managers' Association.

W. Alan Hawkins, Jr., Bruce Turney, and Sam Webster of Alamance County listen attentively.

Dr. C. E. Bishop, Vice President of the University of North Carolina, delivers one of two principal responses to Hammer's address on economic strategies for urban development of the state.

Small group discussion sessions provided an opportunity for attendants to become active participants in the conference itself. Here, discussion leaders Mason Swearingen, Director of the Winston-Salem Housing Authority, and Rev. Robert E. Seymour of the Binkley Baptist Church in Chapel Hill discuss a point with a conference delegate. Kenneth Howard (left, front) served as moderator for the group. Other moderators (who served throughout the entire conference) were Jake Wicker, Institute of Government; William J. Veeder, City Manager of Charlotte; and Robert Peck, Chapel Hill Town Manager.

Planning Conference



"Congratulations, Mr. President." Ben Taylor (right) congratulates his successor, Francis Luther (left), as president of the North Carolina Planning Association. Taylor is a staff member of the Greensboro Daily News; Luther is Clerk-Treasurer of Salisbury and Chairman of the Salisbury-Rowan Planning Commission.

Registration is a busy time at the Planning Conference.

Uniform Commercial Code

SEMINARS FOR REGISTERS OF DEEDS

In anticipation of the effective date of the new Uniform Commercial Code, a series of five regional workshops have been held to instruct registers of deeds and their staffs in the implementation of the new Code in their offices. The Uniform Commercial Code, which becomes effective on July 1, 1967, simplifies and consolidates the law of secured transactions as it relates to personal property. The Secretary of State and registers of deeds have been designated as filing officers under the Code. After midnight of June 30, 1967, the filing of financing statements will replace the present practice of recording chattel mortgages, conditional sales contracts, and similar instruments.

The workshops—held in Greenville, Graham, Goldsboro, Statesville, and Asheville — were sponsored by the North Carolina Registers of Deeds Association with the cooperation of the Secretary of State and the Institute of Government. The program at each included an address by Secretary of State Thad Eure on "The Role of the Filing Officer Under the Uniform Commercial Code." Taylor McMillan of the Institute spoke on the Code's philosophy and vocabulary and on the duties of the register of deeds; and David Boring, vice-president of the Cott Index Company, spoke on the mechanics of filing and indexing. Mrs. Audrey McCaskill of Carthage, president of the Registers of Deeds Association, and Mrs. Eunice Ayers of Winston-Salem, chairman of the Uniform Commercial Code committee, opened each meeting with introductory remarks.

Besides the regional workshops, a two-day seminar for registers of deeds was held at Gastonia under the sponsorship of Gaston County and James M. Todd, Register of Deeds. Speakers included Secretary Eure, Mr. Boring and Mr. McMillan. The Honorable Basil L. Whitener, Representative from the 10th Congressional District, spoke at an evening banquet. A panel consisting of Mrs. McCaskill, Robert H. Crockett, Jr., Assistant Vice-President of the Citizens National Bank in Gastonia, and Mr. Todd, Register of Deeds of Gaston County, discussed the Code. A. R. England, Gaston County Manager, served as moderator.

After careful study of the volume of expected filings, the Secretary of State and the registers of deeds have agreed upon a pre-filing period beginning June 1. All filings received in the offices of the Secretary of State and the registers of deeds with the appropriate fee after May 31 will be accepted for processing, and will be filed as of the opening of business following the effective date of the Code. All filings received before midnight of May 31, 1967, will be returned to the sender. □

The group that participated in the UCC workshop held in Asheville included J. P. Surles of Asheville; George Moscley, UCC director in the Office of the Secretary of State; Mrs. Eunice Ayers of Winston-Salem; Mrs. Audrey McCaskill of Carthage; Ralph Smith, corporations attorney in the Office of the Secretary of State; Taylor McMillan of the Institute of Government; and Secretary of State Thad Eure.

