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North Carolina's future in government: Boys' State

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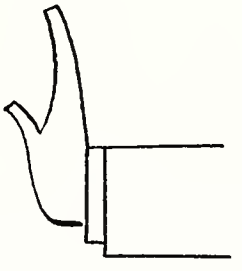
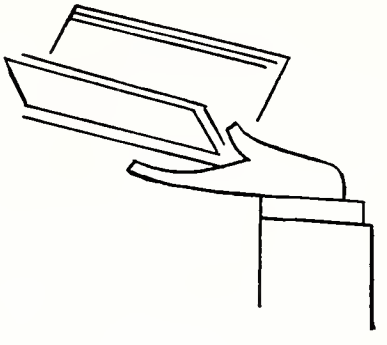
A group of the 411 North Carolina high school student leaders who attended the 22nd annual Boys' State cluster around political science professor Gordon Cleveland of the University of North Carolina. Cleveland, who also is an Orange county commissioner, was one of a score of state and local officials and leaders in various professions whose speeches were highlights of the 22nd annual Boys' State.

SCIENTIFIC INVESTIGATION:

Judicial Controls on State Law Enforcement . . .





The law enforcement officer in modern society plays two rather complex roles. On the one hand, he is charged with the delicate task of enforcing a multitude of laws and ordinances, while maintaining a fine balance between the liberty of the individual and the security of society. This may be termed his role as controller of anti-social conduct. On the other hand, the policeman is a symbol of social order and, in effect, the embodiment of the law.

The first role demands efficiency. The law enforcement officer must be a specialist in interrogation and investigation, and more and more society is coming to regard the police officer as a trained expert enforcing law in a manner which preserves democratic values. Police methods of interrogation and investigation have become refined to a point where, in many situations, each is a developed art. Of particular significance in this growing recognition of the police officer as a highly trained specialist is the development of scientific aids for crime detection. Fingerprinting, ballistics tests, blood tests, photography, lie detectors, radarscopes, wiretapping, electronic eavesdropping, psychology as applied to interrogation —to name only a few—are scientific devices which allow for investigation of a scope little imagined in earlier days. The modern law enforcement officer must be prepared to utilize the recent developments of crime detection so that criminals may be brought to justice.

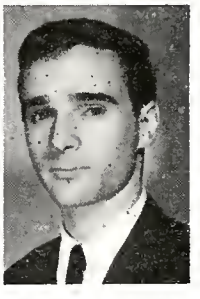
But efficiency involves more than this. The law enforcement officer must also be prepared to gather evidence in such a manner that convictions may be based on such evidence. Stated in another way, the evidence gathered by the law enforcement officer must be admissible in a criminal proceeding. Consequently, he must be aware of the restrictions imposed upon him by rules of evidence, statutory law and constitutional law. He must be aware of what evidence is relevant, what evidence is competent and what evidence is reliable. He must be aware of which methods of gathering evidence are constitutional, which unconstitutional. This law is complex and consequently a formidable burden is placed on the officer.

The policeman's second role demands that he employ methods in maintaining order which reflect a sense of fair play and democratic values; thereby, the policeman becomes a positive force in establishing respect for democratic law.

> . . . (T)he law-enforcing activity of the policeman takes on its great significance not only because it is law in concrete form in which it is experienced by individual persons, but also because the meaning and value of the entire legal order are expressed in the policeman's specific acts or omissions—so long as he conforms to the law.[1]

The law enforcement officer must be capable of obtaining confessions; he must be capable of gathering evidence scientifically. But, in so doing, he must be a respecter of the law himself. While striving for efficiency, he must not let efficiency overstep the boundaries of the law. The development of scientific devices for crime detection presents an especially difficult problem. These instruments and methods provide a means whereby, quite often, the privacy of the individual is easily invaded. The lie detector and the blood test, to some extent, both represent "invasions" of the individual's privacy. Wiretapping and electronic eavesdropping represent invasions not only in the sense that private communications may be intercepted, but also in the sense that this interception is done surreptitiously. An enormous technological breakthrough has provided para-

[1] Hall, Police and Law in a Democratic Society, 28 Ind. L. J. 133 (1953).



by David N. Smith
Assistant Director,
Institute of Government

bolic microphones capable of picking up conversations hundreds of yards away, tape recorders small enough to fit in the palm of a hand, and television eyes small enough to fit in a light fixture.

The development of these devices has raised a number of thorny legal problems. The major difficulty is that of balancing efficient law-enforcement and the protection of individual liberties. This has raised primarily constitutional considerations. It will be noted that the Constitutions of the United States and of North Carolina impose certain limitations on law enforcement officers in an attempt to balance the factors of human liberty and dignity on the one hand and enforcement efficiency on the other. An understanding of the limitations imposed by the laws of evidence, statutory law, and constitutional law assists in satisfying both roles of the policeman. He must know the law so that he may gather the type of evidence which is admissible into court; he must know the law so that he may himself symbolize respect for the law. An understanding of some of the problems involved will allow others to appreciate the difficult task of law enforcement and to form considered opinions as to how the competing considerations should be resolved.

This article will deal with that peculiar, and far-reaching constitutional rule known as the "exclusionary rule of evidence" as it applies to police interrogation and scientific investigation and will suggest some of the problems raised by new scientific aids for crime detection.

Controls Imposed by Constitutional Provisions: The Exclusionary Rule of Evidence

At the common law illegality in the mode of procuring evidence is generally no basis for excluding it from evidence.[2] ". . . (E)vidence otherwise competent is admissible irrespective of the manner in which it was obtained by the witness. The courts look to the competency of the evidence, not to the manner in which it was acquired."[3] Courts have felt that questions of legality of procurement of evidence raise collateral issues, and would tend to detract from the main issues in the trial. The only instance at common law in which legality was considered significant was where a confession had been obtained illegally, and the reason for this would seem to be that illegally obtained confessions (e.g. confessions obtained through coercion) are inherently untrustworthy—and reliability is something with which the law of evidence is keenly concerned.

This rule has been considerably altered in the last half-century. The source of the alteration, strictly speaking, has not been evidentiary but rather has been constitutional, and (as it relates to wiretapping) statutory. What has developed through constitutional and statutory interpretation is an exclusionary rule of evidence which has great significance for law enforcement officers in connection with confessions and scientific investigation. Today, evidence obtained through illegal search and seizure or through violations of due process, and confessions obtained by physical brutality or prolonged psychological coercion will be excluded from state as well as federal courts.

Two provisions of the United States Constitution are of paramount importance in this connection. The Fourth Amendment provides:

> The rights of the people to be secure in their persons, houses papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This is the search and seizure provision of the federal constitution. The first clause declares the legal right of an individual to his privacy. The second clause sets forth administrative provisions dealing with warrants of arrest and warrants for search and seizure.

The Fourteenth Amendment to the Federal Constitution provides:

> No State shall . . . deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

This provision is directed specifically to the States—and thus to law enforcement officers of the States. For present purposes, the key requirement imposed by the statute is that no State may deprive any person of life, liberty, or property without due process of law. The term "due process of law" cannot be specifically defined. In one case it has been termed "those canons of decency and fairness which express the notions of justice of English-speaking peoples. . . ."[4] Elsewhere, due process has been described as a "summarized constitutional guarantee of respect for those personal immunities which . . . are 'so rooted in the traditions and conscience of our people as to be ranked as fundamental' . . . or are 'implicit in the concept of ordered liberty'. . . ."[5] As applied specifically to the law enforcement officer, due process means that the officer must act toward a suspect in a fundamentally fair manner—respecting the basic rights of the citizen. And this means that the officer must act fairly and decently toward everyone—even those he may feel are guilty.

In the area of confessions, the effect of the Fourteenth Amendment was first felt in 1936. The effect of the Amendment as it operates on other areas is a relatively recent phenomenon. In 1914 the United States Supreme Court held that evidence obtained by federal officers by means of an illegal search and seizure must be excluded from federal criminal trials.[6] This rule applied only to federal officers and not to state law enforcement officials. In 1949, the Supreme Court was called upon to decide whether the rule should also apply to state officers. It held that it should not.[7] The case appeared to suggest that the concept of federalism warrants some variation between state and federal standards of criminal procedure. However, it should be noted that the case also expressed a flexible concept of due process whereby the content of due process reflects the consensus of the community as to what is fair and essential to liberty. The Court noted that as of 1949 30 States had rejected the *Weeks* doctrine and 17 States had agreed with it. There appeared to be no community consensus supporting the exclusion of evidence obtained by illegal search and seizure. By 1960, however, some 26 States had adopted the exclusionary rule (including North Carolina—see G.S. 15-27 and G.S. 15-27.1)[8] and it may be that the consensus of the community had changed sufficiently to suggest that exclusion of evidence obtained by illegal search and seizure is an essential ingredient of a democratic society. This was considered significant by the Supreme Court, for, in 1961 it held that a conviction based on evidence seized in violation of the Fourth Amendment's "right of privacy" is a violation of the due process clause of the Fourteenth Amendment.[9] While North Carolina law enforcement officers have been restricted

[2] *State v. Rhodes*, 252 N.C. 438 (1960).

[3] *State v. McGee*, 214 N.C. 184 (1938).

[4] *Malinski v. New York*, 324 U.S. 401, 416 (1945).

[5] *Rochin v. California*, 342 U.S. 165 (1952).

[6] *Weeks v. United States*, 232 U.S. 383 (1914).

[7] *Wolf v. Colorado*, 338 U. S. 25 (1949).

[8] *Elkins v. United States*, 364 U.S. 206 (1960).

[9] *Mapp v. Ohio*, 367 U.S. 643 (1961).

by G.S. 15-27 and G.S. 15-27.1 in the past, the *Mapp* decision may have significance not only in imposing stricter standards on State officers but also indirectly in other areas of illegally obtained evidence.[10]

Reasons for the Exlusionary Rule

The restrictions imposed by the exclusionary rule of evidence are significant to law enforcement. For, illegal law enforcement has been the major reason for the development of such a rule. Application of the exclusionary rule represents the Supreme Court's choice of policy that the judicial process shall not be used to convict persons accused of criminal activity by means of evidence criminally obtained. The choice is, of course, a difficult one, and the result is the suppression of truth; for, no matter how illegally obtained, the evidence may be reliable, material and competent. However, many observers feel that the exclusionary rule is the only way in which illegal law enforcement can be controlled. Criminal sanctions, civil actions, and quo warranto proceedings against law enforcement officers are generally recognized as ineffectual controls.[11] Criminal actions and quo warranto proceedings require the participation of other elements of the state law enforcement machinery and they are understandably reticent to take action against law enforcement officers. Civil actions are often of no avail because police officers are generally judgment proof.

The exclusionary rule of evidence becomes the only alternative. The long-range interest in procedural fairness is chosen over the immediate interest in a particular prosecution. As Mr. Justice Holmes stated in his famous dissenting opinion in *Olmstead v. United States*, 277 U.S. 438, 470 (1928), "We have to choose, and for my part I think it is less evil that some criminals should escape than that the government should play an ignoble part."

Coerced Confessions

In 1936, the due process clause of the Fourteenth Amendment was read to exclude from evidence confessions obtained by physical brutality.[12] Over the course of years, the Amendment has been interpreted to require the exclusion of confessions obtained by psychological coercion,[13] and by prolonged questioning and illegal detention.[14] Where due process of law has been denied in obtaining the confession, the confession becomes useless. A conviction based on a proceeding in which such a confession has been admitted will be reversed. And this is true regardless of whether there is evidence corroborating the confession or not. "The aim of the requirement of due process is not to exclude presumptively false evidence, but to prevent fundamental unfairness in the use of evidence, whether true or false."[15]

In one area of the law of confessions, however, the United States Supreme Court has deferred to a concept of dual federalism suggesting that the due process clause does not demand that state criminal procedures have to be coterminous with the often more strict federal procedures, as long as fundamental fairness is present. It has been held in *McNabb v. United States*, 318 U.S. 332 (1943) that a confession obtained during a period of illegal detention will be deemed inadmissible even though the confession appears to be otherwise voluntary. The rationale is that the use of third-degree methods can normally be inferred from the single fact of illegal detention. Since it is difficult for a suspect to prove that third-degree methods were used, a type of conclusive presumption is raised that such methods were in fact employed.

