

POPULAR GOVERNMENT

JUNE, 1969

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The University of North Carolina at Chapel Hill



This month

Computers Help the General Assembly Keep Up With Itself

Who Has Access to Meetings of Public Bodies?

Some Implications of Press Access to News

Community Relations—The Role of the Police, the Press, and the Courts

What Are We Doing About Highway Safety?

North Carolina and Councils of Government



This month's cover shows one of the state's new welcome centers to receive visitors to North Carolina—this one on Interstate Highway 55 near Norlina. (Photo courtesy of the N. C. Department of Conservation and Development.)

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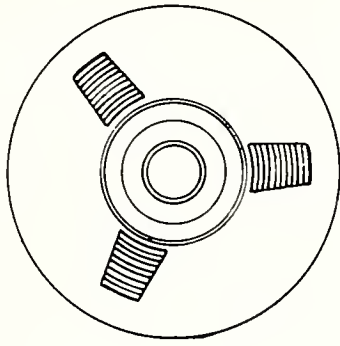
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by David G. Warren

A Computer Information System for the North Carolina General Assembly

[*Editor's Note: The author is an Institute staff member working in the public health law field. He also has an interest in information sciences as related to public law and legislative activities.*]

About six years ago the General Assembly of North Carolina took on a new look when it moved into its own gleaming white building, especially designed for legislative activity. Each legislator now had his own office and telephone, adequate secretarial facilities were provided, the beautiful House and Senate chambers were commodious and equipped with a sound system, and the House and Senate clerks and other personnel and services were given appropriate spaces. In short, most of the legislative functions were brought together under one splendid roof and an air of modernity was imparted.

Now the North Carolina legislature has become the first to utilize the speed and capacity of a computer both to *store* the text of all bills and resolutions and to *keep track* of their progress through the legislative process. The two functions are separate in administration and mechanics, but they do share the same third-generation computer, located in the State Department of Administration building. The *bill storage system* is administered by the new Administrative

Officer of the General Assembly and uses typewriter terminals in the Legislative Building linked to the computer; the *bill status information system* is run by the Institute of Government and uses seven video screen terminals conveniently located in the building. Both systems have influenced the way legislation is introduced, handled, and publicized, and they have brought nationwide attention to the state.

How the computer became a part of the North Carolina legislative process is a fascinating story. It is unique in that North Carolina is the only state in which the state university was instrumental in introducing the computer to the legislature. It is remarkable in that the computer is providing so many legislative services without a special legislative computer staff and with relatively small developmental costs. Compared with other states where the computer arrived with great fanfare and elaborate staging, the North Carolina General Assembly has come into the computer age more quietly, with careful planning and more testing.

Demonstration for the 1967 Legislature

During the 1967 session of the General Assembly, a cautious computer experiment was tried involving an area of general interest: current information about

bills. The computer was introduced to the legislature in a project to demonstrate how bill status information and legislative history could be made more accessible. The demonstration project was carried out through the joint efforts of the Institute of Government of The University of North Carolina at Chapel Hill and the State Department of Administration, with the cooperation of the presiding officers and Principal Clerks of both the Senate and the House, and with assistance from IBM.

The Institute of Government is a unit of the state university devoted to service to the state. While primarily engaged in training state and local officials and employees, it also has provided various legislative services to the General Assembly for more than thirty years. Each day during the session, part of its faculty travels to Raleigh and compiles and publishes a *Daily Bulletin*—a collection of digests of the bills introduced each day and a summary of each day's calendar action. Various other reports and summaries are also produced both during and after the session, in addition to some legislative research and bill drafting.

The State Department of Administration, across the street from the State Legislative Building, was interested in applying part of its IBM 360 computer system to legislative services. Central Data Processing (an arm of the Department of Administration) accomplished the necessary programming and contributed machine time for the project. The Institute of Government supervised the over-all project and

supplied the legislative data on a daily basis for the key-punching, batch-processing operation.

The purpose of the 1967 demonstration was to show to the members of the General Assembly the feasibility of utilizing computer services in recording and reporting legislative actions. The reports that were produced were separate from the official recording procedures administered by the Principal Clerk of each chamber. They were intended to provide legislators and other interested persons with current information on the progress and disposition of bills and resolutions. Heretofore, cumulative information on legislative action had been cumbersome to obtain. The project demonstrated that a computer could be used to compile and produce accurate and comprehensive information in a speedy and convenient manner.

The demonstration developed during the 1967 session into a weekly reporting service on the current status or location of each bill. Two reports were distributed, one for public bills (i.e., general bills—by editorial definition, bills affecting ten or more counties) and one for local bills (i.e., usually bills for one county or city, but also including bills affecting up to nine counties). Twenty-five copies of each were printed by offset each Monday and distributed to key legislative leaders, the Legislative Library (for general use by the members), and selected state agencies.

The reports were entitled "Legislative Reports—Public Bills" and "Legislative Reports—Local Bills,"



During the 1967 session a demonstration of a communications terminal in the Legislative Library brought together (from left) IBM sales representative Donald Totten, Senate President (now Governor) Robert Scott, Institute of Government staff member David Warren, and Speaker (now Judge) David Britt to watch Mrs. Nancy Lambert of the State Budget Office transmit legislative information to a distant computer. (Photo by Smith Studio, Raleigh.)

and an explanation of contents and format appeared on the cover page. Each contained an *index* section and a *current status* section. The index was in bill-number sequence, and the current status was arranged by General Statutes (the state code) chapters or counties affected.

Other reports were also made available on a more limited basis. These reports included "Bills by Introducer," "Bills in Committee," "Bills Ratified," and "Bills Failed." They were in the form of five-part carbon copies as prepared directly by the computer printer. Each Monday these copies were given to the legislative leadership.

During the session members were invited to a series of briefing sessions in the computer facilities of Central Data Processing to see how the reports were prepared.

A special demonstration of on-line computer information-retrieval capability was also given the members during a two-week period later in the session. This demonstration was designed to show how legislative information could be quickly retrieved on a remote typewriter terminal device located in the Legislative Building.

At the end of the session three final reports were prepared and distributed: "Legislative Reports—Public Bills" (indexed by chapters in the General Statutes), "Legislative Reports—Local Bills" (indexed by counties), and "Final Disposition of Bills and Resolutions" (listed sequentially by bill number). About 2,400 copies of the "Final Disposition" list (a traditional Institute publication, formerly prepared manually) were prepared by offset on green paper and distributed to public officials in the capital and across the state. Only twenty-five copies of the other reports were prepared and distributed.

The costs of this demonstration project were absorbed by the Institute of Government and the Department of Administration in the interest of showing that legislative work could be facilitated by using computer services.

The project during the 1967 session demonstrated the efficacy of legislative indexing and recording with the aid of computers. It was well received by those who used the reports. As the session progressed, some of the members made increasing and more regular use of the new service. On the final day of the 1967 session, the General Assembly adopted a resolution authorizing the Institute to expand the service for the 1969 session and recommended that \$30,000 be allocated for the additional services.

Interim Planning for the 1969 Legislature

From the experience gained during the 1967 computer project, it was clear that a computer-assisted information system could be very beneficial to the recording and filing functions necessary in the

everyday work of the General Assembly. How much of this work could be coordinated with a computer system was not clear. There are practical problems associated with such coordination: statutory requirements for handling and printing calendars and bills, age-old procedures reflected in House and Senate rules, Clerks' offices' traditional procedures, personnel who had become deeply accustomed to the manual method, and, naturally, the skeptical attitude of the typical legislator toward a change in the system.

Nevertheless, new evidence came in from other states as to the computer's capability to assist with *bill drafting* (an experiment in Oregon had not fully proved its value; in Ohio, however, there was a promising system); *statutory retrieval* (several companies were already selling this service to states); *legislative indexing* (Iowa and Florida had done work with this phase); *tabulation* (in Pennsylvania, planning was in progress for this application); and in other facets of state legislative work.

With the authority given by the 1967 joint resolution directing that a broad computer information service be readied for the 1969 General Assembly, the Institute of Government commenced the planning effort with Central Data Processing. The planning was confined to the refinement and improvement of the 1967 concept: storing basic descriptive data on all bills introduced and accumulating all the floor actions taken on each bill. The object for 1969 was to make this information more readily available to everyone who had a substantial interest in the progress of pieces of legislation. The primary group of interested persons was presumed to be the legislators themselves and the legislative staff, including the Principal Clerks' offices. Perhaps even more interested were the representatives of the news media and the lobbyists, visitors, and others in attendance at each day's session. Therefore, plans were made to concentrate the accessibility of information in the State Legislative Building. But the importance of getting the information to the outside was not overlooked. The familiar *Daily Bulletin*, prepared and published by the staff of the Institute of Government during each session for over thirty years, already served as a widely circulated and highly utilized daily report system reaching about 2,000 public officials and agencies, businesses, law firms, and individuals across the state (and a few in other states). A file of *Daily Bulletins* provided cumulative information about both the substance of bills and their legislative progress. It was soon recognized that the computer could expedite the preparation of this publication and also provide handier cumulative data to at least some of the users.

It also became apparent in discussions with data processing representatives that the use of *video communications terminals* could increase the speed of data input to the computer and provide more flexible user services.