THE HALFWAY POINT IN THE 1967 GENERAL ASSEMBLY SESSION

[*Editor's Note: This article appeared originally as the tenth in the series of weekly summaries prepared by the Institute of Government's legislative staff on the work of the 1967 General Assembly. It is reprinted in* Popular Government *as an interesting overview of the Legislature's activity to that date.*]

April 21, 1967

On Tuesday of this week the General Assembly completed its fiftieth week-day session of the year. This means that the Assembly should have now passed the halfway point of its labors—unless, Heaven forbid, all longevity records of lingering memory are to be eclipsed.

The midway balance sheet for '67 shows:

. . . 831 bills and resolutions introduced, including 293 local bills and 538 public bills. Introductions continue to run well ahead of the average for the past three regular sessions, by almost 9%. Also running high is the percentage of public bills for this stage of the session, about 65% compared with the norm of 60%.

. . . 257 bills and resolutions had been ratified through the fiftieth day, including 52 public bills, 41 resolutions and 164 locals. In contrast to the introduction statistics, this Assembly is trailing its last three predecessors at the fifty-day mark with a ratification ratio of 30% compared with 35%.

. . . 16 bills had been formally "killed" by floor defeat or unfavorable committee report. (Comparative "kill" ratios are not available for recent years without labors beyond the call of duty.) The death of a bill is not always fatal to its underlying concept in North Carolina. However, unlike the situation in some states, our Constitution does not preclude consideration of more than one bill on the same subject during a session. This year's leading example of irrebuffable perseverence involves the movement to curtail capital punishment. Prior to this week three bills on the subject had been killed in the House. This week yet a fourth, for outright abolition of the death penalty, was reported to the House floor and promptly sent to rejoin its departed ancestors.

. . . 508 bills were in committee at the midway point. Committees whose larders were unusually full included, not unexpectedly for this stage of the session, the money committees (House Appropriations with 67, Senate Appropriations 40, House Finance 26 and Senate Finance 19); the Judiciary or "J" Committees (House J1 with 24 and J2 with 20, both Senate J Committees with 19); and House Education with 22 bills.

Of bills that have already been enacted into law, the 1967 General Assembly can count two measures of unquestioned significance, both products of the indefatigable labors of the Courts Study Commission. These are the laws creating an intermediate appellate court, and prescribing uniform jury qualifications with elimination of all professional exemptions from jury duty (the latter enacted only this week). A notable "negative" is the Assembly's rejection of the move to retain standard time. Other enactments now on the books include two of the Governor's program proposals on law and order; an increase in workmen's conpensation benefits; ratification of the Interstate Library Compact; creation of the North Carolina Arts Council and a Zoological Study Commission; an approval for continuation of the Wright School; the omnibus school boards appointment bill; a repeal of two antiquated laws concerning epileptics; new laws regulating psychedelic drugs; and a dozen or more amendments to motor vehicles laws and "lawyer's law" revisions. Last but not least, sovereign protection has been extended to the sea turtle, her eggs, and her kinfolk the green, hawksbill, loggerhead, and leatherback turtles—and their eggs.

The shadow of one early session stumbling block, the brown-bag bill, was finally lifted today when House and Senate conferees resolved their

differences and both houses added their blessings, to audible sighs of relief. The principal remaining bone of contention—the Burney amendment, allowing brown bagging on private property not open to the general public—was swallowed by the House with minor amendments aimed at honky-tonk operators. (In the words of Sen. Henkel, who explained the conference report to the Senate, "We scrambled some of the words.") As brown bagging faded into legislative annals, the second major controversy of the session—university status for East Carolina College—popped into view. The opening gun was fired at highly publicized committee hearings, drawing the testimony of such notables as former Governor Luther Hodges (antagonist) and ECC President Jenkins (protagonist). When this vexed issue is disposed of, the Assembly can recur to its growing backlog of remaining 1967 business.