The *McNabb* rule has been held not to arise from constitutional sources and thus is not applicable to state officers and courts. Rather, the rule results from the Supreme Court's supervisory power over federal courts.[16] However, in the recent case of *Culombe v. Connecticut*, 367 U.S. 568 (1961) a state conviction based in part on a confession was overturned and the Court relied heavily on the fact that the defendant was illegally detained for a considerable period of time. Mr. Justice Frankfurter, who delivered the Court's opinion, emphasized the obstacles encountered by a defendant in proving that illegal methods of coercion were used while he was illegally detained. This opinion may suggest that a limited variation of the *McNabb* rule will be applied to state courts, in some form, in the future. At least, illegal detention of a suspect will be closely scrutinized.[17]

Extraction of Bodily Fluids

The due process clause as interpreted by the Supreme Court also has its effect in the area of extraction of bodily substances. In *Rochin v. California*, 342 U.S. 165 (1952) California deputy sheriffs entered a home, proceeded upstairs and forced the door to defendant's bedroom, where they found defendant and his wife. Spying two capsules on a stand near the bed the officer asked:

"Whose stuff is this?" Defendant then swallowed the capsules. The officers jumped him, tried to extract the capsules, but couldn't. He was handcuffed and rushed to a hospital where an emetic was put in his stomach by a doctor. The capsules were vomited. Defendant's conviction for unlawful possession of morphine was reversed by the United States Supreme Court. The methods used by the law enforcement officers were declared to be a violation of due process of law. This "is conduct that shocks the conscience."

It should be noted, however, that the Supreme Court has held that a blood test for intoxication does not violate due process if the test is performed by a qualified technician.[18] Defendant

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[10] The question here is whether the Supreme Court will feel compelled to apply the totality of the federal case law on the exclusionary rule to the states. If the Court is concerned primarily with notions of an untainted criminal proceeding it may demand a uniformity of standards. On the question of standing to object, for instance, federal law is more restrictive than North Carolina law. Compare *Jones v. United States*, 362 U.S. 257 (1960) with *State v. McPeak*, 243 N.C. 243 (1955).

[11] See Beisel, Control Over Illegal Enforcement by the Law (1955) 10 ff; Maguire, Evidence of Guilt (1959) 177 ff.

[12] *Brown v. Mississippi*, 297 U.S. 278 (1936).

[13] *Chambers v. Florida*, 309 U.S. 227 (1940).

[14] *Culombe v. Connecticut*, 367 U.S. 568 (1961).

[15] *Lisenba v. California*, 314 U.S. 219, 236 (1941). See also, *Spano v. New York*, 360 U.S. 315, 320-321 (1959).

[16] *Brown v. Allen*, 344 U.S. 443 (1953).

[17] It may be noted that in the future law enforcement officers may find the scientific aid of motion pictures a valuable adjunct to interrogation and the obtaining of confessions. By filming the sequence of questioning and confessing, the police may avoid possible arguments that the confession was obtained illegally. This method has been used successfully in other states. See *People v. Dabb*, 32 Cal. 2d 491, 197 P. 2d 1 (1948); *Commonwealth v. Roller*, 100 Pa. Super. 125 (1930). Rather than create constitutional problems, motion pictures in this connection help to avoid them.

[18] *Breithaupt v. Abram*, 352 U.S. 432 (1957).

had been involved in an accident and was given a blood test while unconscious. He was found to have been intoxicated and was convicted of manslaughter. The Court, in upholding the conviction, emphasized that "The blood test procedure has become routine in our everyday life." It warned, however, that "indiscriminate taking of blood under different conditions or by those not competent to do so" may come within the *Rochin* rule.

Blood tests for intoxication do, however, raise questions of search and seizure. *Breithaupt* was decided before the *Mapp* decision and the Supreme Court had no opportunity to discuss the search and seizure questions. Although there is no North Carolina case on the point,[19] it would appear that a compulsory chemical test does constitute a search and seizure.[20] The central question that is raised is whether the blood test was performed incidental to a lawful arrest. If not, G.S. 15-27, G.S. 15-27.1 and the *Mapp* doctrine come into play.[21]

The Lie Detector

The uniform rule concerning the admissibility of lie detector evidence, as laid down by the appellate courts of the country, including the North Carolina Supreme Court, is that such evidence is inadmissible.[22] The reason for the rule of inadmissibility is the present stage of unreliability. The North Carolina Court noted that the lie detector is reliable in about 75% of the cases, relying on Inbau, *Lie Detection and Criminal Interrogation*, 2d Ed. (1948). A more recent edition of the book suggests that under favorable circumstances the reliability is about 95%. (3d Ed., 1953).

However, even if the development of the lie detector reaches a stage where courts consider it reliable, (Some observers feel that despite the margin of error the lie detector has enough probative value to be admissible. See McCormick, Evidence (1954) 372) there will be constitutional questions to face. The German Supreme Court, in 1954, ruled that lie detector evidence obtained with the consent of the defendant is inadmissible on grounds similar to due process considerations.[23] An American commentator has suggested that the due process argument has force in that it constitutes an invasion of the accused's personality and makes the accused an object of the criminal proceeding, rather than a participant in it.[24]

With regard to questions of self-incrimination, the central question is whether the lie detector results may be considered testimonial. (See supra, footnote 21). While during the course of the lie detector test it is not necessary for the person examined to speak, still the resulting record of physiological changes represents a type of assertion. The argument can be made that the ancient privilege should be extended beyond its historical origin to embrace modern scientific facts.

Wiretapping

Since wiretapping has long been held not to constitute search and seizure, *Olmstead v. United States*, 277 U.S. 438 (1928) this area of scientific investigation does not raise the traditional constitutional problems. Rather, the main concern in this area is with the interpretation of section 605 of the Federal Communications Act. Again we find an area where the limitation on federal officers is more strict than that on State officers. *Nardone v. United States*, 302 U.S. 379 (1937) holds that wiretap evidence seized by federal officers is inadmissible in federal court. Wiretap evidence obtained by State officers, however, has been held admissible in State courts.[25]

Some doubt has been cast on the vitality of the *Schwartz* case by *Benanti v. United States*, 355 U. S. 96 (1957) where the Court noted that State officers were committing a federal offense when they wiretapped and divulged the evidence in court. But *Schwartz v. Texas* has not yet been overruled.[26] Although the *Schwartz* case appeared to be influenced in part by *Wolf v. Colorado*, it would not seem that the *Mapp* decision will be of effect here, since wiretapping involves statutory, not constitutional, interpretation.[27]

Legislation is now being considered by Congress which will place some restrictions on State wiretapping but allow it under a regulated procedure. The procedure would be analogous to the warrant procedure in connection with search and seizure. The Subcommittee on Constitutional Rights, of the Senate Committee on the Judiciary, chaired by Sen. Sam J. Ervin, Jr., of North Carolina, has approved a bill which requires a warrant for wiretapping which is to be issued by a judicial officer and which is to be of limited duration. The wiretap warrant may be issued only for investigating certain specified crimes: narcotics, gambling, bootlegging, prostitution, and those crimes punishable by five or more years in jail.[28]

Reaction to proposed legislation has been mixed. Some feel that the proposed strictures are incomplete; some feel that no wiretapping at all should be allowed. Atty. Gen. T. W. Bruton of North Carolina—while expressing the opinion that wiretap evidence would be competent in North Carolina Courts—told the Subcommittee that he was opposed to the proposed legislation because he felt that "the State should regulate its own law-enforcement officers and should be free to permit the interception of communications on the part of law-enforcement officers without order of court."[29]

Other Electronic Eavesdropping

While wiretapping as such does not raise constitutional questions, some forms of electronic eavesdropping do raise these problems. In the recent case

(Continued on back cover)

19 All North Carolina cases to date involving the alcoholic blood test have been situations where the defendant has consented to the test. See two cases decided this term: *State v. Hart*, 256 N.C. 645 (1962); *State v. Dixon*, 256 N.C. 698 (1962).

20 *People v. Duroneelay*, 48 Cal. 2d 766, 312 P. 2d 690 (1957); *State v. Kroening*, 274 Wis. 266, 79 N.W. 2d 810 (1956), modified, 274 Wis. 266, 80 N.W. 2d 816 (1957).

21 The *Kroening* case, supra, held that blood tests do not raise questions of self-incrimination and this will almost certainly be the North Carolina result. See *State v. Paschal*, 253 N.C. 795 (1961), a blood test case, where the Court repeats the rule that the privilege against self-incrimination applies only to testimonial utterances. This definition takes most of the scientific evidence procedures out of the self-incrimination category. See for example, a case decided this term, *State v. Gaskill*, 256 N.C. 652 (1962) where the Court held that there is no self-incrimination privilege when defendant's clothes are taken to be tested for blood stains.

22 See 23 A.L. R. 2d 1306 and 1960, 1962 Supplements; *State v. Foye*, 254 N.C. 704 (1961). One possible exception is where the parties stipulate to accept the results. *People v. Houser*, 85 Cal. App. 2d 686, 193 P 2d 937 (1948). But see, *State v. Trimble*, (N.M. 1961), 362 P. 2d 788.

23 Judgment of the First Criminal Senate, German Supreme Court, 5 B.G.H. St. 332, No. 78 (February 16, 1954).

24 Silving, Testing of the Unconscious in Criminal Cases, 69 Harv. L. Rev. 683 (1956).

25 *Schwartz v. Texas*, 344 U.S. 199 (1952).

26 See *Pugach v. Dollinger*, 365 U.S. 548 (1961).

27 District Attorney Hogan of New York City has laid down the policy for his office that wiretap evidence will not be used in trial since it is illegal. *New York Times*, March 5, 1962, 23:1.

28 *New York Times*, Dec. 14, 1961, 42:2:6. See also, Hearings on Wiretapping and Eavesdropping Legislation Before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, 87 Cong., 1st Sess. (1961).

29 Hearings, supra, at page 18.

COUNTY COMMISSIONERS, ACCOUNTANTS, ASSESSING OFFICERS HOLD ANNUAL MEETING

County Attorneys Organize . . . Officers Elected

Something new was added at the 55th annual convention of the North Carolina Association of County Commissioners, North Carolina Association of County Accountants, and the Association of Assessing Officers of North Carolina, held at Morehead City in mid-June. The county attorneys, who have been meeting with the others through the years, formed their own organization at a breakfast meeting. Ben Neville of Nash County presided at the organizational meeting. Neville, currently the Nash County attorney, soon will take over as his county's Clerk of Superior Court. The new County Attorneys organization elected to honorary membership North Carolina Attorney General T. Wade Bruton and members of the Institute of Government staff who are attorneys.

The new officers of the organizations are as follows:

County Commissioners Association—president, Henry Milgrom, Nash County; 1st vice president, Harry P. Mitchell, Buncombe County; 2nd vice president, James R. Braswell, Union County.

County Accountants Association—president, Emily Whitten, Vance County; 1st vice president Wayne Simpson, Rowan County; 2nd vice president, Sam Gattis, Orange County; secretary-treasurer, Mary Covington, Richmond County.

County Attorneys Association—president, Forest Campbell, Guilford County; 1st vice president, Fred Parker, Wayne County; 2nd vice president, Luther Barnhardt, Carbarrus County; secretary-treasurer, J. Alex McMahon.

The outstanding county official of the year, as chosen at the convention, was Jennings A. Bryson of Jackson County.