The 1969 presiding officers, Lieutenant-Governor Pat Taylor (left) and Speaker Earl Vaughn, discuss matters over one of the seven video terminals, with the Senate chamber in the background. (Photo by Wayne Wilson, IBM, Atlanta.)

After consultation with the Legislative Research Commission (the standing interim committee of legislators which handles certain research projects and other matters between sessions), the plans took shape to place seven video terminals and two typewriter terminals at convenient locations in the Legislative Building and to program several computer-printed reports for internal and external circulation. In addition, arrangements were made to hook up the Institute of Government's library in Chapel Hill (thirty-two miles away) with the central computer. This experimental link was planned as a means of giving ready legislative information to the Institute staff, as well as other faculty members in the Law School and other University departments who were involved with drafting or otherwise interested in legislation.

The Bill Drafting and Enrolling Application

At the same time, the Legislative Research Commission was developing plans to implement a separate computer program that would be used to assist in bill drafting, engrossing, and enrolling. This project would handle the *text* of all bills from the time of either drafting or introduction to the final ratification and enrolling process, including the incorporation of amendments. This use of the computer was seen as a way to improve speed and accuracy in handling bills as they moved through the legislative process and to facilitate the ultimate distribution of the final version of the legislative acts. The Commission undertook this project independent of the Institute's bill

status information project and appointed an Administrative Officer to oversee the planning and functioning of this system. The two projects are therefore distinct in administration and programming. They do, however, use the same computer hardware and processing facilities of Central Data Processing and are billed to the General Assembly on a time-sharing basis with other programs.

The 1969 Bill Status Information Project

The bill status and history system is now familiar to most of the members, news reporters, lobbyists, and others who visit the State Legislative Building.

The video terminals (which look like small TV screens placed above typewriter keyboards) have become a fascinating tool for finding out what is happening to legislative proposals. The whole legislative history of every bill is recorded in the computer and updated daily. Information hitherto nearly untraceable is now available to anyone interested in, for example, a list of all the bills under consideration in each of the *committees*, or the status of all the local bills relating to a particular *county* or all the public bills relating to a particular *subject* (such as agriculture). Other information, previously cumbersome to obtain, is now accessible very quickly through the terminals—for example, a video list of all the bills *introduced* by a particular legislator, or all the bills that have been *ratified* and even those that have been *defeated*. Any of this information can be retrieved by anyone in the Legislative Building on a "do it yourself" basis. The process is very simple (even

though the electronics are not): The question is asked by typing it on the terminal's typewriter keyboard; it is relayed to the computer's memory files, and the answer comes back on the video screen, usually in about one or two seconds. And if a typewritten copy is desired, the pressing of a button on the keyboard signals an automatic typewriter to produce the same information. This typed copy can be removed and kept by the person making the inquiry for reference.

The Method of Collecting Data

The computer does not gather and store the legislative information without human assistance. A competent Institute secretary with legislative staff experience was trained to operate a computer terminal. As the volume of data grew, a second experienced person was assigned to the function and two others were trained for evening work on extra-heavy days.

The daily routine begins with the two Institute terminal operators' taking their places in the offices of the House and Senate Principal Clerks. As bills are introduced or acted upon in the chambers, the original bills are brought back to the Clerks' offices. The Institute operator scans the bill jacket and posts the day's actions onto a 5 x 8-inch bill history Kardex record for each bill. When the day's session is over, or perhaps during a long floor debate, the operator enters the new information from each bill history card into one of the seven terminals.

The operator, by typing certain codes and data fields into the terminal keyboard, either creates new bill records on the computer's master bill file or updates any master bill file. When each entry is completed, the computer responds with a full record of the bill displayed on the screen. The operator can then visually verify the effect of the update transaction. If there was an error in the input message, the input data is returned to the screen with an error message and a correction can be made at once.

When all input entries are complete, the bill history cards are filed in a visible-index Kardex filing cabinet until they are again posted with other floor actions or corrections of errors. The cards serve as a back-up to the computer files as well as a working tool in the process of transferring data from the bill jacket to the computer files.

Processing the Data

The computer processes the day's entries and compiles them initially into the "Calendar Action" report, listing the bills numerically and separating them by public and local classification. The listing shows the bill's short title, the dates of any previous amendments, and each of the current day's actions, providing a complete record of the day's official activity. This report becomes part of the Institute's *Daily Bulletin*.

How the data is processed is a technical marvel only briefly describable here. The basic computer

record is the master bill file, created and updated by keying (typing) data on one of the terminals in the Legislative Building. This basic record accumulates all the information about each bill and is as current as the last "real time" entry to the file. Any informational inquiry by bill number will retrieve this whole record, including the latest actions even before the end-of-the-day processing begins.

When all the transactions from a daily session have been entered into the master bill file, the Institute operator sends a message on her terminal, signaling the data processing personnel to initiate the summary of that day's calendar action. The data processing equipment is then loaded with a batch-processing program and run in a multi-program environment.

The batch-processing program scans the master bill files and then extracts and sorts those actions identified by the current date. After sorting, a direct-access calendar page file is created by the computer in page-image format so that the daily calendar action report can be printed remotely on a typewriter terminal in the Institute offices one page at a time. The calendar pages are edited by the Institute staff, and any corrections are made immediately on the master bill files. Then the batch-processing program is again run, and the calendar is typed out one page at a time, this time on an offset master, for reproduction as part of the *Daily Bulletin*.

In the event of terminal or line failure, the calendar report may be prepared on the computer facility's high-speed printer.

After confirmation of the day's calendar actions, other batch-processing programs are run to extract data from the master bill files for building the special files that are used for the other kinds of inquiries. A file is built for each of these categories: *introducers* and their bills, *committees* and the bills in each of them, *counties* and the local bills affecting them, *General Statutes chapters* and the public bills affecting them, *ratified bills*, and *failed bills*.

When the final teleprocessing program is run each day, the transaction log tape is used to prepare a report showing the remote terminal usage for the day and cumulatively for the session.

Reports Prepared

At the end of each week the master bill file is used to prepare the following reports:

- *Bill History*—listing all bills introduced during the session and showing identifying information and all actions taken on each bill. This computer printout became quite voluminous (about four inches thick by the end of the session) and was deposited only in the Institute's library in Chapel Hill and the Legislative Library.

- *Weekly Cumulative Status Report*—listing all public bills and local bills and showing the latest action

taken on each, arranged by General Statutes chapters for public bills and by county for local bills. Two hundred and twenty copies of this report were prepared in the Legislative Printing Office by offset equipment and distributed each Monday to each member's office and to various state offices in Raleigh.

Two final reports came at the end of the session:

- *Final Disposition Report*—listing all bills numerically (one line for each bill) and showing the last action taken on each. This report (similar to the format of the successful 1967 computerized version) is distributed to legislators, state offices, and about 1,800 local governmental officials.

- *Summary of Legislation*—This is the final version of the Cumulative Status Report (in prior years prepared manually by the Institute staff in a more complicated format). It is distributed to about 500 state offices, legislators, city and county attorneys, and others, and is mailed to practicing attorneys upon request.

Evaluation

While no safe conclusion can be drawn as to the effect of the legislative computer information system on the efficiency and effectiveness of the legislative process in North Carolina, the success of the project is apparent. By near the end of the session, about 90,000 inquiries had been made on the eight terminals in the Legislative Building and the one at the University. Many previously skeptical legislators have been seen manning the terminals to find out the fate of their bills. The Speaker has used the system to keep tabs on the progress of committees in handling bills and has prodded the chairmen by sending them printouts of lists of bills in committees with his notations on them. The presiding officers have been able to measure the workload of committees and route new bills accordingly.

It has become common practice for members to get printouts on particular topics, or of their introductions, to take home on the weekends as the basis for speeches.

The news media have been able to keep track of legislation on the terminal located in their newsroom without having to consult with the Principal Clerks' offices.

Secretaries have gone to the terminals with letters from constituents asking about particular bills and obtained the answers quickly, sometimes even sending the printout as a reply.

The Institute has restyled its reporting operations around the computer and has improved its efficiency in performing various services. The preparation of the *Daily Bulletin* has been pared from about a six- or seven-hour job, on the average, for five attorneys and two or three secretaries to a five-hour task for four attorneys and three secretaries. The preparation of the *Weekly Summary of Local Legislation* (another traditional Institute report, mailed to county officials, which formerly required considerable preparation and retyping) is now accomplished by one secretary and the computer printout. More tabulations of bill totals, committee progress, etc., are now included, more easily, in the *Weekly Legislative Summary* (a narrative discussion of the week's highlights mailed to newsmen and public officials). The month-long job of preparing final reports at the end of the session has been reduced so as to require fewer people and only about a week. Phone calls bringing a surprisingly wide variety of questions are answered often by glancing at the video terminal or one of the printouts.

In short, the Institute's legislative information service has been markedly enhanced by the computer system, to the benefit of legislators, public officials, the news media, and all others who follow the work of the legislature.



Senator Herman Moore, the Legislative Research Commission's co-chairman for 1967-68, holds two computer memory storage units of the type used in the Institute's computer information system. Together they could store all of the bills stacked behind him in the Legislative Bill Room. (Photo by Wayne Wilson, IBM, Atlanta.)

ACCESS TO NEWS

Some New Dimensions

by John B. Adams

A RATHER simple dictum which seems to me to be relevant in any discussion of access to information is: "Beware of human tendencies; they can do you in."