For those who care to gaze into the future, the vision for May and June is, as the French would say, *tres formidable*. All of this year's money issues, of course, lie ahead. There is little likelihood of significant news on this front for some weeks; the traditional period of budgetary silence during the deliberations of the appropriations subcommittee is now upon us. Much more is up for grabs in the fiscal area than during the average legislative session. A lively fracas apparently is in the offing from efforts to break the Administration's 17.58% teacher pay-raise line. A number of significant tax reduction and tax exemption proposals are under consideration, which will inevitably complicate the task of matching revenue and spending plans. The mixture is further thickened by a long and complicated bill to make "technical changes" in the State's revenue laws.

Leaving aside money matters, the roster of pending major issues is imposing, if not fearful. A sample of things to come, or things likely to come, would include the politically taxing problem of Congressional redistricting; a complete recodification of the general election laws; the first overhaul of the rules of civil procedure in a century; a proposed reorganization of State air and water resources programs, showing signs of potential controversy; the proposed hike in usury rates to 7% for home financing; the Administration-backed measure for tax-exempt industrial bonds; two competing bills for child day-care licensing; proposals for local jail reform; ambulance service changes; and another round of intramural controversy in the electric power industry involving the wishes of municipal electric systems to acquire property of competing systems in annexed areas. Also pending on the agenda are thorough revisions of the state's banking and trademark laws; recodifications of alimony and child custody-support legislation; a raft of proposed changes in the Uniform Commercial Code; and the usual volume of motor vehicle law amendments. Yet to be introduced, but soon anticipated, are bills relating to superior court solicitors, regulation of water use, and water safety regulation.

With this impressive backlog of work before the General Assembly, prospects for an early adjournment of the 1967 session seems feeble. The average adjournment date for the past decade was June 18, leaving out the unusually long 1963 session that ended on June 26. As of now adjournment short of June 20 this year would be cause for rejoicing, and a new modern long-distance record is within easy reach. □

What's Coming Up at the Institute

Basic Highway Patrol School*	Through August 25
Police Community Relations Seminar	June 5-7
Municipal Fire Administration*	June 12-17 June 26-July 1
Public Welfare Workers	June 12-16
New Mayors and Councilmen	June 19-21
Assistant Probation Officers	June 20-22

*Enrollment closed.

Credits: The photo on page 17 is by courtesy of the *Asheville Times*; the cover photo is by courtesy of the Raleigh *News and Observer;* all others are by Charles Nakamura.

National Crime Commission Briefing

Ten Institute of Government staff members joined in briefing an audience of some 150 public officials in March on the Report of the President's Commission on Law Enforcement and Administration of Justice. The report, entitled "The Challenge of Crime in a Free Society," was new, and the briefing preceded by three weeks one held by federal officials in Washington.

Following a welcome by Director John Sanders, speakers discussed the segments of the 340-page document in order, as follows: Elmer Oettinger, "Introduction"; Mason P. Thomas, Jr., "Juvenile Delinquency and Youth Crime"; C. E. Hinsdale and L. Poindexter Watts, "The Courts"; Norman E. Pomrenke, "The Police"; Allan Ashman, Richard McMahon, and Dorothy Kiester, "Corrections"; David G. Warren, "Narcotics and Drug Abuse" and "Drunkenness Offenses"; L. Poindexter Watts, "Control of Firearms"; and Elmer Oettinger, "A National Strategy."

Since the briefing, three of the nine sub-reports of task forces which did the research and made the recommendations upon which the President's Report was based have been released. Federal legislation has been introduced in an effort to meet the monumental challenge set forth in the Report.

Elmer Oettinger speaks on "A National Strategy."

Richard McMahon (speaking) shares platform with Dorothy Kiester (left) and Allan Ashman (right) on Commission recommendations in the area of "Corrections."

North Carolina Prisons Director Lee Bounds propounds a question at briefing as audience of public officials listens.

1967 North Carolina Awards

The cover of this issue of *Popular Government* shows five distinguished North Carolinians who were presented the State's highest honor, the North Carolina Awards, on the evening of May 16. One of the five, Albert Coates, is the founder and first director of the Institute of Government. His citation is carried on the back cover. The other four award winners are Jonathan Daniels, Benjamin F. Swalin, Carl W. Gottschalk, and Hiram Houston Merritt.