Wallace Murchison, of Wilmington, vice chairman of the Court Study Commission of the North Carolina Bar Association spoke on "The Future in the Courts," explained and endorsed the Court Reform Amendment, noting that its passage depended in large measure upon the support of the County Commissioners and other local officials. W. Dallas Herring, chairman of the State Board of Education, gave the assembled officials insights into "The Future in Public Education." Interesting addresses also were made by Howard E. Manning, chairman of the State Board of Welfare on the "Future of Public Welfare"; and George H. Esser, Jr., assistant director of the Institute of Government, on "The Future of County Government." The keynote address was made by Mrs. Davetta L. Steed, executive director of the North Carolina League of Municipalities, who spoke on "The Importance of City-County Co-operation." Other addresses were by Phil W. Ellis, executive director, NCTSC, on "The North Carolina Traffic Safety Council"; Carson Bain, 3rd vice president, NACO, on "A Report on Activities of the National Association of County Officials"; J. Harry Weatherly, Guilford County manager, on "Guilford County's School Building Consultant"; Samuel H. Helton, Montgomery County superintendent of schools, on "Selecting the Architect"; Dr. J. [illegible], director, Division of School [illegible], State Department of [illegible], "Where the Major Solutions Are Found."

The legislative committee of the Association of County Accountants recommended three proposals for presentation to the 1963 session of the General Assembly for their consideration to be enacted into law. These proposals were: 1) To amend the present law extending the state sales tax to insure the refund of sales tax paid by boards of education and other county and municipal agencies retroactive to [illegible], 1962; 2) To amend the law to [illegible]s be authorized "to comfort to dependent children, aid [illegible]manently and totally disabled, assistance, and aid to [illegible] into one fund, thus permit tax levy fund for these [illegible]d 3) To amend the law to [illegible]mit for expenditure of [illegible]s without informal bids [illegible] $500," and to allow the [illegible] any apparatus, supplies, [illegible] equipment without in[illegible] at the state contract price. [illegible] resolutions approved by [illegible] commissioners were pro[illegible]cting to education, public [illegible] civil defense. The com[illegible] recommended creation of a [illegible]fare advisory committee com[illegible] county commissioners and [illegible]lfare board members to ad-

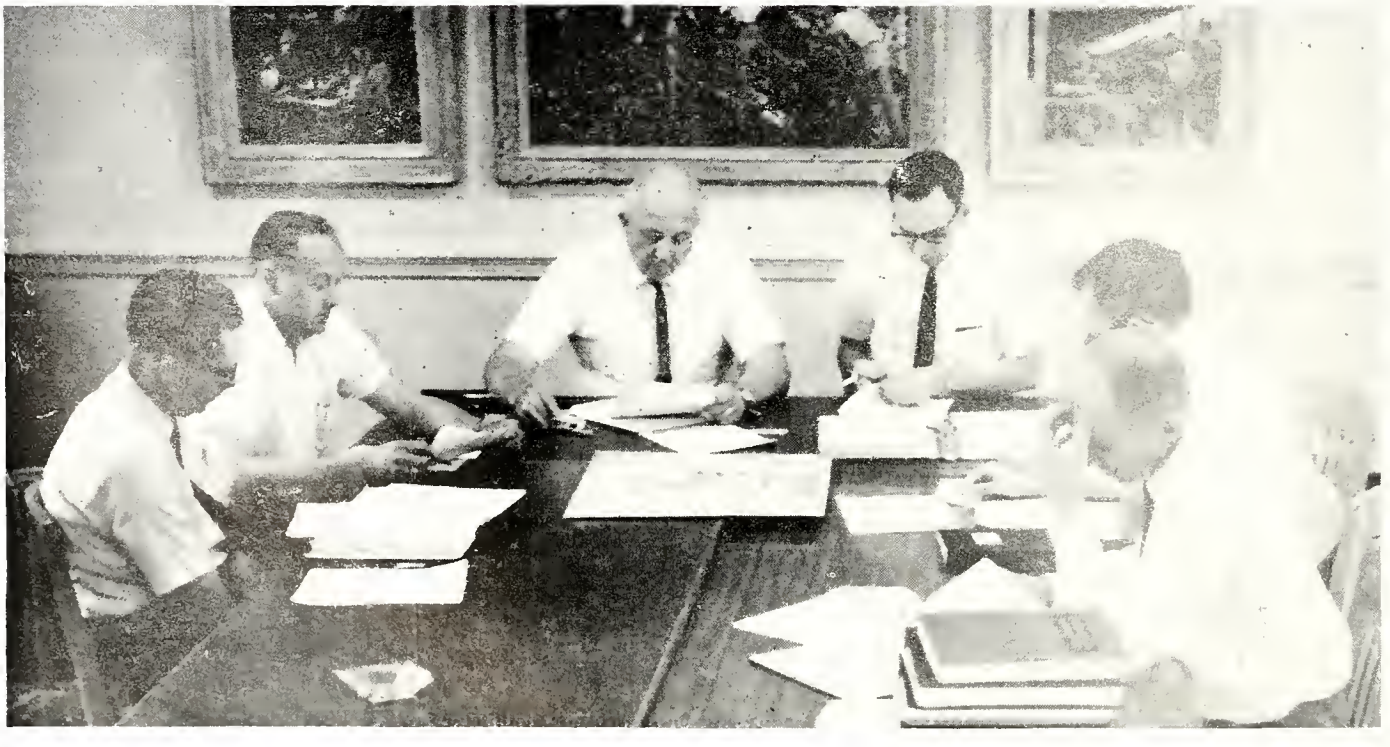
(Continued on page 19)

[illegible] Jordan, Jr. (left), past presi[illegible] the North Carolina Association [illegible] commissioners, congratu[illegible]gs A. Bryson, chairman of [illegible] County commissioners, on [illegible] as the outstanding county [illegible] year.

INSTITUTE SCHOOLS, MEETINGS AND CONFERENCES . . .

Police Major Harold W. Wooters and Assistant Director of Public Works James W. Kluttz, both of Greensboro, check in at the Institute of Government for the Municipal Administration course. Mrs. Sylvia Chesson is the Institute secretary shown here. Kluttz won the George C. Franklin award as the class member who did the most distinguished work.

One segment of the Municipal Administration class works on a "group problem." The class was divided into groups to consider and try to work out solutions for problems in the areas of municipal finance, supervision, planning, and personnel. Critiques of this group work were given by Institute of Government Assistant Directors George Esser, Don Hayman, Phil Green, Jake Wicker, Bob Stipe, and Bob Byrd in final sessions of the course in May.



MUNICIPAL ADMINISTRATION COURSE GIVES INTENSIVE TRAINING

The eighth annual course in Municipal Administration, conducted by the Institute of Government, brought intensive training in the fundamentals of municipal government on a practical level to forty city officials. The course required these officials to drive from their home towns to the Knapp Building in Chapel Hill on an average of twice a month for several days from October to May. That their attendance was faithful and their work substantial attests in some measure to what they gave to the course and the course to them. A student's appraisal appears on this page.

For the Institute of Government Assistant Director Jake Wicker was in charge. Other Institute Assistant Directors who played major roles in the instruction were Assistant Directors Henry Lewis, George Esser, Phil Green, Don Hayman, Bob Byrd and Bob Stipe. These instructors, supplemented from time to time by experienced city managers and others especially qualified in particular phases of the work, gave the city managers, department heads and other city officials registered in the course some 140 hours of instruction plus special problem seminars. The Institute supplied instructional materials and special texts, as well as classrooms, library, and special services. Wicker taught Purchasing and Contracting; Hayman, Personnel; Esser, Supervision; Green and Stipe, Planning and Zoning, and Byrd, Finance.

James W. Kluttz, Assistant Director of Public Works for Greensboro, was awarded the George C. Franklin Award for "the most distinguished record" among those taking the course. Previous winners by years had been William W. Adkins, Director of Utilities, Burlington, and Herman E. Dickerson, City Manager, Statesville (co-winners 1956); Robert H. Peck, then City Manager, Sanford (1957); William H. Batchelor, Assistant City Engineer, Rocky Mount (1958); Joe H. Berrier, Street Superintendent, Winston-Salem (1959); John A. Andrew, Chief Engineer, Durham (1960), and Jesse James, Police Chief Charlotte (1961).

The members of the Eighth Municipal Administration Course Graduating Class are as follows: Arnold E. Aiken, City Engineer, High Point; Ernest H. Ball, General Counsel, N. C. League of Municipalities; Bradley Barker, Purchasing Agent, Durham; James M. Bentley, Jr., Town Clerk, North Wilkesboro; Walter Black, Assistant Fire Chief, Charlotte; William D. Blake, Police Chief, Chapel Hill; Fred L. Boyd, Police Chief, Kinston; Thomas E. Briley, Assistant City Engineer, Kinston; James A. Bridger, Jr., Chief Inspector, Raleigh; C. Paul Brubaker, Jr., Assistant Finance Director, Winston-Salem; Thomas K. Bruce, Adm. Assistant, Water Resources, Durham; Fred Bryant, Planner, Charlotte; Richard D. Campbell, Assistant Director Public Works, High Point; Rufus G. Coulter, Planner, Durham; Ernest G. Davis, Adm. Assistant, Engineering, Charlotte; Felix G. Doggett, Director Public Works, Mt. Airy; James M. Foxworth, Recreation Supervisor, Greensboro; William B. Gardner, Town Clerk, Edenton; James P. Keel, Accountant, Martin County; James W. Kluttz, Assistant Director, Public Works, Greensboro; Alvin K. Kornegay, Jr., Town Clerk, Pine Level; Maury F. Loftis, Police Chief, Reidsville; Alfred E. Marlowe, Town Clerk, Scotland Neck; Mildred P. McDonald, Town Clerk-Assistant Manager, Southern Pines; John H. Monsees, Fire Chief, Reidsville; Walter L. Morgan, Town Engineer, Tarboro; William E. Moss, Purchasing Agent, Mecklenburg County; Vernon C. Peebles, Chief Engineer, Raleigh; Mamie F. Pittman, Town Clerk, Macclesfield; Francis F. Rainey, Manager, Southern Pines; John A. Senter, Mayor, Lillington; Ralph L. Shepard, Accountant, Winston-Salem; David R. Taylor, Administrative Assistant, Raleigh; R. B. Todd, Town Clerk, Carrboro; Jack H. Webb, Accountant, Rockingham; Evelyn C. Whitaker, Town Clerk, Garner; J. Kyle Williams, Office Manager, Thomasville; Howard L. Wooters, Police Major, Greensboro; C. W. York, Assistant Treasurer, Charlotte. The Institute of Government Librarian, Mrs. Olga Palotai, also participated in the school.

A STUDENT'S VIEW OF MUNICIPAL ADMINISTRATION COURSE

by Evelyn Whitaker

In October, 1961, some 40 officials of municipalities in North Carolina received notification about their acceptance as members of the Institute of Government's Municipal Administration Course.

That same month, these 40 persons gathered at the Institute to commence their study in this highly geared course based on managament problems in towns. Representatives came from communities all over the state—ranging from Macclesfield with a population of 473 to Charlotte, the largest city in the state.

As a member of this class, I have been asked to give my impression of the course.

I think the course should be a requisite of all supervisors or superintendents of municipalities. Even though the employee might be an engineer, for instance, he should be familiar with all phases and problems of town government, and through the course, he has an opportunity to learn how the other departments which make up the town government operate—how they are required to operate by state law—and how, they, too, have problems which affect the whole structure of the town.

In the course we have found that many of the problems faced by smaller towns are the same ones found in large cities, although they may have been multiplied in larger communities. Each has the problem of satisfying the taxpayer within the bounds of the town's financial structure without placing an undue burden of debt upon its citizens.

Another problem emphasized by the sessions is that we hold our jobs only through the public. We not only face the people in everyday life at the town hall in the collection of water, electric or tax bills and handling complaints about their garbage, drainage or weeds on vacant lots, but also in our positions with other town employees. In order to achieve a harmonious situation we must always bear in mind that the public and our fellow employees are human, with feelings and ideas, and are entitled to be treated with the greatest amount of courtesy at all times.