These tendencies are found in all of us, but for our purposes three types of humans are particularly involved—officials, newsmen, and the newsman's audience. Our concern is not with the many shared tendencies among these types, but rather with those tendencies which are different among the groups and which can lead to problems in relationships among officials, newsmen, and the public.

Whether elected, appointed, or part of a bureaucracy, many officials—perhaps too many—have a vested interest in apparent success in their jobs. While for many officials, *real* success is desirable, many others will settle for a public that *thinks* there is success. When real success is being attained, there is no problem. But when success is absent or threatened, officials concerned with image-building will attempt to manipulate the news media and the public. At this point, the official's human tendency becomes a problem.

For the newsman, at least the reporter who covers government, there are some desirable character-

istics that may lead to a less-than-desirable human tendency. Good reporters continue to dig for information until they are satisfied that they have the full array of facts on a given story; then they suppress the tendency to tell all they know. Instead, reporters select for publication that material which is most significant, most interesting, or both.

Inherent in this approach, however, is the fact that reporters must cultivate officials if they are to be able to acquire total information about governmental affairs. In the process of developing sources, there is a human tendency to let the relationship develop into friendship. The danger is that the ties may be so strong that the newsmen will find it difficult to be beastly to a source, even when necessary, if there is a chance that the friend will be lost as friend *and* source.

Newsmen and officials differ also in terms of their approach to the question of the people's right to know. Officials, more inclined to manipulate information than to allow its full release when their operations are less than perfect, are cool to the notion of full access. Reporters, on the other hand, vigorously demand full access even though they know perfectly well

that most of the material they get will never see print.

The third group—the reader-listener of the mass media—presents a problem which in a sense forces a re-examination of the question of access. Typically, and so far consistently, the American public has shown a distressingly low interest in public affairs. We tend to think of hordes of low-rease democrats actively pursuing good citizenship by keeping themselves adequately informed on their government's activities. It simply isn't so. But it is an undemocratic fact that the power structures *do* pay attention to media coverage of government, and in some ways media coverage of the affairs of state have been geared to account for that fact.

BUT THERE IS today an environment that may upset the traditional patterns of journalism, and present news-gathering practices as well as reporting for a relatively small "interested minority" may well need to be changed.

If the present situation of crisis following crisis—of violence in the streets and on the campus—continues, and if the ground swell of minority group aspirations and charges of social injustice grow, that "silent majority" which has



John B. Adams is the new dean of the School of Journalism at the University of North Carolina at Chapel Hill. He has been a professor at UNC-CH for eleven years. He adapted this article from his panel presentation to journalists attending the Local Government Reporting Seminar in May at the Institute of Government.

so far lacked interest in government will erupt, one way or another, and we will perhaps see more citizen action than we want.

In short, we in journalism are presently covering public affairs as we always did—for the interested minority. But now the times are not placid, and unrest (or at least discomfort) is replacing apathy in more and more people.

A little-recognized historical truism is that when violence becomes a widespread way of dissent, the previously silent majority reacts, and always the reaction has been repressive and destructive. We could be heading for reaction again—in fact, our various governing bodies are already showing signs of it.

WHAT HAS ALL this to do with access? Simply this: We in journalism have too long considered public affairs reporting in terms of city council actions, court actions, legislative actions. We report *events*, and in the process we usually lose sight of the broad sweep of our community's life. We have fought the good fight to gain access to records—to meetings, to sources—and we have ignored or

grossly underplayed the *causes* of the dramatic events (or pseudo-events) we cover.

We have need, and we have the need now, to fight a new, infinitely more difficult access battle. Reporters need to have access to *perspective*; they need access to *understanding* of the goals of the minority groups; and they need access to the minds of those who rebel against change in our society, those who want gradual change, those who want revolutionary change.

But we also need access to the minds of a generation of Americans who have lost sight of the value of the concept of press freedom. If the present atmosphere does in fact lead to repressive reaction from the apathetic majority, one immediate target will be press freedom. The media are being attacked by all sides; the "silent"—now not so silent—are calling the media rabblers; they say our coverage is distorted, biased, unfair, and too pleasing to the violent minorities. The violent are calling us tools of the Establishment, advocates of the status quo. One reporter in Detroit was called a Communist by one group, and a

week later he was called a Fascist pig by another group.

No group, except the media themselves, is speaking out for the media; and few efforts are being made by the media to educate the public about the roles the media are supposed to perform in a democracy.

The media can no longer depend on event coverage. There must be a re-education of the media's audiences about what press freedom is all about; and there must be a re-education among newsmen about their obligations. There will always be reports of violence, crime, disaster, war, protest, sex, death. But the world in general, and the community in particular, must be put into a broader perspective.

In light of the readjustments newsmen must make to the realities of today, traditional access problems are minor. The *real* access problem is getting at the considerably broader range of material and people necessary in furthering the concept of perspective reporting. If we solve this problem, we will survive. If we do not, the news media will be the first in a long chain of losers.

HIGHWAY ACCIDENTS:

A PROBLEM THAT WON'T JUST GO AWAY

by B. J. Campbell

[Editor's Note: Dr. Campbell is the director of the North Carolina Traffic Safety Research Center, University of North Carolina at Chapel Hill.]

How big is the highway accident problem in North Carolina?

In 1968 about 200,000 drivers were involved in reported accidents in North Carolina. That's close to 10% of our drivers in a single year. About 55,000 people were injured, and nearly 2,000 were killed.

Are things getting better or worse?

In a sense the answer is "both." In terms of just raw numbers the toll is going up steadily. But then, the state's population, car registration, and use of highways are going up just as steadily. If you look at fatal accidents in proportion to miles driven, the rate has been holding pretty steady for about a decade—getting neither better nor worse.

How does today's fatal accident rate compare with "the good old days?"

The "bad old days," you mean—because today's drivers get about three times the miles per fatal accident as in the 30's. In other words, the rate is only one-third what it used to be, *but* in the last decade the downward trend in North Carolina has just about stopped.

How does North Carolina compare with other states, by the way?

Not so well. North Carolina has always had one of the highest auto death rates in the country. But it's hard to compare because *so much* of the North

Carolina highway mileage is in rural areas where accidents are more severe. When that is taken into account, North Carolina looks somewhat better, though still worse than average.

What should North Carolina be doing about the problem?

First, let me state some fundamentals. Safety is the other side of the coin from mobility. We need the best combination of the two. A program that achieves safety at the expense of mobility is not as good a "buy" for the public. For example, great gains could be made in cutting the highway death toll if we held speeds down to 20 mph or below. But nobody even wants to talk about that (and neither do I) because the mobility penalty is too great.

Well, how about identifying the drivers that are causing the problems and getting them off the roads?

It's an idea that has lots of appeal. Last year fewer than 10% of North Carolina's drivers accounted for 100% of the accidents. It is easy to identify these people after the accident (in the hospital or in the morgue), but that doesn't help a bit. The rough part is identifying them *in advance* so something can be done.

Now wait; let's not forget that 10% caused all the accidents last year. Maybe the same people will cause most of the accidents again this year. Maybe we should work on them.

It doesn't work that way. For the great bulk of the people involved in an accident last year, it was their first accident and the great majority do *not* repeat. Accident repeaters account for a very small part of

the problem. Now there is no question but that this tiny group should be identified and dealt with, but the point is, the big problem—the 110,000 accidents per year is *not* going to be laid to rest by finding any magic small group regularly causing a large proportion of the accidents.

Well then, what is the problem? What does cause accidents?

Just about everything you can think of causes *part* of the problem, but no *single* factor (except alcohol) accounts for a very big chunk of the problem. It follows from this that many programs or countermeasures are needed, each dealing with a relatively small chunk of the problem. Most accidents involve more than one factor: some can be traced to driver fatigue or inexperience, some to slippery pavement or inoperative traffic control devices, some to tire failure or exhaust fumes. Some can be attributed to driver “overload” in the sense of the driver having to “tend to” too many things at once, and some to driver “underload” where the driver may just go to sleep out of a type of boredom.

You only touched on the question of the drunk driver.

Just saving the worst 'til last. Indeed, we have to recognize the drunk driver as the biggest *single* problem in the picture—one of the few factors that, by itself, accounts for a big slice of fatal accidents. Moreover, we are dealing in a good half of the drunk-driving cases with sick people in every sense of the word; people who have a drinking problem in the medical sense. By far the majority of drunk-driving arrests involve blood alcohol levels far higher than “social drinkers” exhibit.

What do you mean?

An average-sized male who consumes about a drink per hour throughout an evening will not show blood alcohol levels higher than about .07-.08 (you must reach .10 as the presumptive level).

In contrast, the blood alcohol levels seen in drunk driving arrests (and among deceased drivers in fatal accidents) is more typically .20 to .27—levels that are often indicative of a *very* serious drinking problem.

So what?

So we need two kinds of programs to deal with the problem. The present program of deterrents and punishment can presumably have an effect in deterring the social drinker, but to cope with the problem drinker, there needs to be a medical-rehabilitative program. Fines and jails won't cure alcoholism any more than fines and jails will cure mental illness, leukemia, or a broken arm.

But many people think drinking is a sin and should be punished.

Yes, I was taught that too, but my interest is in

stopping people from driving while drunk. I think it will be more practical to have a double-edged program including medical treatment than just to depend on punishment alone.