The North Carolina Award is a round medallion of 14-karat gold. Citations accompany each award. The following are excerpts from the citations:

"JONATHAN DANIELS *is presented a North Carolina Award for his accomplishments in literature . . . . A number of these books, and others to which he has contributed have won literary trophies, including two Mayflower Cups. Whether newspaper editorials or articles or books, much of Jonathan Daniels' work is characterized by a tone of active liberal thought; but all of it, whether political or biographical or historical, is phrased with an elegance and precision of expression that is the envy of every writer everywhere.*"

* * *

"BENJAMIN F. SWALIN *receives a North Carolina Award in the area of fine arts, not merely because he has spent twenty-five years as conductor of the North Carolina Symphony, but because during that time he relentlessly carried music by the world's masters into every nook and cranny of the state and also into the fibers of thousands of young people. In great measure it is due to him that the State begins to have a citizenry able to enjoy, and perhaps contribute to, the fruits of Western musical culture.*"

* * *

"CARL GOTTSCHALK *receives a North Carolina Award for his notable research in science . . . . [His] findings . . . represented a fundamental contribution to a basic understanding of kidney functions so important to the life and health of man. Only two weeks ago Washington disclosed that a ten-member committee of distinguished scientists would soon complete this report on the use of artificial kidneys to prolong life—a committee headed by the recipient of the Award tonight.*"

* * *

"HIRAM HOUSTON MERRITT *is presented a North Carolina Award, as a son of the State now living outside it, for his distinguished career in science. . . . [He] has devoted himself to researches which have brought him international fame as a neurologist. . . . His prestige as a consummate man of medicine has brought honor to his native North Carolina.*"

Daniels is an author and the editor of the Raleigh *News and Observer*. Dr. Swalin is the founder and conductor of the North Carolina Symphony. Dr. Gottschalk is a professor of medicine and physiology at the University of North Carolina at Chapel Hill. Dr. Merritt is dean of the faculty of medicine and vice president in charge of medical affairs at Columbia University. The North Carolina Award commission, which selected the recipients, is composed of William B. Snider, Greensboro, chairman; Henry Belk, Goldsboro; Gordon Cleveland, Chapel Hill; Gilbert Stephenson, Pendleton; and Richard Walser, Raleigh.

The North Carolina Award is made for distinguished achievement that spreads abroad the State's theme and name. The gold medallion bears the State's seal on one side and on the other the name of the recipient engraved on a scroll surrounded by the words "Achievement is Man's Mark of Greatness."

INSTITUTE OF GOVERNMENT FOUNDER HONORED BY NORTH CAROLINA AWARD

Albert Coates, founder and first director of the Institute of Government, was one of five recipients of the fourth annual North Carolina Award, the state's highest honor (*see cover picture*). The Awards were presented at a dinner in Raleigh on May 16.

Here is the Coates citation:

Albert Coates receives a North Carolina Award for his creative accomplishments in the field of public service. For more than three decades, this native of Johnston County presided over the Institute of Government at the University at Chapel Hill—an institute which he founded. It was his belief that excellence in state and local government was possible of achievement, that government could function to the benefit of all citizens, if only those in position were given the necessary information and preparation for the assumption of their duties. It was a belief so compelling that, in the early struggling days of the Institute, he and his wife Gladys sacrificed their property and private funds to keep it alive. But the doors of the Institute were opened, and through them walked lawyers, clerks of court, policemen, justices of the peace, municipal officers, welfare workers, highway patrolmen, and sheriffs. There they were provided with guidebooks, counsel, and training, within the strict words of the law, for their responsibilities. Today the work goes on apace, under dedicated men trained by the founder, not only in county and city government, but at the state capital. For those in the General Assembly, the Institute serves as an indispensable research and information agency. There is nothing like it in the history of American government, and the ideas and ideals and dreams of Albert Coates are among the foremost of precious gifts that North Carolina has been able to offer her emulating sister states in the American union.