As to the Institute of Government and its expert staff of instructors, I would like to express my deepest appreciation for their patience and understanding and knowledge in giving us this insight into better town government. I hope I can use it better in my work.

This shot shows an Institute of Government school for Wildlife Resources Commission personnel in full swing. Neal Forney, Dexter Watts, and Perry Powell have been key Institute of Government instructors and in charge of training in this area.

A panel speaker for the Institute's unusual Seminar on Urban Design draws a question from the audience of officials. Seated back to camera (lower right) is Assistant Director Bob Stipe, who planned and was in charge of the occasion for the Institute of Government.

Here is a characteristic moment when city managers get together at the Knapp Building. The occasion was a City Management Seminar conducted by the Institute of Government this year.

For the past sixteen years Assistant Director Henry W. Lewis has been in charge of Institute of Government schools for tax officials. This picture shows the School of New Tax Collectors held in Chapel Hill in May.

Dillard Gardner, marshall of the North Carolina Supreme Court, makes a point to a group of Boy's Staters. Gardner, once an Institute of Government staff member, was one of a number of State officials to speak to the 1962 Boy's State.

BOY'S STATE...

Four hundred and four boys attended the 22nd annual American Legion Boys' State held during the week of June 17-24, 1962, at the Institute of Government at Chapel Hill.

This is the first time that attendance figures have climbed above the four-hundred mark. In 1961 the number was 384, and in 1960 just 333. The occasion has grown from modest beginnings in 1939 when 139 boys came to Chapel Hill for the first Boys' State.

The idea of Boys' State in North Carolina was approved by the North Carolina Department of the American Legion in 1937, and with the co-operation of the Institute of Government under Director Albert Coates, the first Boy's State was held at the Institute in 1939. Boys' State has been held every year since, except in 1945 when it was suspended due to wartime travel restrictions. During the 23 years since 1939, more than 5,000 boys from almost every city and county in North Carolina have attended Boys' State, returning to their communities with increased understanding of their government and with increased ability to participate intelligently in government.

The program of instruction which the Institute of Government has devised is designed to teach the boys the workings of government with emphasis on local and state levels.

The curriculum stresses practical application, concurrently with lectures, to give a fourth-dimensional understanding of "government in action." For example, the boys receive lectures on the legislative, judicial, and executive branches of city, county, state, and federal government. They then elect their own city, county, and state officials, following the correct legal procedures in all ways except the age limits prescribed by law. The government of these units is completely in the hands of the boys themselves.

The full slate of State officials elected by the boys includes Governor, Lieutenant Governor, Secretary of State, Superintendent of Public Instruction, Commissioner of Agriculture, seven Supreme Court Justices, Attorney General, Commissioner of Labor, Commissioner of Insurance, and Auditor.

The boys also apply their understanding of government by convening their own General Assembly and conducting a joint session of the Senate and the House of Representatives. Bills are introduced and passed or killed exactly as they are handled by the counterpart official bodies in the State Capitol at Raleigh.

The emphasis on practical application whereby the boys actually put into action what they have learned provides a well-rounded perspective on the scope of government.

The over-all program of instruction runs the gauntlet of government—from the "legislative branch of city government" through "state law enforcement" to "elections and election law."

During the week, keen oratorical competition is held, and through elimination an oratorical winner is announced. These addresses are in keeping with the purposes of Boys' State. Through the years they have been characterized by perceptive, intelligent, and even profound subject matter, bespeaking the very high quality of boys who are selected to attend boys Boys' State.

The entire atmosphere in which the boys work is conducive to their understanding of "government in action." The lecturers are experts in their respective fields. Many of the speakers hold the government offices about which lectures revolve; others are professors from the University of North Carolina, or staff members of the Institute of Government who teach or specialize in pertinent fields of government. The counselors selected are exclusively students at the U.N.C. School of Law or graduates of that institution.

Boys' State has its own newspaper, *The Boys' Statesman*, written by the delegates and distributed daily during the one-week session.

Physical as well as mental endeavor takes up the boys' time during the week. They participate each afternoon in athletics ranging from basketball and softball to swimming and tennis.

Housing is in the University dormitories, which also comprise the Boys' State "cities" which the boys govern. The "counties" are composed of several of these "cities." Superimposed upon this governmental structure the boys' political parties—the Nationalist and the Federalist.

Entertainment is often provided by the boys who form small musical combos of singing groups.

Above are two of the five newly-elected officers of the North Carolina Association of Registers of Deeds. Serving as president for 1962-63 is Thad Cranford (right), Montgomery County Register of Deeds and as 2nd vice-president Alex Wood (left), Franklin County Register of Deeds. Two of the other new officers, 1st vice-president Duke Paris of Alamance County, and secretary Allan Markham of the Institute of Government appear in the picture above right. Not shown is treasurer Odell Schuler of Swain County.

The Tenth Annual Meeting of the North Carolina Association of Registers of Deeds in June brought the Governor, new officers of the Association, and Institute of Government representatives together in this photo. Seated, left to right, are Duke Paris, Alamance, first vice-president; Mrs. Christine W. Williams, Duplin, outgoing president; Mrs. Eula B. Whitley, Wayne, outgoing second vice-president; and Allan Markham, assistant director of the Institute of Government who serves as secretary for the Registers of Deeds Association. Standing are Marshall Watterson, Henderson, convention host; Governor Sanford, the banquet speaker; Thad Cranford, Montgomery, incoming president; and Albert Coates, Director of the Institute of Government, who was honored by the county officials.

REGISTERS OF DEEDS CONVENTION

The North Carolina Association of Registers of Deeds held its tenth annual convention and observed its tenth anniversary at the Skyland Hotel in Hendersonville the 10th, 11th and 12th of June. The convention was presided over by Christine Williams, Register of Deeds, Duplin County, and Marshall Watterson, Register of Deeds, Henderson County, was host register. The theme of the convention was the honoring of past presidents of the Association and those outside the Association who had assisted it since its formation. The past presidents honored were Eunice Ayers, Register of Deeds, Forsyth County; Lemuel Johnson, Register of Deeds, Chatham County; Margaret Moore, Register of Deeds, Caldwell County; Tazewell Eure, Register of Deeds, Gates County; Rubye Rhyne, Register of Deeds, Gaston County; William Massey, Register of Deeds, Johnston County; Betty June Hayes, Register of Deeds, Orange County, and Douglas Kinlaw, Register of Deeds, Robeson County. Albert Coates, Director, Institute of Government; Allan Markham, Assistant Director, and Robert Montgomery and W. C. Bumgarner, formerly of the staff of the Institute of Government were also recognized. All who were so honored received gold plaques commemorating their efforts on behalf of the Association.

Governor Sanford was the speaker at the banquet Sunday night. He noted the important role in state government played by all county officials and commented upon the need for a uniform system of courts to augment state and county government. Coates also spoke briefly, thanking the Association for its recognition of the work of the Institute of Government.

The instructional session, conducted Monday morning by Allan Markham, was devoted to the consideration of proposed legislation for the 1963 General Assembly and a panel discussion by the North Carolina Department of Archives and History's Subcommittee on Current Recording Methods on the use of microfilm in recording property records. The subcommittee is composed of Adm. A. M. Patterson, Department of Archives and History; Christine Williams, Register of Deeds, Duplin County and President of the Association; Eula Whitley, Register of Deeds, Wayne County and second vice president of the Association; William Massey, Register of Deeds, Johnston County, and Allan Markham. J. B. Carpenter, Register of Deeds, Guilford County, also participated in the panel discussion.

At its business meeting Tuesday morning the Association elected officers for the 1962-63 year. Thad Cranford, Register of Deeds, Montgomery County, was elected president; Duke Paris, Register of Deeds, Alamance County, was elected first vice president; Alex Wood, Register of Deeds, Franklin County, second vice president; Odell Shuler, Register of Deeds, Swain County, treasurer, and Allan Markham for the Institute of Government, secretary.

The 1963 convention will be held in Morehead City, and in 1964 the site will be Winston-Salem.

Past presidents of the Register of Deeds Association honored at the 1962 Convention were (seated, left to right) Eunice Ayers, Forsyth (1952-54); Betty June Hayes, Orange (1959-60); Ruby Rhyne, Gaston (1957-60); and (standing, left to right) D. G. Kinlaw, Robeson (1960-61); W. G. Massey, Johnston (1958-59); Tazewell Eure, Gates (1956-57); and Lemuel Johnson, Chatham (1954-55).

GOALS FOR COMMUNITY IMPROVEMENT

Greensboro's Neighborhood Improvement Program

Throughout the country, year after year, literally thousands of civic-minded club women turn their hands in one way or another to what many people consider to be the somewhat nebulous task of "community improvement". Scores of garden clubs, PTA's, church and other similar groups—in both large and small towns—become involved in these projects. Many of the tasks these groups set out for themselves are aimed at cleaning up or otherwise enriching the visual appearance of the community or some part of it—undertaking necessary and important tasks more often thought of as a "private" rather than a "public" responsibility.

For several years a positive incentive to this and other similar kinds of civic service has been provided by the Sears-Roebuck Foundation, through a series of Neighborhood Improvement Contests in which participating clubs or groups whose projects are judged to be of outstanding significance to the community are awarded cash prizes provided by the Foundation. Greensboro, along with other selected communities throughout the southeast, has participated in this contest for two years, with the local sponsorship of the Greensboro Council of Garden Clubs, the Greensboro Chamber of Commerce, and the city government. The awards luncheon for the 1962 Neighborhood Improvement Contest was held in Greensboro on May 30th. Featured speaker for the occasion was Robert E. Stipe, Assistant Director of the Institute of Government, whose remarks appear below.

Somehow I always find it altogether very easy to accept a flattering invitation to speak at an occasion such as today's. But, having accepted, I invariably find it very difficult to come up with specific and appropriate remarks on such a broad subject as "neighborhood and community improvement".

However, fully appreciating the significance of an event like this one both to you and your community, I have given considerable thought to what I want to say. While these thoughts are not yet as specific as I would have liked them to be, what I want to convey can be boiled down, essentially, to three major points:

(1) All of our communities share some very common and typical problems as they move rapidly into an increasingly unpredictable future.

(2) Lasting "improvement" within these communities always involve a very delicate and difficult balance of effort among both public *and* private groups of people.

(3) The term "community improvement" implies some definite rules-of-the-game, without the observance of which much of the improvement efforts will be totally wasted.

Cities are Changing

Our local communities and neighborhoods are changing, as the course of historical development admits broad changes in the places and the ways in which we live. Many of these changes are the direct result of a matrix of economic, political, social, and technological changes, over which we—"we" meaning organized society, or government—have little control. For instance, the number of people living on farms in North Carolina has dropped markedly in a short span of 60 years: from nine out of ten in 1900, to somewhere around three out of ten in 1960, partly as the result of a shift to mechanized farming and resulting increases in per-acre productivity, and partly from other causes less directly related to farming itself.

Even as people in the mass shift from the farms to the city in North Carolina and elsewhere, the physical characteristics of our cities themselves also change. And the development patterns and the development problems, shift as well. For example, our North Carolina cities have developed dur-

by Robert E. Stipe, Assistant Director, Institute of Government

ing a period which saw major shifts in the prevailing mode of transportation. In the early days, people walked, most, and our early towns developed in a rather "tight" or compact pattern in which the distance between home and work (or shopping) could be covered in a reasonable time on foot. With the advent of the horse car or trolley car, however, town development began to spread out along the major streets leading to and from town in a relatively predictable fashion. But now, when we rely heavily on yet a *new* form of transportation, the car or the truck, urban development is like as not to take place anywhere where land is available, and in areas which can be reached within a reasonable driving time.