Even if we had all that, can we solve the drunk-driving problem?

I don't know. Misuse of alcohol causes problems in every sector of our society—at work, at home in the family—so its no surprise that it is a problem on the highway. It's a very tough problem.

What are some promising areas in which to work?

Two highway programs come to mind. First is the well-publicized State Highway Commission program of identifying high-accident “spots” on our highways. When accidents cluster at a given spot, the implication is that the *road* may be playing an important role. Correcting these spots (if there is a road-related problem) can help a lot.

Second is the contribution of the *road environment* in determining whether a driving mistake will result in death or perhaps not even an accident.

Run that by again.

Let's say an innocent driver is forced off the road by the actions of a drunk driver. If a bridge abutment is in the innocent driver's path, his life and that of his family may well depend on the presence of a properly designed guard rail by that abutment. Similarly, the slope of a roadside ditch makes the difference between overturn and possible death or just running off the road and back on without even an accident.

Our road system should not only help to avoid accidents, but should in effect give the innocent victims of a driving mistake a second chance to live through use of *good* guard rails (some kinds are worse than none at all), “breakaway” signs, and the like.

We haven't talked about cars yet. Are they any safer nowadays?

Yes, I think so. Some safety features the auto manufacturers said were out of the question a few years ago are now present on the new cars, and are incorporated with the usual Detroit flair for styling. However, the key is still *regular use of seat belts and shoulder harness*.

Can we cut the toll in the future?

Yes, but it will cost money. I don't see any sure-fire cheap solutions, and I am suspicious of approaches in which *great* improvements are claimed (or promised) for low cost. It just isn't in the cards.

Governmental units will have to put financial resources into a variety of programs and will have to adopt a very hard-nosed evaluation program to see if the programs actually prevent crashes. Such evaluation *can* be done; it's badly needed, but it *hasn't* been done.

A COMMUNITY CLIMATE OF JUSTICE / The Police, the Press, and the Courts

by Harvey D. Miller

[Editor's Note: *This article is taken from an address by the author, the Institute's police administration specialist, before the Fifth Annual Press-Broadcasters Local Governmental Reporting Seminar.*]

Police relationship with the news media has long been a favorite subject of mine—both speculatively and through considerable contact with media representatives as a policeman. Most of my contacts with the press and broadcasters were quite good and I remember these moments with satisfaction. But some were not pleasant, and it is upon these that I speculate. I cannot help thinking: Where did I goof? How could I have got so completely off base with this media representative? Should I have been completely candid with the reporter at the onset of the interview? Should I have explained that certain categories of questions I just could not respond to without jeopardizing the investigation then in progress—or that there were only narrowly defined limits that I could move in without sacrificing the constitutional rights of the suspect or arrestee. You see, these limits are very much in the minds of all police officers, who think about them when they talk to media representatives, and it makes us appear reluctant to discuss factors regarding a case or an individual that you might think, or know, are or should be common knowledge.

However, I want to talk with you today not about good or bad personal experiences with the news media, but about my notions of community and what you as newsmen and I as a policeman contribute to the sense of community where we live and work—and how we affect other communities where our influence may be felt.

Identification With Types of Communities

Political scientists and sociologists tell us that there are really several types of communities—that we identify with several kinds of communities and that this identification with particular communities influences the ways that we act and react to others inside and outside our own identifiable community.

First there is the typical community—the geographic community that is characterized by certain arbitrary legal limits. Then there is the ethnic or racial community that enables us as actors to interpret what and who we are and what our patterns of relationships are, or are forced to be, relative to all other communities. A third community is the social community that we feel closest to. This is the one that delineates the patterns of associations and friendships that define the limits of social mobility. It tells us how far up or down we can go and the methods by which we must travel. This community imposes the constraints that bind us

to the group and to the family. To break the constraints, we must push upward or fall downward to another social community. Regardless of the direction, we are no longer completely comfortable or entirely welcome when and if we try to return to the older community, for social patterns of the past can never be completely restored.

Although this list is not complete, perhaps the most important community inhabited by middle- and upper-class black and white Americans is their occupational community. It is in the occupational community—the world of the job—that about 60 per cent of the time and attention of most Americans between the ages of 20 and 65 is absorbed. It is here that most of us break the confines that bind us to almost all other communities. It is from the occupational community that spring those values that complement or conflict with the values of all other communities that we have experienced. More important, it is from the occupational community that we learn the particular jargon of our trade; form new patterns of friendships and associations; find out what the barriers are to promotion and upward mobility; and, finally, discern who makes the decisions that affect us and others, how these decisions are made, and how we and others can influence those persons who make vital decisions so that the ultimate decision is more nearly what we desire.

So the occupational community dictates who we are, what we are, how we regard ourselves, how we behave to others within and without our occupational community, how we react to others, and what we expect from ourselves and others. In short, it gives us a role to fill in life and sets the perimeters of that role.

Pressures and Restraints On Law Enforcement Personnel

The occupational community of policemen does not vary significantly from other occupational communities. Law enforcement personnel live in a world bounded by the constraints placed upon them (largely through choice) by their jobs. This is not unlike reporters, governmental officials, college professors, or those who engage in many specialty occupations. Like all other occupational communities, the one inhabited by police officers also feels keenly the pressures imposed by communities outside of their own speciality. As in your job and mine, the policeman's occupational community channels the responses that he makes to certain situations that arise in his jurisdiction; it creates by formal and informal sanctions the officer's attitudes regarding his social role in the larger community. He learns who the power groups or influenced people are, and he heeds the factors of control that emanate from them. And from this reading of power roles, the policeman's occupational community builds a pattern of responses to various overt and covert pressures within the geographic and dominant ethnic community in which it serves.

Obviously then, he learns early, much like the news media representative, what the power structure is in the larger community. He learns that the local newspaper and the radio and television station exert powerful positive and negative influences upon the decisions that are made in the city. As his career progresses, he also finds out that no news story or feature,

regardless of the media involved, passes unnoticed by the city council (the formal power structure in the city), or by the influentials outside the local governmental offices (the informal power group). A law enforcement officer regards himself as a low-level expert in reading the public wants and needs of his city. Consequently, it is a simple matter of the survival of organizational status that law enforcement agencies and individual officers keep a number of antennae out at all times to pick up the murmurs of content and discontent in their jurisdictions. One of these directional signal-finders is always aimed at the various new media agencies. Another major one is always directed toward city hall.

Adjustments of Policies, Patterns and Procedures

From the signals that are received and interpreted, the local law enforcement agencies adjust and readjust their policies and operational procedures and patterns of response to local conditions. Thus if the news media or the city council become irate over illegal parking in the downtown area, the police respond sooner or later with a campaign against traffic violators in the central city. Or if acts of juvenile vandalism invoke the wrath of the press or the council, the local police department will react in one or both of two traditional ways. It will initiate a "get tough" policy against juvenile violators or it will cooperate with other agencies either in or out of the local government to mount an educational program to increase respect for the law. In any case, either or both policies are *generally* effective—at least to the point that the immediate pressure is removed from the police department.

From experiences like this, the police officer arrives at a certain frame of mind regarding his relationships with community powers. First, he comes to realize that the news media or the city council can seldom mount a *sustained* of-

fensive on any issue that will retain the interest of the great mass of citizens of the geographic community for an extended period of time. The press of issues competing for the time and attention of the media and the council is too great. The police know from experience that the public quickly tires of the great issues as the press and the local governmental officials view them. Thus they recognize that each issue that impinges upon them is temporal, and that the heat and discomfort that the department or the individual might feel from an issue will sooner or later be relieved.

From this realization comes a *modus vivendi*: All issues raised by the news media or city council being temporal, most knowledgeable police officers will *never* engage in an argument with the press or council. There are pragmatic reasons for this. First, policemen have never won such an argument; consequently they will not engage in this type of exercise. Second, the police seem to perceive the press and the city council as the barometers of public opinion. To alienate either of these groups of community powers would be to introduce a factiousness into the police-press-council relationships that would damage the formal and informal *quid pro quo* among these agencies. You see, successful law enforcement operations must be carried on in an atmosphere of total community support, or at least the support of the power structures of the community. The police are quite aware that much of this support is generated and maintained through the efforts of the city council and the various news media representatives.

Turn to Self-Influence On Sensitive Issues

Finally, then, how is the influence of the media and the council felt by the police in those areas where there are no cut-and-dried, pat solutions: More particularly, how are they felt in the sensitive

issues of the day—in the recurrent issues of race and civil strife (or revolution, if you prefer)?

Here, it seems to me, the news media and local governmental leaders are inevitably powerless to influence police attitudes or offer workable guidelines for the police that would aid in the solution of the problems. Why? How is it that these two powerful occupational groups that can and do often exert great and explicit direction to many of the problems of the larger community are silent when confronted with the necessity for issuing guidelines for police action when matters of race or civil disturbance are raised?

I suspect that you as news media representatives or governmental officials, like my colleagues and me, really do not know what to do in these kinds of situations. We find that the theory and philosophy that undergird our notions of community have little relevance to action on the streets. We find that others share the same concerns at these times as we do, and that they also share the same sense of frustration and impotence—a feeling that the whole thing somehow is unreal. And yet, of course, it is real. So our out is this: The police are paid to enforce the law, so let them do it. Winnowing of the facts comes with afterthought.