Similarly, as we have shifted away from water as a source of power for manufacturing (which power demanded a stream-side industrial location), through an era of steam power and more recently to wide-flung systems of cheap electrical power, the location of new industrial plants has also shifted away from central cities—this tendency again being re-inforced by the mobility of workers in their private cars, and the accessibility of the new plant to the truck delivery of raw materials and finished products.

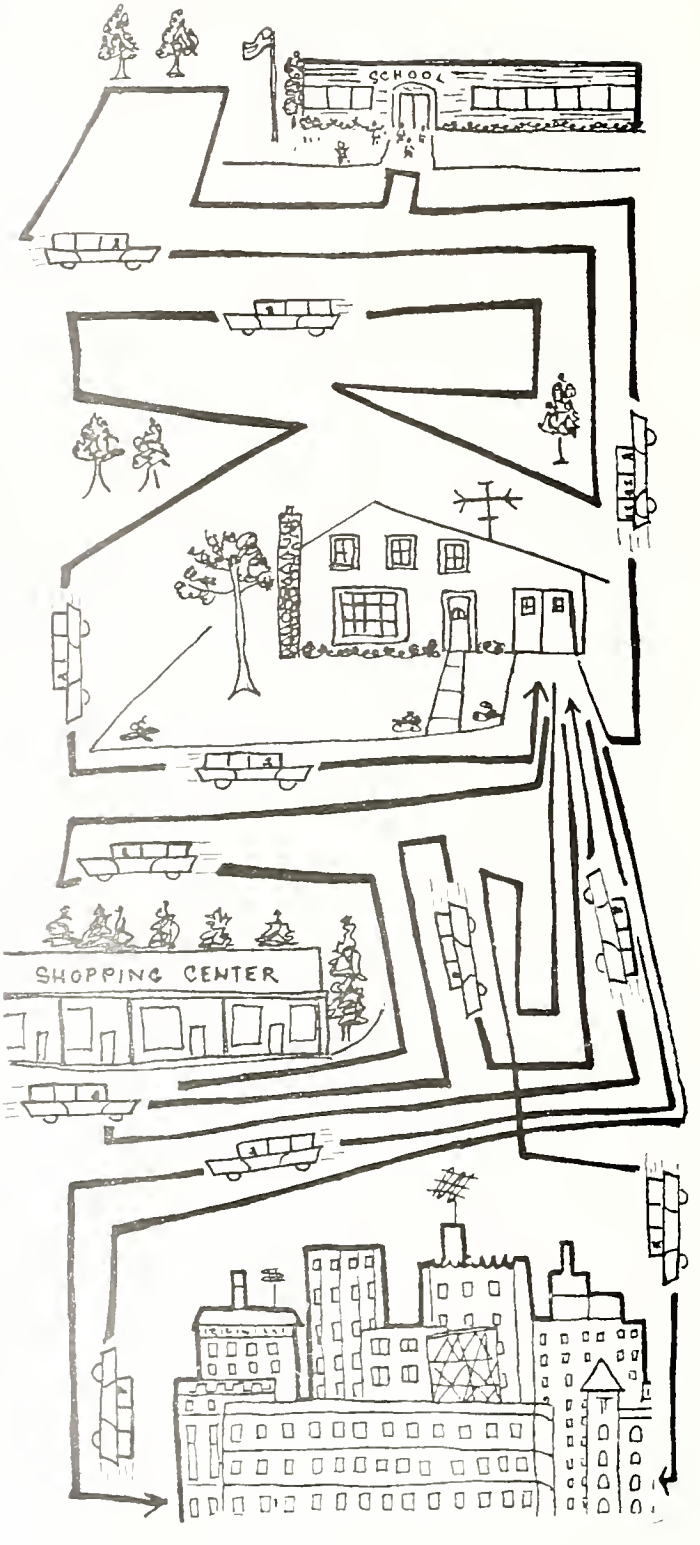
Again, in the early days when we couldn't move so fast or so far, we tended to build our homes compactly, either on what now seem like incredibly small individual lots or in "row" houses, utilizing common walls and very little ground space. Much of this kind of housing can still be seen in such older cities as Philadelphia, Boston, Baltimore and Charleston. But today all that is changed, too. In shifting from an agricultural to an industrial economy, with larger payrolls made possible through mass production methods, paid to more workers, we have tended to increase the lower levels of income. Conversely, large accumulations of wealth and top incomes in the hands of a few people have been reduced markedly since the New Deal through progressive income, estate, and inheritance taxation. The net result of both these trends has been the emergence of a vastly larger middle class, most of which—with the help of F.H.A. or V.A. "easy credit" policies—can easily afford 10 to 20 thousand dollar suburban homes. These homes in turn engender even more outlying shopping centers to compete with our central business districts, and even more non-central industrial development to be served with expensive tax-provided roads, water, and sewer lines.

Historically, downtown has taken a somewhat opposite tack. The introduction of steel frame construction, the invention of the elevator, and the shift to more and more privately-owned vehicles have made it possible to jam more and more people into our business districts—resulting directly in the congestion, circulation, parking, and other problems with which you are all so familiar.

Typical Growth Problems

These are but a few of the historical development patterns which have taken place all over the country, but the problems they have left in their wake are common: an increasingly high cost of providing municipal services and facilities to more homes, business and industry spread over a rapidly-increasing geographical area; traffic congestion and parking problems in our central cities—traffic problems which extend too often the length of major radial streets that have been inappropriately or over-optimistically zoned for business. Also included in a listing of common problems would be the large number of shoddy, unsafe homes built in outlying areas just beyond the jurisdiction of the city to regulate; new subdivisions marked from the beginning as "blighted" as the result of poor initial design and layout; or new subdivisions which are rapidly becoming health hazards as the overload of effluent from septic tanks mingles with well water supplies. The list would include a lack of sufficient park or play space in new subdivisions; and blighted or slum areas next to our CBDs as once-good residential areas struggle to maintain themselves against the intrusion of expanding commercial and industrial properties nearby. And with all of this goes, of course, the commonly-acknowledged fault of a very poor overall community appearance.

To this catalogue of typical development problems faced by our city governments, one must also add "the problem of the increasingly uncertain future." A myriad of technological changes are, again, just around the corner, to say nothing of a complex of social and economic changes which must also be anticipated. What, for instance, must the planner



make of possibilities like these: a practical, economical "flying telephone booth," for every citizen, which will *really* create some traffic problems; a battery-sized atomic home power plant, good for a long period, to free us from the problem of utility line locations; a "closed-circuit" home sewage disposal plant, to free residential areas from locations that can be served by major sewer outfalls; and the expanded use of educational television, which will perhaps create new types of school location problems. To the planner, only one thing is certain: and that is that future development patterns and problems will become increasingly *uncertain*.

These are the problems and uncertainties faced by the city planner, the city manager, the council, the department heads, the civic groups, and the taxpayer.

What is "Community Improvement"?

How do these fit in, and what have they to do, with "community improvement"—my assigned topic?

To me "community improvement" is the betterment of the order, the efficiency, and the amenity or livability of neighborhoods—in short, the solutions to all of the problems I have listed and to many others I have not listed. I see neighborhood and community improvement as an absorbing, difficult and delicately balanced task.

First, the resolution of any problem demands an understanding of the whole problem—and generally, I think, we see only a fragment of the community improvement problem. In our daily lives, for instance, the wife travels to and from the home to the school, and to the shopping center or downtown, and home again. The husband drives to work and home again. Our daily routine is such that we really observe only a small fraction of the total problem posed by the term "community improvement." Also, the force of habit or conditioning is such that often we pass our problems by without even recognizing them as such. In other words, we "get used to" slums, congestion, billboards, and other problems in such a way that we don't really see them to begin with.

The second reason why I see community improvement as a difficult proposition is that improvement—rather than mere growth or change as such—demands *continuity* of effort and *coordination* of effort—and both of these are hard to come by effectively. For one, I think the interest that many of us have in our neighborhoods is temporary. Our population is a mobile, transient one for the most part. As Dennis Daye of the Greensboro Planning Department pointed out in testifying before a House committee last month on another matter, "1960 census data reveals that in Guilford County as a whole, less than 47% of the residents were living in the same house as they did five years previously"; and that "in Greensboro, less than 43% were living in the same house they occupied five years previously." We simply do not have the long-term permanence of interest in our communities we once had. Our homes are not built with the thought that "someday all this will belong to our children," nor are they built one-by-one to include the lasting values that a continuing family relationship inspires. Our homes are not a "piece of the family," but a marketable commodity, built usually by a developer, which the family will occupy until the next job, the next move, beckons. I doubt seriously that most of us even consider seriously that our children will remain in the same city very long, much less in the same house.

Keys to Community Improvement

Faced with a mobile and transient (and sometimes, I think, intransigent) population, which has only a temporary or speculative interest in community development, it becomes obvious to me that the *organization* becomes the key to long-term neighborhood and community improvement. And of these, the key organizations are two.

First, there is the municipal or public corporation, whose permanence as a going concern is unquestioned. Some of them have lasted for several thousand years, and there is no reason to think that the municipal corporation of Greensboro—the city government—won't be here doing business in the year 4,000 A.D. The municipal organization was created to serve the needs that all urban dwellers have: for protection against the common hazards of fire; for protection against violence; for the adjudication of disputes; for the better education of our children; and so on. Often it sells products, like water, which are bought and paid for just like any other commodity. But primarily cities serve the common purposes of health, sanitation, protection, etc., or what are thought to be the *basic* needs, the fundamentals.

The second key organization is the *private* corporation, which can be more restricted or specialized in its membership and its purposes. The civically-inclined private organization—such as the garden club, the PTA, the Chamber of Commerce, the Rotary Club and all the others—whose corporate existence can also surpass the coming in and going out of impermanent members, also stands in a key position to effect lasting community improvement. In other words, the public and the private organization—both together—become the agents of continuity by which improvement can take place.

But there is another distinction between the two organizations—public and private—that needs to be made. And that is, that at any point in time the private concept of what is "basic" has tended to be ahead of the public concept. Another way of saying it is that the municipal corporation provides the cake, but the civic group supplies the frosting. There are many examples of this: planning, for instance, was privately promoted and financed by civic clubs long before it became a central and basic function of a local city government. Fire protection in early Philadelphia and other cities was supplied by the private corporation, again much before it was provided by the city itself. Private water companies were once the order of the day, as were libraries, hospitals, and even roads. In other words, many of the municipal services we now think of as "basic" to urban living once had to be supplied by the private civic clubs and organizations.

To come closer to the specific interests of many of you, which I suspect relates to an improved community appearance, I think it can fairly be said that most city governments are still busily engaged in solving the "basic" problems involving better engineering, public health, public safety, and pursuing the primary objectives of efficiency and economy. To be sure, the law permits a city to force the cutting of weeds on a vacant lot, or to condemn a dilapidated structure—but the rationale is not beauty. It is the menace to public health posed by the rats in the vacant lot, or the hazard to human occupancy in the sagging, unsafe house. Improved appearance or beauty is tolerated as a secondary

objective, if the first is met, but it does not yet receive, as a public goal, the money or the man-hours of attention that we give to the "basic" problems of water supply, traffic engineering, and other such immediate problems.

I think there is no doubt, however, that as we become more used to living in cities and more sophisticated about what we expect from our cities, and as our so-called "basic" needs are satisfied, that new demands will emerge: among them demands for the public provision of livability, beauty, amenity, or whatever you want to call it. Our concept of what constitutes a healthy environment is *already* rapidly broadening, I think, to include visual satisfactions as well as good health, efficiency, and good engineering.