This collapse of signals from the power structure is enervating to the police, who look to you and other sources of community power for direction. Unable to tune in on or perceive guideposts to direct his actions, the police officer looks rather abruptly to another source for guidance. Often he turns to the law itself, that legal hedge that affords minimal comfort while exerting maximum control, to lead his response. The law, in and of itself, is often not an adequate index of the support he needs. But where else can he look?

From this type of experience, the law enforcement officer suddenly realizes an important fact. The news media and the city council

actually only make decisions that are *forced* upon them and *respond* to other influential pressures rather than exert any real *leadership* in determining what the policy of the city should be. The police officer is made quite aware in times of crisis that he needs a wider value for support. Consequently he falls back upon what he conceives to be a sheer need for survival combined with some conceptions he has formed from experience about how the total geographic community expects him to respond to crisis. He may find out later, as has happened in quite a few American cities, that his assessment of community expectations was not entirely accurate. Indeed, the mayor and the chief administrator of the police unit may not even share the same conceptions. (For example, refer, if you will, to the disagreement between Mayor Daley and Commissioner Conlisk following the mayor's statement after the riots in Chicago a year ago this past April.)

Obligation to Develop Sense of Community

What I am trying to say is this: You as newsmen have an obligation beyond reporting. The same statement applies to all other community leaders. You have an obligation outside that imposed by your occupational community not only to report on issues but also to develop a sense of community within your spheres of influence that is responsive to the need of all citizens—and this includes police officers. From such a developing sense of total community, particularly if it is based upon tested principles of social and legal equity, proper guidelines for the actions taken and contemplated by the police, other governmental officials, all other power groups, and all citizens can be developed that set tolerable limits for the social response to crisis in the city. If this could be accomplished, no man, no police officer, would have to flail blindly at whatever specter might haunt him on the street.

In the past, my conversations with this and similar groups has been directed toward helping to develop some understanding of the various points of contention that often develop between the police and the news media. However, it seems to me that the real issues that plague the several influential groups in our respective communities have been merely skirted in these visits. Reduced to essentials, what is needed from you, from the police, from all interested parties is a sense of community equity and the application of that basic fairness to all men. You newsmen in your occupational community, the governmental official in his, and the police officer from the position of considerable power that he wields in his can build by combined efforts that sense of fairness wherever we live and work.

Archimedes is reported to have said after inventing the jackscrew (which, as you know, can lift tremendous weights), "Give me a place to stand and I can move the world!" I would like to paraphrase this by saying, "In this life, give us a sense of community equity for all men and we can change the world!" For I believe that most policemen, newsmen, governmental officials, and members of the black and white communities are essentially fair men. This sense of fairness must be transmitted to the entire community.

COUNCILS OF GOVERNMENT

A North Carolina Survey

by David M. Lawrence

[Editor's Note: *The author is a member of the Institute of Government with responsibilities in the local government field.*]

In November of 1967, this magazine published an account of councils of government, explaining what they were and what they were beginning to accomplish in North Carolina.¹ By now, almost two years later, COGs and the federal programs which have so encouraged their growth are becoming familiar components of the machinery of local government. In brief, COGs are associations of locally elected officials, representing their governments, and meeting together on a regular basis. The two important federal programs are 701 (and more particularly 701g), which makes federal money available to COGs,² and 204, which requires applications for certain federal capital

grants to be reviewed by a metropolitan agency—possibly a COG—and thus has given COGs something specific to do.³

Even though councils of government are no longer an obscure concept to local officials, their newness and their variety account for a continuing uncertainty as to just what they can accomplish. Therefore a survey of such organizations in this state would be of especial value as a source of example. This article is an attempt at such a survey. During the spring postcards were sent to each county and municipality in North Carolina inquiring whether the governing board or any of its members belonged to a COG-like organization. Forty-three counties and 152 municipalities answered; local governments in 82 of the 100 counties were heard from. Whenever the short inquiry indicated the existence of an association of local of-

1. Quaintance, Lee, "Council of Governments—Something New?" *Popular Government*, 34 (November, 1967), 1.

2. 40 U.S.C. 461 (Section 701 of the Housing Act of 1954, as amended). Section 701 generally concerns planning grants, while 701g authorizes the Secretary of HUD to make grants to organizations of public officials to enable the organizations to "undertake studies, collect data, develop regional plans and programs, and engage in such other activities, including implementation," as the Secretary finds necessary or desirable.

3. 42 U.S.C. 3334 (Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966). Grants required to be reviewed are those to "assist in carrying out open-space land projects or for the planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewerage facilities and waste treatment works, highways, transportation facilities, and water development and land conservation projects." Not just COGs may perform the review function. For example, the Research Triangle Regional Planning Commission is the review agency for the Wake-Durham area.

ficials, a longer questionnaire went out seeking more detailed information.

Some General Comments

North Carolina's associations of locally elected officials—COGs from here on out—fall into two loose categories. First are those organizations in which the members meet regularly—every month, or every three months—to discuss their problems, to hear a speaker, and possibly to develop a consensus on some program of parallel action. These COGs serve as forums of discussion and as common meeting grounds—and that may be a major accomplishment—but no more. They can be very useful in developing communication, which may be all that is desirable or possible in a particular area. Such organizations also may be a necessary early stage in the development of any COG. The one liability of “discussion” COGs is that their membership may become content with discussion when further development of the COG is both possible and desirable.

A second group of COGs has moved beyond discussion to action. Actions may be to bring together heads of comparable departments or agencies of the member governments, in the hope of developing joint programs. Action may be to recommend parallel or joint programs to the member units. Action may be to undertake the planning function for the region, or to carry on ad hoc planning programs for specific area-wide functions. Action may be to take on the 204 review responsibilities in the area. And finally, although this stage seems not to have been reached in North Carolina, action may be to develop and carry on programs of a council's own.

In the nation at large, one of the prime motivations for the creation of COGs has been the 204 program. Under regulations of the Bureau of the Budget, 204 review requirements apply only in SMSAs (generally, counties containing a city with a population greater than 50,000); councils in areas not qualifying as SMSAs have had no part in this program.⁴ North Carolina has seven SMSAs, with COGs established in five. Yet the 204 function has been an important development factor in only one or two of these COGs.

Federal money has had more of an impact upon North Carolina councils. Already two have been awarded federal grants, and others—many of the “action” councils—have applications in varying stages of preparation. Federal guidelines insist that councils seeking federal money also develop independent means of funding;⁵ thus as more federal dollars go to our COGs, more local money will have to be

raised. The larger “action” COGs have begun to require dues, usually based on population, from members.

Experience elsewhere has been that COGs tend to concern themselves more with hardware problems than with people problems—probably because the history of intergovernmental cooperation largely has been a history of hardware cooperation. Here North Carolina is no exception. Tabulations from the questionnaires reveal that while people problems certainly have not been ignored, the most common areas of discussion and of action have been law enforcement, garbage collection and disposal, and water and sewer systems, with planning, health, and taxation not far behind. The individual comments on each COG will focus on some of the programs that have developed from discussions, both in these listed areas and in others.

“Discussion” COGs

Discussion councils, as noted above, meet to talk over a variety of governmental problems and to develop communication and understanding among members. Some are likely to move beyond this stage and become “action” COGs; others probably will remain organizations for discussion and fellowship only.

Plymouth and Washington County

Since 1957 Washington County and the Town of Plymouth have held quarterly meetings of their governing boards. The costs of these dinner meetings are shared equally by the two units.

Duplin County Municipal Association

Each of the towns of Duplin County sends its mayor, councilmen, and clerks to the quarterly meetings of this association. Organized in the summer of 1965, it pays expenses of meetings by charging each town dues of one dollar for each one hundred citizens.

Robeson County Municipal Association

Since 1946 the mayors of Robeson's towns have been meeting together to discuss common problems. Now including all of the county's ten municipalities, the association meets eleven times a year, on a rotating basis, with the host town paying the costs of the meeting.

Wake County Mayors' Association

Each of the municipalities of Wake County is a member of this organization, which meets monthly except for July and August.

Governments in Buncombe County

One of the newer associations, this one does not yet have a name. Its membership is unique in including the county's delegation to the General Assembly; other members are the county, Asheville, two school boards, and the mayors of four outlying towns. Dur-

4. This, of course, does not mean that a similar review by a non-metropolitan COG of applications from its jurisdiction would not be beneficial. It would be, but it is not required.

5. U. S. Department of Housing and Urban Development, *Requirements for Metropolitan Planning Assistance*, Circular No. MD 6011.1.

ing the legislative sessions, it meets monthly; at other times the plan calls for quarterly meetings.

Stanly County Governmental Council

In Stanly County the chamber of commerce was the motive force in the development of this council, and apparently maintains a close and continuing interest. The county itself and nine municipalities—including two not listed by the Highway Department as either active or incorporated—are members. Each unit sends two members to the quarterly meetings, the mayor and a board member from the municipalities and two commissioners from the county.

Montgomery County Council of Governments

In January of 1969 each of the five incorporated towns of Montgomery County and the county itself formed a county council of governments, each government represented by one official. Officers have been elected and the county planning board has agreed to perform whatever consulting work might be needed. No regular schedule of meetings has been set; at this point it is felt that meetings will be held only as needed.