It is especially pleasing to me to be able to draw this distinction between the usual interests of the municipal corporation and the civic club here in Greensboro, where a somewhat higher-than-usual conception of what is "basic" prevails. The evidence of this lies in the fact that Greensboro and Los Angeles are the *only* two cities, to my knowledge, where beauty as an objective has been placed on the public payroll. In April, at the 5th Annual North Carolina Planning Conference, planning officials from all over the state had the privilege of seeing and hearing of the work of Greensboro's City Beautiful Coordinator, Mary Alice Brugh. Her before-and-after slides showing what has been accomplished here already are eloquent testimony not only to what you have done, but also an indication of what could well be repeated, in my judgment, in all of our cities. The very choice of her title, "Coordinator" bespeaks the thoughtfulness behind the creation of her job—for it is really the *coordinated* public and private programs in this area that are going to bear the most fruit.

Where Should the Effort be?

I have spoken earlier about "points in time." What *are* the points in time when the coordinated efforts of the city and its citizen groups can most effectively be brought to bear on community improvement?

I think there are three such points, all growing out of what is often described as the "organic nature" of a city—the theory that in any urban area there are always new areas being developed, others that are growing to maturity, and still other areas are falling into decay and dying out. Community improvement efforts, public and private, can be most effectively applied according to the age of a given area.

First, the effort can be applied at the time a new area is laid out and new growth takes place. The demands upon the effort here are (a) a healthy respect for the assets of the area itself—blending design to topography, preserving the trees, and so on; and (b) an open mind with respect to the choice of design. The gridiron street pattern is probably *passé* with most land planners. Yet last month I revisited the gridiron neighborhood in which I grew up and found it well maintained and still a vital and respected part of the community—at least as adequate if not more so than some of the newer, elegantly-engineered curvilinear F.H.A. subdivisions. But even more is required here. The same open mind would also encompass a tolerance for design approaches not yet even tested: staggered building lines, grouping of relatively small houses around neighborhood parks, angular placement of houses on the lots, varied street widths with sufficient room for parking at key intervals, and so on. What I have seen so far convinces me that we have not yet learned all we need to know about the design of new areas.

Also in these new areas, community improvement implies vigilance—watchfulness to see that only the best possible accretions are permitted to be made to the periphery of our communities. It also implies an awareness that the developer's interest is usually temporary and the buyer's somewhat impermanent, and that the municipality's interest is the only truly permanent one involved. This sense of awareness will also tell us that the best way to "fight blight" is to prevent it in the first place by insisting that new areas be well laid out and adequately provided with needed community facilities.

The second point in time when systematic community improvement efforts can pay lasting dividends is during the maturation stage, perhaps 10 to 20 years following the time of subdivision, when the newness has worn off and more than normal maintenance is required. Activities suitable in areas which have reached this stage might include the planting or re-planting of trees, according to a fixed and well-advertised city program and policy, as these die out or are sacrificed to the needs of higher volumes of traffic; the maintenance of reasonable densities in the neighborhood through the prevention of unwarranted conversions and a resulting "doubling-up" of the population in the area; and the prevention—largely through "planned zoning"—of intruding incompatible land uses in the area. It takes but one inappropriately located used car lot, store, filling station, or funeral home to hasten the process of decay in our older neighborhoods. In these older neighborhoods it is also a special responsibility of the municipality to see that the normal complement of city services and facilities are provided: street paving, curbs, schools, parks, drainage, and so on. I firmly believe that among the many reasons for our vast blighted areas, one has been the past inclination of many cities to "turn their backs" to the very areas that most need their attention in order to maintain a state of vitality and usefulness.

And, finally, there is a third point at which joint public-private efforts at community improvement can be applied. That is the time when it becomes painfully apparent that there is no solution to the problems of some areas other than to tear them out and re-build them completely according to an overall plan. Then urban redevelopment becomes the only answer. In every city to undertake such a program thus far, this has been a time of argument and violent dissension, and it has provided a forum in which widely varying and honestly-held views about the role of government have been debated. The issues involved are as many as they are controversial, and without becoming involved in them, let me say that it is here that the support and understanding of private groups and individuals alike—within and beyond the area affected—becomes most essential.

So there is not one point in time, or even one area, that will most benefit from community betterment efforts. There are at least three: in the development of new areas; in the preservation of maturing areas; and in the redevelopment of completely decayed ones. I want to emphasize however, that all your efforts must be preceded with adequate planning. This is simply another way of looking ahead to all these points in time with the sum total of needed regulations, the provision of necessary public utilities and services, and the coordinated public and private support necessary to achieve lasting results. And it is in the area of planning (at least in the opinion of many professional planners) that I can say that no city stands further ahead than Greensboro.

In Conclusion

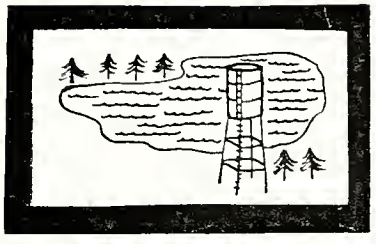
Let me close quickly and briefly then by summing up what I see as the primary requirements for any significant kind of "community improvement."

First there must be continuity of effort, provided by both the municipal corporation and the private organization. Community improvement is not a stop-and-start operation, or something you turn on in response to a contest. I wouldn't

(Continued on page 19)

POLITICAL, ECONOMIC AND TECHNICAL ASPECTS OF WATER RESOURCES

by Milton S. Heath, Jr.
Assistant Director, Institute of Government



EDITOR'S NOTE: This article is adapted from a paper presented by the author at the Eleventh Southern Municipal and Industrial Waste Conference, held in Chapel Hill on April 19, 1962.

Some Innocent Generalizations

I will begin with a pair of innocent generalizations.

First, historically the water resources picture in the southeast has been dominated by technical and political features. Today, and looking to the future, the element of economics is becoming increasingly important.

Second, the political and economic and technical aspects of water resources are becoming increasingly interrelated.[1]

Now to examine these generalizations a bit more closely.

(1) Reflect a moment and I think you will recognize the predominance of technical and political aspects in the water resources picture of our past.

Look at it in academic terms: In engineering schools we offer courses in many facets of the technical side of water resources—hydrology, hydraulic engineering, biology, chemistry, geology. In our law schools we teach the law relating to the use and disposal of water. But you will go a long ways to find a course in the economics of water resources.

Or view it in occupational terms: Scan the personnel lists of local, state and federal agencies concerned with water resources. You will find many a man trained as an engineer, even a fair number of lawyers, but the economists are few and far between.

Or consider our water law: The prevailing legal doctrine of water rights in the southeast is largely indifferent to economic considerations. A riparian water right is not a marketable commodity. It is too vaguely defined to move freely in commerce and the law tends to discourage traffic in water rights. Furthermore, the riparian doctrine pays no conscious heed to economic criteria in allocating rights to use water.[2]

This, then, is the historical frame of reference for water resources in the southeast, one in which political and technical aspects loom large and economic considerations count for little. The reason is not hard to find. Economics by definition deals with the utilization of scarce resources, and water in the southeast historically has been anything but a scarce resource. It is only because water is beginning to become something resembling a scarce resource here that we have reason to discuss the economic aspects of water resources today.

(2) Now to return to my second generalization: at every turn these days there are signs of the emergence of economics in the water resource picture, and of the growing interrelationships among economic, technical and political factors.

Consider teaching: This academic quarter for the first time there is a course in water resources development offered by the UNC School of Public Health. More than half of the course is being devoted to economic aspects of the subject, the remainder to legal and administrative aspects.

Or consider the area of research: I have been conducting some research in selected areas of North Carolina, seeking to find out how the law of water rights is operating in practice today—what arrangements are made by various classes of water users to secure sources of water; what does it cost them to live under the existing law; what problems do they confront and how do they handle them. These are questions of current interest and the answers standing alone have some value. But the answers will be much more meaningful when set in a technical and economic perspective. We will know a lot more about the weaknesses and strengths of existing water law if we can assess them

[1] As will become apparent, I am using the terms "technical," "political" and "economic" very broadly to denote, respectively: (i) the physical, engineering and technological aspects of water resources; (ii) the governmental and legal aspects; and (iii) the financial and evaluative aspects.

[2] Admittedly a case can be made that the doctrine of riparian rights has served the economic interests of the southeast by its tendency to favor industrial water use.

against a backdrop of the physical location of water resources in the area; the current usage of these water resources; the susceptibility of the resources to development; and the probable future demands on the resources. And so I am making every effort to interest economists, city planners, sanitary engineers and other physical scientists in exploring these related questions, and to make this a multi-disciplinary research project. *Or consider a practical problem*, such as the potential water supply shortage of our neighbors in Greensboro. If that area continues to expand economically, it will soon outgrow the readily available sources of water supply. The possible solutions to the problem are well-known: a *technical* solution, such as construction of a large downstream reservoir by the Corps of Engineers or a technological breakthrough in waste treatment processes permitting reuse of existing supplies; a *legal* solution that would give Greensboro the green light to go to another drainage basin for water; or an *economic* solution, if you can call it a solution, such as reduced water usage or a slowdown in growth. Here again we see the interrelationships of technical, political and economic factors.

Further Exploration of Some Innocent Generalizations

To recapitulate: I have suggested that there is a new and important economic element in the southeastern water resources picture, and that it cannot be isolated from the political and technical aspects of water resources.

How should we as professors and professionals and public servants respond to this development? In the long run, there is only one sensible response: to obtain a working understanding of the principles of water resource economics, and to help in assimilating this new force and in guiding it into constructive channels. I would like to explore briefly what this may mean for the professors, the professions and the public service.

The Professors.—Those of us in academic life have an obligation to reflect the impact of this development in our teaching and research.

In the teaching field the UNC Department of Sanitary Engineering has recently set an example of what can and should be done. During the current academic quarter the Department has instituted a new course in "Water Resources Development" which amply reflects the role of economic and political factors. The Department also has recently applied to the U.S. Public Health Service for a training grant to support futher experimentation and broadening of its activities in this field.

As to research, I believe that during these formative years we should concentrate on projects that will measure the impact of the impending competition for water on our laws and political institutions, and projects that will portray the evolving interrelationships between political, economic and technical factors. It is imperative that the fundamental research in these areas be completed without delay. If it is not completed before the next protracted drought, the political leaders of the region may be driven to enacting drastic new legislation without an adequate factual basis. We saw the beginnings of this during the drouth of the mid-'50's and you can bet your life that it will be no easier the next time around.

A word as to teaching and research in economics itself—Academic interest in the economics of water resources has thus far been restricted mainly to agricultural economists and city planners. As yet the general economists have shown relatively little interest in the field. It is to be hoped that their apparent disinterest will not persist, because this would have regrettable consequences.

One other fruitful area for research, which so far has received relatively little attention, involves the value of water quality. There has been considerable research and writing lately concerning the economics of water resources; but it has focussed on quantity and barely touched the quality aspect.

The Professions.—I think that the greatest need of the practicing professionals—in your profession, in mine, and in the other affected professions—is to get a working understanding and familiarity with the principles and the lingo of water resources economics. Out of sad experience I can tell you that there is no royal road to learning this discipline. But fortunately there are some recent books available that will introduce you to the subject. I will mention four that are particularly worthy of your attention:

The first is a book by Roland McKean of the Rand Corporation, entitled "Efficiency in Government through Systems Analysis, with Emphasis on Water Resources Development". This provides a good introduction to economic techniques for evaluating water resources projects.[3]

The second book is another Rand product, written by three authors (Hirshleifer, DeHaven and Milliman) entitled, "Water Supply: Economics, Technology, and Policy".[4] This is a lively piece of writing, cast in the muckraking tradition, that slays many a dragon and produces enough clay feet for all of the idols who ever walked the face of the earth. I recommend it to you despite the fact that it contains a chapter on "Water Law" which I more than faintly suspect is intended as a massive assault on, among other things, a law review article that I co-authored some years ago.[5] Unfortunately I can't confirm my suspicions, because the authors of "Water Supply" didn't stoop to identify their quarry by name, not even in a footnote, so my co-authors and I can only suffer anonymously. I should also perhaps add that it contains a woefully inadequate treatment of the economics of water quality.