"Action" Groups

Marion, Old Fort, and McDowell County

Members of the governing boards of the City of Marion, the Town of Old Fort, and McDowell County have been meeting quarterly since 1967. The chairman of the county commissioners normally chairs the meetings, expenses for which are divided among the participating units. From discussions at the meetings and elsewhere, cooperative action is beginning in the county. A joint planning board is in the planning stage, as is action in the areas of economic development, housing, and hospitals. The governments are working together in attempting to develop better methods of garbage collection and disposal and in developing agreements on extension policies for water and sewer lines.

Wayne Municipal Council

Organized in 1966, the Wayne Municipal Council consists of the county and each of its municipalities. The voting arrangement is unusual in North Carolina. Not only does each mayor and the representative of the county commissioners have a vote, but also each city manager and clerk. The organization holds quarterly meetings, with provision for additional meetings if required. Discussion has ranged over a variety of governmental problems, and the council has been attempting to become a planning unit under the Omnibus Crime Control and Safe Streets Act.

Cumberland County Governmental Association

This 42-member organization consists of the elected officials of Cumberland County and each of its seven municipalities. Although without budget or staff, it has been engaged in discussions and recom-

mendations for unit action. The association was instrumental in the establishment of the Cumberland County Joint Planning Board, and the development of a city-county inspection department is under consideration.

Forsyth Council of Governments

Founded in 1967, the Forsyth Council of Governments is one of a number of North Carolina COGs within a COG. (Winston-Salem and Forsyth are both in the Piedmont Triad COG.) It has ten members, three each from Winston-Salem and Forsyth County, two from Kernersville, and one each from the Rural Hall and Walkertown sanitary districts; each member has one vote at the monthly meetings. The council operates chiefly as an advisory body, with staff help as required provided by Winston-Salem and Forsyth. It has recommended that Forsyth assume responsibility for the operation of both public hospitals in the county, and this matter is pending. Facing up to a long-standing problem of water supply to the residents of the unincorporated parts of the county, the COG conducted forums concerning cooperative action by Winston-Salem and the county to solve the problem. Subsequently the county decided to develop its own water distribution system, under an agreement by which Winston-Salem supplies water to the county system in areas surrounding the city.

Alamance Council of Governments

One of the newest COGs encompasses the five municipalities of Alamance County and the county government. Officially begun on December 11, 1968, it has been holding monthly meetings, with each unit represented by one elected official. There is presently no budget, but if funds become necessary in the future, contributions will be made according to the direct ratio of the population of each unit to the total population of all participating units. For the near future, the planning director of the county is serving also as coordinator of the COG.

Although airports, housing, law enforcement, and water and sewerage have come under discussion, the biggest problem facing the Alamance COG at its inception was what to do with the county's garbage. The council has served as a forum for resolving the problem, and much has been done: the county has obtained a site for sanitary landfill, which will be operated jointly by it and at least two of the municipalities—Graham and Mebane. ACOG has also recommended to its members that they adopt cooperative tax billing and collection and create, with one representative each, a tax study committee responsible for developing such a program.

Iredell Council of Governments

On February 12, 1968, the Iredell COG was founded by Iredell County and five of its municipalities under the provisions of the North Carolina enabling

legislation.⁶ Each of the units was authorized to send two representatives to the quarterly meetings. Although it was decided that the council would not have a budget, provision was made for the possibility of turning to the member units for authority for actions requiring funds, and then for the funds as well.

In the time since its inception the council has been quite active, discussing many matters and making a variety of recommendations. It has proposed that the county take responsibility for the disposal of all garbage while the municipalities handle collection, and that city and county tax collection be combined. It has suggested that some functions, heretofore handled locally, like planning and code inspection, be placed upon a county-wide basis. Through its offices, all the units have adopted mutual law enforcement pacts, and the establishment of a county-wide emergency communications center is being considered.

Among other projects, one more should be mentioned. The council is considering the adoption of the "Mecklenburg Insurance Plan." Under this plan, the participating governments would appoint an insurance advisory board, which in turn would hire a full-time insurance man as executive director, for the purpose of meeting with the governmental units and agencies in the county to establish and improve their individual insurance plans.

Cleveland Association of Government Officials

CAGO is the oldest of the program-oriented COGs in North Carolina, having been established as a non-profit corporation in the summer of 1963. Its membership includes the county, all of Cleveland's municipalities, and the school board. Meeting quarterly, this COG within a COG (as Cleveland County and Shelby are now members of the Central Piedmont COG) has accomplished much in its six years of operation. Some early accomplishments were the encouragement of cooperation in land-use planning and a joint agreement for the purchase of law-enforcement vehicles. It was instrumental in the development of a community action program in the county. More recently, it has begun work on establishing standards for the fight against air pollution in the county, working with those industries and businesses affected.

Lower Cape Fear Council of Local Governments

Founded in January, 1968, the Lower Cape Fear COLG counts as members New Hanover and Brunswick counties and ten of the twelve municipalities in the two counties. The council meets six times a year, with each member unit having one representative. The budget for this fiscal year is quite small, but that proposed for fiscal 1969-70 is \$15,000, which will enable the organization to hire an area planner and secretary, both to work under the present city-county (Wilmington and New Hanover) planning director. These funds will be contributed by the members, by

⁶ N.C. GEN. STAT., Ch. 160, Art. 8A (Regional Councils of Local Officials). Quaintance (*supra* note 1) discusses this act in some detail.

allotment. Thus far, most of the council's work has been in the area of planning, and last September it was designated the review agency for federal fund applications under the 204 program for the New Hanover-Brunswick SMSA.

Western Piedmont Council of Governments

This multi-county COG promises to be one of the most active and most developed in the state. Organized with the impetus of the Western Urban Complex Commission, a regional chamber of commerce organization, it encompasses the four counties of Alexander, Burke, Caldwell, and Catawba and, at this point, ten of their municipalities. Each government is represented by one elected official, and the officers of the organization form an executive committee.

The Western Piedmont COG is only a few months old, and thus many of its activities to date have been organizational. But the potential is great. Each participating government contributes to the budget, on the basis of 25 cents per person; the counties' shares are computed on the basis of their unincorporated population. On this basis, an annual budget of close to \$50,000 is anticipated, going largely to staff and supporting facilities. An executive director is currently being sought, and it is expected that he will be joined on the original staff by a secretary and one field man. Temporary staffing is provided by a number of the unit managers, and some results already are apparent: a planning grant for law enforcement has been secured; a police communications project has been approved; and the feasibility of a medical aid communications network is being studied.

Piedmont Triad Council of Governments

Probably the first organization to take advantage of the 1967 enabling legislation, the Piedmont Triad COG now consists of Guilford, Forsyth, and Randolph counties and the cities of Greensboro, High Point, and Winston-Salem. Organized in June of 1968, the COG now holds monthly meetings, at which each unit has one vote. There is a budget of \$22,800, with each member unit making contributions on a per capita basis, the counties paying for their entire population.

The first federal money to go to a North Carolina COG is currently being spent in the Triad area in a study (conducted by an Atlanta consulting firm) of the goals of the region, what the COG can do to help realize these goals, and what the best form of organization is for the COG. Out of this study should emerge a "work program" which can be used as the basis for application for further federal funding. One interesting suggestion has been made concerning the organization of the association. Most COGs with planning authority have developed their own planning staff, which results in one more level of planning and one more organization doing planning in the metropolitan area. Triad planners have proposed, instead of this arrangement, that the planning directors from the member units form a council of their own, within the

COG itself, and utilize their own staffs for COG planning. The idea is apparently unique, and because of the importance of federal programs and money to COG activities, the federal government must be convinced of its utility.

*Central Piedmont Regional
Council of Local Governments*

North Carolina's largest COG is centered around Charlotte and Mecklenburg County, and presently contains eight counties and sixteen municipalities. In addition, two South Carolina counties have been attending meetings, awaiting ratification by the South Carolina Senate of a constitutional amendment which will enable them to become full members; unfortunately, there is little hope for early ratification. Each unit in the COG has one voting member attending the quarterly meetings. A staff of five has been budgeted,

and an executive director, a planner, and a secretary have been hired.

For 1969-70 a tentative budget of \$117,000 has been approved, pending approval of federal grant requests by the council. Contributions from units on a basis of five cents per capita, with counties paying for their full population, are expected to bring in \$63,000 of the budget. A 701 planning grant has been approved in the amount of \$28,000, and an airport study and a regional information system study are awaiting federal action on fund requests. The council is discussing whether to become the 204 review agency for the region, and has become the regional planning agency. The health directors of the eight county region have met and are discussing forming an air pollution control district. The COG has done other work in the areas of libraries and water and sewerage.

INSTITUTE STAFF CHANGES

Several changes will take place in the Institute of Government staff for the coming year. S. Kenneth Howard, who works in the area of public administration and finance, will be on leave on special assignment. He will write both a textbook and a reader on state and local budgeting for the Council of State Governments.

Howard's responsibilities at the Institute will be taken over by William H. Cape, who will be a visiting professor for the year. Cape comes from the University of Kansas, where he is associated with the Governmental Research Center. He holds a Ph.D. from Kansas, and has also taught at the University of Wyoming and the University of South Dakota.

Two permanent additions to the staff will also join the Institute this fall. H. Rutherford (Rud) Turnbull, III, will work in the field of local government. He has just received the L.L.M. degree from the graduate division of the Harvard Law School, specializing in urban legal, political, and economic problems.

Previously he had spent some years in private law practice in Baltimore.

Philip T. Vance will be in the criminal law field at the Institute. He is a Harvard graduate and received a law degree from the University of Kentucky Law School in 1968. For the past year he has been a staff attorney with the Kentucky Crime Commission.

William E. Benjamin, who has worked in criminal law, has left the Institute to take an assignment with the Peace Corps in Ethiopia.

Robert E. Stipe, on a Fulbright Fellowship to England for the past year, will return in late summer to resume his work in city planning.

Henry W. Lewis, the Institute's specialist in the property tax and election laws, has been on leave for the past year serving as acting vice-president of the Consolidated University of North Carolina. He will return to his normal duties in August.



WANTED: A COHESIVE LAW OF ACCESS

by Elmer R. Oettinger

[Editor's Note: *This article is adapted from the author's remarks before the Fifth Annual North Carolina Press-Broadcasters Local Government Reporting Seminar, Institute of Government, University of North Carolina at Chapel Hill, May 17, 1969.*]

Put together the North Carolina statutes relating to access to public proceedings and public records and you have an odd mix. Their sum is a patchwork of yes, no, and maybe. Their bases range from obvious logic to apparent illogic or happenstance. The body of law on access has grown haphazardly. In areas where there has been design, the purpose could stand re-examination. In an age where gubernatorial and legislative commissions have been appointed to consider and report back to the Governor and the General Assembly on matters ranging from state constitutional revision to local government, it seems an appropriate time to consider the need for a commission to bring the laws of access in the State into harmony with one another and with the rights and interrelation-

ships of government, news media, and public alike.

Who Has Access to What Local Board Meetings?

To consider all the assorted law on access to state and local meetings and records would take more time, patience, and purview than are essential. A few illustrations of the law of access to meetings of local governing boards with a footnote or two on access to other proceedings and records should be sufficient to illustrate my point. At least these examples convinced me that there exists an access jungle which requires systematic and careful exploration, which holds dangers, both constitutional and practical, that we can ill afford to ignore. Paths need to be opened through this jungle, its foliage analyzed, and the needs for pruning and replanting determined on the basis of accurate charts and maps. One indication of the existence and complexity of this access jungle lies in the dozen to two dozen telephone calls I receive monthly from newsmen seeking answers to questions as to their rights to

attend specific meetings or inspect certain records.

Municipal Governing Boards

Let's be specific. May municipal governing boards close their legislative proceedings? Boards of county commissioners? City and county boards of education? Boards of public welfare? May police close their files and blotters?

Meetings of municipal governing boards are required to be opened. Meetings of county governing boards are not, except in about 10 percent of our counties. Meetings of local boards of education are not required to be open meetings. Meetings of county welfare boards may or may not be required to be open.

I know of no good reason why the rule of access to city and county board meetings should be different. Do you? I see no valid reason for access or lack of access to local boards of education to be relatively clear and to local boards of welfare relatively unclear. It would seem in the public interest to make statutes governing access to local board meetings consistent.

What Proceedings and Records Are Public?

It would appear in the public interest if the one judicial ruling on access to a local board were clarified further.

The provision in the General Statutes relating to access to meetings of municipal governing boards seems clear. General Statute 160-269 reads as follows:

The city governing body shall from time to time establish rules for its proceedings. Regular and special meetings shall be held at a time and place fixed by ordinance. All legislative sessions shall be open to the public and every matter shall be put to a vote, the result of which shall be duly recorded. The governing body shall not by executive session or otherwise consider or vote on any question in private session. A full and accurate journal of the proceedings shall be kept, and shall be open to the inspection of any qualified registered voter of the city.

By whatever name—councilman, commissioners, alderman—your city board members are required by that law to admit you and any person to sessions devoted to consideration of and voting on public matters. There is one possible fly in the mash—or mesh. The term “legislative sessions” would appear to be susceptible of more than one definition. It is possible that, under the statute, city board members could meet informally and *discuss* matters of public interest. That is, it is possible, if “legislative sessions” be given a narrow interpretation. If legislative sessions are only those at which a vote is taken, then some sort of exclusionary rule really would be operable and permissible. However, at this point, there is no evidence that any city business could be done or even discussed by a municipal governing board in legislative session except in *open* session. Executive sessions are specifically prohibited and so is the consideration or vote on any question in private session.

Records of the meeting of municipal boards are open to inspection

by any qualified voter of the municipality. The State Supreme Court in *Graham vs. Karpark Corporation*, 194 F. 2d 616 (1952), has stated:

The requirement of this section that a full and accurate journal of the proceedings be kept is merely directory and not a condition precedent to the validity of a contract regularly entered into by the municipality.

That holding would not appear to permit the city to keep less than a full and accurate record of proceedings for public inspection.

County Commissioners

The statute relating to county commissioners makes no mention of open meetings. The pertinent portions of G.S. 153-8 read as follows:

Meetings of board of commissioners.—(a) The board of commissioners of each county shall hold a regular meeting at the courthouse on the first Monday of each month or on the following Tuesday if Monday is a legal holiday. In lieu of meeting on the first Monday at the courthouse, boards of county commissioners may, by resolution duly adopted, designate any other day and any other public place within the county as the time and site of its regular meeting. Such resolution shall be published at least once following its adoption in a newspaper having general circulation in the county and qualified to publish legal advertisements, or if no such newspaper is available then in a newspaper having general circulation in the county and also by posting a copy on the courthouse bulletin board; said notice must be published or posted at least 10 days before such action is taken. Special meetings called as provided below may be held at the site designated for regular meetings.

(b) The board may adjourn its regular meetings from day to day

or to a day certain until the business before it is completed. Special meetings may be held on the call of the chairman of the board or of a majority of the members and posting such notice on the courthouse bulletin board. Written notice shall be deemed waived by attendance at and participation in a special meeting.

This wording constitutes a 1969 rewrite of the statute. The various provisions for published or posted notice of meetings indicates awareness of the public interest. There is, however, no specific statutory requirement that boards of county commissioners open their sessions to all persons. Things were not always thus. Prior to the 1951 session of the General Assembly of North Carolina, the statute contained these words: “Every meeting shall be open to all persons.” That General Assembly rewrote the statute to omit those words. Four years later the Legislature again amended this section to provide that “all meetings of the board of commissioners of each county shall be open to the public.” That amendment, however, was limited to apply to only six counties: Guilford, Harnett, Moore, Nash, Person, and Orange. Since that date a few other counties have placed themselves under the requirement that their county board meetings be open. The upshot is that some 90 per cent of our counties are under no legislative injunction to hold open meetings. If they do so, it is because of a sense of democratic process or concern for the consequences should they try to hold executive sessions. Only this year in one or two of our larger counties county boards have announced their intention to hold, and have held, closed sessions.

Such precedures suggest a need to point out that no statute in North Carolina either authorizes county commissioners to hold executive sessions or to exclude the public from their deliberations and meetings. The first article of the

chapter of the General Statutes dealing with counties and county commissioners limits the powers of county commissioners in a way which may have relevance here. G.S. 153-1 reads:

Every county is a body politic and corporate, and has the powers prescribed by statute, and those necessarily implied by law, and no others; which powers can be exercised by the board of commissioners, or in pursuance of a resolution adopted by them.

As William C. Lassiter, in his excellent though dated book *Law and Press*, has said:

The fundamental right of the people, including representatives of the press, to have access to the meetings and proceedings of their county commissioners makes it imperative from a standpoint of basic democracy that every meeting shall be open to all persons. There is certainly no "necessarily implied" power vested in a county board of commissioners to require closed sessions for the conduct of county business, although it must be pointed out that there has never been any decision by a court holding to that effect.

Local Board of Education

Unfortunately, from the standpoint of open meetings, a court decision does exist denying automatic access of citizens to meetings of local boards of education. Since law establishing access is as lacking with relation to education boards as to county commissioners, no one can be certain that a similar ruling would not be applied by the court to the latter.

North Carolina has no statutes specifically directing meetings of city and county boards of education to be open to the public. It does have statutes which provide that minutes of such meetings be "open at all times to public inspection" (G.S. 115-56); records of each advisory school committee proceed-

ings be kept and "open to public inspection" (G.S. 115-71); and hearings be held upon denial of application for enrollment in or admission to any public schools (G.S. 115-178).

In 1951 the North Carolina Supreme Court decided that city and county boards of education are not required to maintain open meetings. The case of *Kistler v. Board of Education of Randolph County* 233 N.C. 400, 64 S.E.2d 403 (1951), involved a civil action in which the complaint termed a meeting of the Randolph County board of education "secret" on the basis that it was not held on the first Monday in the month. The State Supreme Court found that the allegation had "no bearing on the question of bad faith or abuse of discretion" in that the statutes authorize special meetings at times other than the first Monday of the month. Justice Denny for the court stated:

While it may not be wise or expedient for boards such as the defendant board of education to hold executive sessions and exclude the public therefrom, we know of no statute or decision which prohibits the holding of such sessions The law does not require a county board of education to hold a mass meeting in connection with the selection of a school site, and the courts have no authority to direct it to do so.