The third book is the most impressive, a 1962 Harvard Press publication, "Design of Water Resources Systems."[6] It has six principal authors: Maass, Hufschmidt, Dorfman, Thomas, Marglin and Fair. This reports the results of a 5-year research project that drew upon a stunning array of talent to develop an improved methodology for designing river control systems —using both mathematical models and high speed digital computers. Finally I will throw in for good measure one more volume, dealing with technology rather than economics, a very comprehensive study of the effects of technological developments on water supply and demand. I refer to "Technology in American Water Development", by Edward Ackerman and George Löf of Resources for the Future.[7]

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3 McKean, *Efficiency in Government through Systems Analysis* (John Wiley & Sons, New York, 1958).

4 Hirshleifer, DeHaven and Milliman, *Water Supply: Economics, Technology and Policy* (University of Chicago Press, Chicago, 1960).

5 Marquis, Freeman and Heath, *The Movement for New Water Rights Laws in the Southeast*. 23 Tenn. L. Rev. 797 (April 1955).

6 Maass, Hufschmidt, Dorfman, Thomas, Marglin and Fair, *Design of Water Resources Systems* (Harvard University Press, Cambridge, 1962).

7 Ackerman and Löf, *Technology in American Water Development* (Johns Hopkins University Press, Baltimore, 1959).

The Public Service.—Undoubtedly the hardest job of all confronts those who administer and make policy for public water resource programs. Theirs is not only to understand and assimilate a new dimension of water resources, but to mold new laws and institutions in response to this new force.

Their task is hard enough at the level of assimilation and understanding. Two years ago Irving Fox made a penetrating review of American water resources policies at this conference. He observed that three influences have dominated our past policies:

> . . . "The developmental thrust", reflecting the drive for economic expansion, and underlying federal navigation, flood control and irrigation programs;
>
> . . . "The progressive thrust", responding to urban growth and monopolization of economic power; and
>
> . . . "The conservation thrust", in reaction against the exploitation of natural resources.[8]

His observations should remind us that many of our public servants work for agencies or represent groups that are firmly committed to one or another of these policies. This raises obvious barriers to sympathetic understanding, and to imaginative response to new conditions.

At the action level, the nature of the problem confronting public officials has been suggested by a semanticist, Richard Trench. He has remarked that:

> 'Rivals', in the primary sense of the word are those who dwell on the banks of the same river. . . . There is no such fruitful source of contention as a water right.[9]

The impending competition for water in the southeast promises to intensify existing rivalries and to foster new ones. While it is beyond the scope of this paper to delve deeply into this matter, I will venture three brief comments.

First, there are several different approaches to the problem of rivalry, which may be either alternative or complementary. One is the regulatory method. Another approach is to develop water resources in hopes of reducing or staving off competition. A third is the laissez-faire policy, which would leave the contenders to their own devices. (This does not imply doing nothing. Indeed, one obvious means to this end today might be to seek changes in water law to make water rights more marketable, hoping thereby to channel rivalries among water users into the market place.)

Second, sometimes it is necessary to endure lesser rivalries in order to avert greater ones. For example, a decision to this effect would be implicit in the selection of a site for a reservoir to augment stream flows. There you decide to endure the complaints of those whose lands will be overflowed, in the interest of mollifying downstream competition for water.

Third, among the most serious rivalries today are those that exist between the federal agencies engaged in water resources development. Arthur Maass has suggested in the final chapter of the Harvard Press publication noted earlier that the existing procedures of these agencies, which emphasize projects rather than policies, may be at the root of the difficulty. Perhaps it is too much to hope that the federal agencies will ever modify their procedures in order to reduce controversy. Better opportunities may lie in the development of strong State water departments which will undertake to eliminate these contentions.

* * * *

Now, I will touch upon one last point.

Whatever action is taken in the field of water resources, it is important that it make sense in terms of broader governmental objectives. I will cite an example, involving local government.

We have grown familiar with the use of the public authority or special district device to carry on water and sewer functions—water and sewer authorities, ports authorities, sanitary districts, conservancy districts, etc. These devices often are quite useful. For example, a sanitary district may furnish an effective way to provide a public water supply in a suburban subdivision; a ports authority may efficiently conduct a revenue producing enterprise that is outside the traditional scope of activities of a city or county; or a sewer authority may help resolve intercommunity problems that cut across political boundaries.

At the same time we should recognize that this approach entails a risk of impairing the ability of the traditional local governments, the cities and counties, to do their essential work. There is also a real possibility that in the long run the traditional local governments will do a better job individually or co-operatively in performing these services.

There was a time when county government was legitimately condemned as "the dark continent of American government", and when the words "city hall" called to mind a common image of lousy city government. When that was true the very ineffectiveness of city and county government was the best reason for bypassing these traditional units in favor of public authorities or special districts. If my own experience in local, state and federal government is any guide this is no longer the case. I suspect that today, as often as not, the city or county government will do a better job, with less confusion and waste, than a new and untried unit of government.

The operation of the "small watershed" program in North Carolina illustrates both the current tendency to bypass the traditional forms of government, and some of its shortcomings. This program in its present form originated, as you may know, with the adoption of a federal aid measure by Congress in 1954. Under this law (Public Law 566 of 1954) Congress offered to pay the installation costs of agricultural flood damage prevention projects, if qualified local sponsors would agree to maintain the projects. In 1959 backers of the program in North Carolina asked our General Assembly to pass an enabling law permitting soil conservation district supervisors to create special districts to conduct small watershed projects, to be known as watershed improvement districts. The General Assembly adopted the proposal with a number of amendments, among them an optional provision permitting county governments as well as watershed improvement districts to operate small watershed programs, using property tax financing instead of benefit assessments. During the same session some eastern legislators quietly obtained amendments to the drainage district laws making it possible for drainage districts to sponsor these programs.

It is interesting to see what has happened since these laws were passed: a large majority of the local organizations that have been established are either drainage districts or county programs. This is not to say that the watershed improvement district law has been without value. Some districts have been formed under this law and the movement for its enactment undoubtedly served as a rallying point for the entire program. The point remains, though, that in most cases the people who will bear the project maintenance expenses have preferred to entrust operation of the projects to familiar and tested forms of government.

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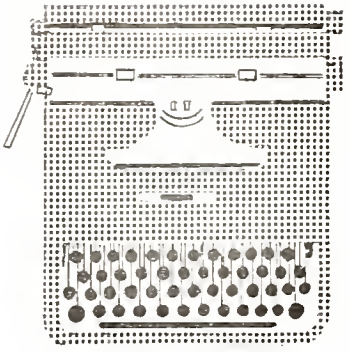
8 Fox, *A Perspective for Consideration of Water Policy Issues*. 9th Southern Municipal and Industrial Waste Conference. Raleigh, N. C. April 7, 1960.

9 Trench, *The Study of Words*.

10 Maass, *et al.*, *op. cit. supra* note 6, pp. 587-588.



● NOTES FROM . . .

CITIES AND COUNTIES

CITIES

WILMINGTON will get a giant nitrogen fertilizer production plant in the near future. The plant, which will cost from $8 to $12 million dollars will go into operation in about fifteen months and will employ some 200 people.

The GREENSBORO - HIGH POINT Airport Authority plans construction of a fire house and purchase of additional fire and crash equipment within the next three years.

In RALEIGH building permits are not required on all private swimming pool construction to insure discovery and correction of potential hazardous conditions.

SALISBURY recently participated in "Salisbury Around the World Week," a celebration by some of the 25 cities named Salisbury throughout the world.

E. H. (Pat) Foley has been appointed to the BURLINGTON City Council to fill the vacancy of Jack Euliss who resigned.

RURAL HALL has a new $47,000 post office which has three times as much space and almost twice the number of mail boxes as the former structure.

Ray J. Denny, veteran of nearly 38 years with the WINSTON-SALEM Police Department, will retire July 1. Denny's 38-year tenure is the longest service of any patrolman in the department.

KINGS MOUNTAIN suffered some $300,000 in known damage recently as a result of the lashings of two very high winds.

At SOUTHPORT applications from nineteen North Carolina municipalities for federal aid in building sewage treatment plants were approved by the State Stream Sanitation Committee. The applications for grants totaling over two million dollars will be sent to the U. S. Department of Health, Education and Welfare with the recommendation that they be made.

GREENSBORO citizens recently presented to Peru an aircraft to be used in Peru's Indian-civilizing program. The aircraft, a Helio Courier, was presented by Mayor David Schenck and accepted by Peruvian Air Minister, Gen. Salvador Noya.

DURHAM received a $230,413 advance recently from the Urban Renewal Agency in Washington to plan Durham's Downtown Conservation Project, a 133-acre project estimated to cost some $5.4 million.

The STATESVILLE City Council has voted to purchase land for the construction of a new police headquarters.

A short-term $100,000 note has been sold to the town of ELKIN to finance construction of a 135-car parking lot. The sale was negotiated by the State-Local Government Commission at Raleigh.

GREENSBORO City Manager Hugh B. Hines at a recent council meeting stressed the value of the attendance of city councilmen at national conventions. Said Hines, referring to council representation at the American Municipal Association and United States Mayor's Conference, "It's to our advantage to be present . . . to go and to take part . . . and especially in the back rooms with the resolutions committee."

CLINTON and LILLINGTON have let bids for the construction of new sewage disposal plants. The Clinton plant in Clinton is expected to cost more than $600,000, while the one at Lillington is estimated at $268,950.

HAMLET'S newly-completed sewage disposal plant is now in operation. The plant is of the lagoon design and cost some $366,000.

ASHEVILLE'S new water-transmission line from North Fork Reservoir has been given final testing and is expected to boost daily water deliveries from 15 to 25 million gallons. It has been estimated that the $4,500,000 system will supply the city and county customers for the next forty years.

ROCKY MOUNT will soon have a new steel tank fabricating plant which will employ some 150 persons when full production is reached. The plant will fabricate petroleum gas tanks for farm use during its initial phases of operation.

Mayor M. J. Evans of DURHAM is one of two Democratic nominees for membership on the Advisory Commission on Intergovernment Relationships. Mayor Evans was nominated by the United States Conference of Mayors. President Kennedy will select one Democrat and one Republican mayor from the four nominees, two from each party made on a nationwide basis by the Mayors Conference to serve on this bi-partisan 26 member national commission.

MURPHY has received $5,400 advance for preliminary planning of improvements to its existing sewer system. The total cost is estimated at $425,000. The advance came from the community's Facilities Administration fund for public works planning.

Another loan from the Federal Housing and Home Finance Agency has come to ROPER in the amount of $143,000 for water facilities.

STAR is entering into a community financial aid contract with a PHA for twenty-six housing units, three of them for the elderly.

Judge William L. Shoffner has been reappointed to the ALAMANCE County general court bench. Edgar S. W. Dameron, Jr., of Burlington was named to the county solicitor's position.

The MECKLENBURG-CHARLOTTE City-County Planning Commission has employed a new planner to handle its county-wide zoning project. He is Hal A. Davis who was formerly employed in Savannah, Georgia.

The HIGHLANDS town board unanimously approved Claude Patterson to the office of mayor pro-tem in a recent election.

The AHOSKIE town council has hired Thomas J. McIntosh as the new town manager. McIntosh was formerly the town manager at Hickory.

Iris H. Johnson, 61, Mayor of WENDELL, died on June 8 at Wendell-Zebulon Hospital after suffering a heart attack at his home.

COUNTIES

CHATHAM County's Register of Deeds Lemuel Johnson reported recently that a county-wide property revaluation program is progressing on schedule. A $2 million increase is expected over the current $52 million valuation. Completion date is expected to be in November.

NEW HANOVER County—with an eye to new school construction—have voted in a $2.8 million school bond issue as well as an additional 5-cent levy per $100 property valuation for Wilmington College.

CLEVELAND County Commissioners have authorized a Charlotte firm to conduct a job classification survey and make salary recommendations for various county employees. The resulting plan recommends a pay scale with six steps for each of 28 position grades. The employee's skill and length of service will dictate his place on the salary scale.