Whether that decision would stand today is a good question. It can be argued that a board of education which is created by statute has no powers not expressly conferred or necessarily implied, a principle recognized in North Carolina and elsewhere as applicable to municipal corporations. If municipalities are mere creatures of the legislature, with no inherent power and exercising only that power delegated within the limits set forth by the legislature, and with only those powers expressly granted or implied in or incident to those powers granted, and if the same rule applies to private corporations, then

whence comes the source of a board of education to hold secret or executive meetings? Such powers would not appear to be necessarily implied or a necessary essential to the accomplishment of declared objects and purposes. But this is sheer conjecture. There is no decision other than the one by Justice Denny, and that stands. Whether the *Kistler* rule applies to meetings of other county boards, such as the board of welfare, where the statute is silent with respect to access to meetings, is again moot. Once again the law grants no specific authority to county welfare boards to hold secret or executive sessions. But it does not prohibit them. So much depends upon perspective where judicial interpretation is required in such cases.

One Healthy Tradition Of Open Meetings

Interestingly enough, Cross, in his book *The People's Right to Know* (1953), pages 184-185, states: "There have been more newspaper complaints of closed sessions of boards of education than of any other single body, and such complaints have come from many areas, indicating a widespread problem." By in large, in North Carolina a healthy tradition of open meetings and open decisions openly arrived at has been established. It is apparent in most counties in the functioning of local boards. The official conscience or public pressure, or both, has established a pattern of open public meetings. There are exceptions. Only this year a newly elected county board in Forsyth County closed its meetings. The reasons they gave were standard and have some merit. Open meetings at which land sites are being considered for prospective purchase by a governmental unit do provide open invitations for jacked up prices and a gouging of government and taxpayers. Open meetings involving complaints about public employees or critical evaluation of persons being considered

for employment or of present employees tend to limit the nature and depth of the discussion and permit the publication of petty, racy, embarrassing, and sometimes not altogether newsworthy information. In at least one instance this year a board of aldermen (Spruce Pine) decided not to seat newsmen at its meeting but later reversed itself.

At state governmental level the promise of the Governor that meetings in the executive branch are open appears to have a salutary impact. Meetings of key legislative committees appear to have a quality of openness not always evident in the past. Similarly the access of press to the floor of the State legislative body now is assured to the point of being taken for granted, a privilege not so certain only a half dozen years ago in the upper body.

Need for Certainty And Cohesion

Despite these directions, though, the hodgepodge of the law remains. It is axiomatic that the press has no rights of its own to attend governmental sessions. Whatever right the press has stems from the right of the public to be present, a public which the press long has claimed to represent in terms of its right to be informed about public matters. Where there is doubt as to those rights, the news media stands to lose. Any governing body which desires to close its meeting probably can do so if it wishes to stand the potential wrath of press and

public and, where the right of access is protected by statute, a possible court order or trial.

My point is that there should be more certainty and cohesion in the law of access. The best way to obtain certainty and cohesion might be through careful consideration by a blue ribbon commission of the laws we have on access to public meetings and records in the light of needs, logic, and consistency. It would be helpful to explore the situation in other states and to learn first hand how well legal provisions and civic customs other than ours are working out.

My impression is that the most articulate segment of the large press in North Carolina often makes known its claim of the right to cover and report on anything it wishes, presumably in line with what it conceives to be the terms of the first amendment guarantee of a free press. My further impression is that this statement of principle is modified in fact by the acceptance of certain limitations upon the right to cover and report, apparently on the theory that such specific limits are reasonable, logical, and necessary. For instance, so far as I am aware, no editorialist or commentator has spoken out or written opposing the clear limitations upon presence in meetings of grand juries or the protection of the names of infants born out of wedlock and their parents. Few question, in the judge's discretion, limitation of coverage of juvenile court proceedings. No one has objected

to closing the SBI confidential files. The press has objected to the closing of local board meetings but legislation it sought to introduce in the 1967 session barely reached the hopper and committee, much less the floor. The road to legal certainty in access is tortuous.

Benefits From Comprehensive Law

The benefits from a comprehensive access law are many. It would provide certainty for both public officials and news media. It would bring logic and consistency to an unordered and sometimes disordered body of law and custom. It would confirm a working philosophy of access consonant with constitutional guarantees and the democratic process.

The first step is to establish a base of support. That can be done through the approval and active encouragement of groups and organizations within the state which have a primary stake in access. If the primary source of inconsistency and confusion seems primarily at local government level, the problem is statewide in scope and must be resolved by action at state level. The resolution of the access mess will do more than break the log jam of questions and dissatisfaction. It will affect for the better the entire relationship of government with the people, providing a framework within which credibility gaps can be closed and the causes of misunderstandings eradicated.

1969 Municipal and County Administration Classes Graduate

Over the years 500 local government officials have taken these Institute courses

Members of the Institute's fifteenth class in Municipal Administration and fifth class in County Administration were graduated in exercises at the Institute of Government on Thursday, May 22, following 166 hours of instruction in eleven class sessions that started in October of 1968. The twenty members of the 1969 County Administration Class made it the largest in the five-year history of the course. The 53 members of the two classes now join some 500 other city and county officials who have been graduated from the two courses since the first Municipal course was offered in 1954-55.

Members of the 1969 Municipal Class were: Robert L. Anderson, Traffic Engineer, Charlotte; Charles L. Bateman, City Attorney, Burlington; Robert V. Beck, Police Captain, Durham; Neal H. Blair, Jr., Town Manager, Boone; Robert

G. Brigman, City Clerk-Treasurer, Kinston; John Calvin Burch, Town Planner, Carrboro; Phil Cocke, Public Works Director, Asheville; James Earl Daniels, Town Manager, Belhaven; Mathey A. Davis, Dir., Piedmont Area Office, D.C.P.; James M. Dawkins, Acting Traffic Engineer, Greensboro; Earl E. Frink, Clinton; Lawrence E. Glenn, Chief Bldg. Inspector, Charlotte; Robert S. Graham, Office Engineer, Greensboro; J. C. Hall, Police Chief, Asheville; John R. Harrison, Jr., Office Engineer, Winston-Salem; William D. Hathaway, Electric Supt., Tarboro; Raymond H. Hayworth, Planning Director, Salisbury; William C. Horton, Personnel Technician, Charlotte; Leslie Avon Matthews, Sanitary Engineer, Durham; Horace A. McAllister, Public Works Director, Morganton; Joseph J. McEvoy, Personnel Director, High Point; Glenn T. McLinnahan,

Administrative Asst., Charlotte; Morrison M. McKenzie, Acting Manager, Maxton; Charles E. Oleksa, Chief Acct. Officer, Winston-Salem; Jim Perry, Field Rep., N. C. League of Municipalities; Ernest Foye Radford, Public Works Director, Forest City; William G. Stamey, Town Manager, Canton; Charles B. Shapard, Personnel Director, Raleigh; Margaret C. Thomas, Clerk-Treasurer, Carthage; Peter G. Vandenberg, Town Manager, Ayden; John Billy Wiles, City Engineer, Burlington; David M. Wilkison, City Manager, Shelby; Carol Stanley Willis, Acting Manager, Long Beach; Carl D. Wills, Director of Public Works, High Point.

The participants in the 1969 County Class were: David W. Alexander, Director, Ind. Dev. Comm., Harnett; William Earle Bates, Administrative Asst., Mecklenburg; William N. Bostic, Onslow; Wil-

liam T. Brooks, County Manager, Anson; James Russell Capps, Adm. Off., Welfare Dept., Wake; Mack Wyatt Churchill, Planning Director, Onslow; Fred Darnley, Personnel Director, Guilford; Christine W. Davis, Register of Deeds, Duplin; James Avery Finger, Health

Director, Forsyth; Jerry L. Grimes, Fire Marshal, Wayne; Allen Lee Harrell, Auditor, Edgecombe; Betty June Hayes, Register of Deeds, Orange; Jack Howard Harmon, County Manager, McDowell; Joe R. Hudson, Asst. County Manager, Union; Albert J. Klimas, Health

Director, Cabarrus; Shirley Ann Leyshon, Register of Deeds, Wilson; D. Parker Lynch, Planning Director, Alamance; Fred M. Pettyjohn, Research Analyst, Forsyth; Bill Bradsher Shotwell, County Manager, Person; Carter L. Twine, County Accountant, Cumberland.



The 1969 County Administration Class



The 1969 Municipal Administration Class



Pettyjohn Receives County Commissioners' Award

This year Fred M. Pettyjohn, research analyst for Forsyth County, received the North Carolina Association of County Commissioners' Award, having been named the member of the 1969 County Administration class with the most distinguished record. Here Russell S. Newman, Rockingham County commissioner and president of the North Carolina Association of County Commissioners (right), presents the award to Pettyjohn at the graduation exercises.



Hayworth Wins George C. Franklin Award

Mayor Mayor Travis H. Tomlinson of Raleigh, president of the North Carolina League of Municipalities (right), presents Raymond H. Hayworth, Salisbury-Rowan planning director, with the George C. Franklin Award during graduation exercises for the fifteenth Municipal Administration class in May. Mrs. Davetta L. Steed, executive director of the League and speaker at the graduation, beams her congratulations. The award is presented each year to the member of the Municipal Administration class with the most distinguished record.



A timely word from R. J. Reynolds about College.



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beverages. A line of snack products. Other Reynolds subsidiaries produce miles of polyvinyl film and aluminum sheet, foil and packaging materials.

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