Garland Mayes recently retired as supervisor of the State ABC Board's Third District, which includes **GUILFORD** and 16 other Piedmont counties.

SAMPSON County Commissioners have awarded contracts for the renovation of the electrical system and installation of an air-conditioning system in the county courthouse.

BUNCOMBE County Commissioners recently received an optimistic forecast for the county's development during the next twenty years. The plan, presented by Roy P. Booth, Chairman of the Metropolitan Planning Board, forecast a (1) substantial decline in total agricultural employment, (2) proportionate increase in large-scale commercial farming, and (3) large-scale increase in tourist, recreational and trade activity.

Increasing operating costs mark a definite trend in counties and cities across the State. With the rising expenses has come corresponding proposed tax increases for the 1962-63 fiscal year. Some few counties and cities, however, managed to "hold-the-line," and one or two actually show decreased costs in proposed budgets.

L. L. Nesbit has been appointed as **IREDELL** County Register of Deeds to fill the unexpired term of Mariemma Henley who died recently.

NEW HANOVER County Sheriff's deputies were baffled recently by two cars sitting side by side at a drive-in restaurant—the cars bore identical numbers on the license plates, VV-616.

SAMPSON County school officials and local business interests are continuing their efforts to find some productive use for the vacated Franklin School plant in Harrell. It is hoped that the building can be leased for a period of ten years.

Mrs. Rose F. Cates has been promoted from Deputy to Assistant Clerk of Superior Court in **DURHAM** County. The appointment was made by Clerk James R. Stone and the order approved and signed by Resident Judge Clarence W. Hall of the 14th Judicial District.

FORSYTH County Commissioners have agreed that a Mental Health Clinic is needed and will be built on urban renewal land near the Health Welfare Center. It was noted, however, that the clinic will not be built until there are "sufficient public funds" available for the purpose.

DURHAM County commissioners have awarded an $89, 068 contract for work on renovation of the 46-year-old county courthouse.

HALIFAX County Commissioners have been presented with tentative plans for a courthouse annex. The new annex would cost some $143,520, and will house another courtroom, a sheriff's office, an auditor's office and other office space.

CHOWAN County and Edenton officials have endorsed the creation of a joint city-county planning board of fifteen members to combat the persistent downward trend in unemployment and to seek federal help under the Area Redevelopment Act.

COUNTY COMMISSIONERS

(Continued from page 5)

vise the State Board of Public Welfare and the General Assembly of local problems in public welfare; requested the United States Congress to increase the area of State and local discretion in the administration of public programs; and proposed a greater familiarity by commissioners with the public welfare programs and that the county welfare board be aware of its supervisor responsibility with regard to aid to needy persons. The commissioners proposed that "the State be requested to extend to any new two year institutions providing opportunity for education beyond the high school the same financial pattern now fixed for industrial education centers, namely local responsibility for erecting necessary buildings, major State and student responsibility for other expenses, and only nominal local responsibility for current expense;" and requested that they be given "a substantial voice" in selecting trustees of these educational institutions in recognition of "local financial involvement in the institution and to insure that the courses offered are suited to the needs of the area." The commissioners also resolved to encourage counties to prepare emergency plans for effective participation in the national civil defense program.

GOALS FOR COMMUNITY IMPROVEMENT

(Continued from page 14)

for a moment minimize the contest incentive, but to be effective it must be a continuing activity.

Second, community improvement efforts must be appropriate to the age and the character of the area itself—whether you are landscaping in a new section, promoting the painting of old homes, or supporting the city's efforts at redevelopment. Home-painting or street tree planting in a hopelessly decayed area up for redevelopment is obviously a wasted effort.

Third, realistic community improvement efforts call for a series of balanced efforts. This implies a recognition that there are many jobs to be done, and that public programs need the support of private organizations, and vice versa. Hopefully the public-private effort will be coordinated as well as mutually reinforcing. Another type of balance in this effort recognizes that our communities and neighborhoods are composed of different types of functional areas. We think first of our homes, but there are also vital commercial and industrial areas that also need your sustained help. This kind of balance of effort would also recognize a need to guide the development of new areas which are perhaps at their inception far outside what you would normally think of as "the city." You can be sure, however, that one day they will be city assets—or liabilities—as you choose.

Fourth, finally, and perhaps most important, there needs to be a recognition that community improvement is not limited to aesthetic betterment. This is a subject that is dear to all of us—but it is by no means the whole of what constitutes community improvement. Granted that building cities and maintaining them is more than a matter of efficiency, engineering, and costs—tidiness and aesthetic satisfactions are part of the job too. But a balance in the sum total of community improvement activities, as in all things in life, is one of its essential ingredients.

BOOK REVIEWS

THE COURTS: A READER IN THE JUDICIAL PROCESS. Edited by Robert Scigliano. Boston: Little Brown and Company, 1962.

This book deals with the nature of the judicial power, the judicial function and its place in the American governmental system, the factors affecting judicial decisions, and the process of making judicial decisions—all primarily as they relate to the Supreme Court of the United States.

As a text for a political science course in the courts, the book is subject to the common limitation of collected readings—it cannot give within manageable space limits a completely rounded picture of its subject. On the other hand it can and does give that deeper insight into major facets of the subject that comes from good writing by real experts, undiluted and uncorrupted by rewriting by a textbook author.

As a supplement to the case-method study of public law, the book should be of very great value indeed. When the law student is suddenly subjected to the new discipline of the law, and the unfamiliar approach of the casebook method, he too often learns the lawyer-like approach to his subject at the cost of loss of perspective. Constitutional law is encountered in the same framework as the law of contracts, and the student may unwittingly seek to apply the same methods of analysis and synthesis to public law as he does to private law. This attitude may carry over into his professional career to the point that he, as a lawyer, may really understand the Supreme Court as an institution less clearly than do people of comparable education in other fields. This collection of readings will serve to avoid such a result.

The list of the 40-odd contributors to the reader includes many of the acknowledged authorities on the Supreme Court, as well as a number of relatively obscure names. The selection of articles is very good indeed. Most of the articles have appeared in law reviews or in books which have been widely distributed. A teacher of Constitutional Law will probably not encounter more than a half-dozen with which he is not reasonably familiar. But the student, particularly the law student, and the practicing lawyer will very likely encounter a great deal that is new—some new information, some new ideas, and some new ways of expressing old ideas.

The book is not a forum for debate on controversial issues, although many different and sometimes conflicting points of view are expressed. It is not a "debunking" operation, although it does contain some less-than-reverent pieces. It does not point or view with either pride or alarm at what our Supreme Court is. What the book does do is to look at the Supreme Court to see what it is, and how it got that way.

It is not necessary that one be a lawyer or political scientist to make good use of this reader. The articles are not technical. They are for the most part written by persons who are gifted writers as well as scholars; reading them is a pleasure rather than a chore. The book would make a worthwhile addition to almost any home library and would be a happy addition to the bedside bookshelf of any person interested in law and government.

— Clyde L. Ball

STATE AND LOCAL GOVERNMENTS, by Russell W. Maddox, Jr., and Robert F. Fuquay. Princeton: D. Van Nostrand Company, Inc., 1962. 712 pp.

Any effort to capture the "basic principles, institutions, and functions of American government at the state and local level" is an undertaking to tax the most scholarly mind and the most expert pen. This new text, written for beginning students in political science, traces historically the change from colonialism to statehood, the development of relations between federal and state government, basic governmental principles and processes, and the characteristics of state governmental structure. Finally, the authors present a discussion of the major functions of state and local governments, using example and illustration together with pertinent viewpoint, to enable the reader to form a perspective of his own. As the authors point out, the "significant" roles of state and local governments and the way in which their activities affect just about everybody are not widely understood or appreciated. This book—its range extending from constitutional, judicial, executive, and administrative, and legislative organization and powers to the problems of metropolitan areas, local government, public safety, health, welfare and housing, education, agriculture and natural resources, highways and planning, business and labor, and state and local government—can help supply insight and understanding to the careful and discerning reader.

DEMOCRATIC THEORY, by Giovanni Saturi. Michigan: Wayne State University Press. 497 pp. $8.50.

Any comparison of the practice and the ideal in democracy should be of interest to the governmental mind. This book, written by an Italian scholar who has taught both philosophy and political science, provides an interesting perspective on the history, ideas, and nature of democracy, in addition to the illuminating footnotes at the end of each chapter, Thoughtful students will find challenge in his search for a definition for democracy, comparison of Greek and modern democracy, analysis of liberalism and planning as related to democracy, and conclusions about democratic ideas and ideals in a "confused society."

ELEMENTS OF AMERICAN GOVERNMENT, by John H. Ferguson and Dean E. McHenry. McGraw-Hill Book Company, 1962. 489 pp. $6.95.

This volume, "designed for college students of maturity," seeks to "paint a picture of (American) government . . . warts and all." As a political science text, the book ranges from the foundations of American democracy to political parties, courts, and law enforcement, foreign relations and the United Nations, business regulation and public ownership, labor and welfare services, agriculture and natural resources, all the way to chapters on state constitutions, legislatures, executives and judiciaries, and municipal and county government. This very range of interest offers a rather comprehensive survey of political science brought up to date. Another helpful feature is the extensive bibliography at the end of each chapter, together with review questions and even pertinent films.

THE BOOK OF THE STATES 1962-63, published biennially by the Council of State Governments. Chicago, 1962. $9.00.

Volume XIV of this biennial publication is designed "to provide an authoritative source of information on the

structures, working methods, financing, and functional activities of the state government. It deals with their legislative, executive, and judicial branches with their inter-governmental relations, and with the major areas of public service performed by them." This latest edition is an excellent reference work, including not only legislatures and legislation, judiciary, and administrative organization, but also finance, inter-governmental relations, major state services, and special information on each of the fifty states.

THE POLICE OFFICER AND THE CHILD, by Mary Holman. Published by Charles C. Thomas, 1962. $5.50.

The author writes this book for the information and use of other law enforcement officers in the hope that "it will assist in the development of an attitude toward children and a mode of conduct with them that will demand that the child respect THE LAW as fair, firm, honest, unbiased, courteous, helpful, intelligent, efficient, and human, because the men and women who enforce it are "that kind of people." Lieutenant Holman is in charge of the Juvenile Detail of the Bakersville Police Department in California. She uses her experience and feminine perspective to good advantage in this simple but generally effective and direct presentation.

JUVENILE DELINQUENCY, by the Southwestern Law Enforcement Institute. Springfield: Charles C. Thomas, 1962. 180 pp. $6.50.

A group of eminently qualified persons—juvenile judges, professors, governmental consultants, psychologists, juvenile court officers, and administrators of training schools and camps—discuss problems and methods of dealing with youth in trouble. This book is worthwhile to anyone interested in the problems of juvenile delinquency, and will be of particular value to probation and law enforcement officers.

PRISON, edited by Donald R. Cressey. New York: Holt, Rinehart and Winston, Inc., 1962. 392 pp. $6.00.

This volume consists of studies in problems of prison organization. The authors analyze the effect of prisons on individuals, with especial concern as to the application of social science theory for administrative decisions by prison officials.

NIMLO Municipal Law Review, edited by Charles S. Rhyne and Brice W. Rhyne. Washington: National Institute of Municipal Law Officers. 1962. $10.00.

This annual volume presents a chronological history of the law of municipal corporations as it has developed through the years. The new edition, like its predecessor, is an excellent source of information for those concerned with municipal law.

SCIENTIFIC INVESTIGATION

(Continued from page 3)

of *Silverman v. United States*, 365 U.S. 505 (1961), where a so-called "spike-mike" was employed, the evidence was held inadmissible as constituting an unreasonable search and seizure. The antenna of a listening device was inserted part way into a party wall shared by two houses, and converted hot-air ducts into giant microphones.

In *Irvine v. California*, 347 U.S. 128 (1954) defendant was charged with horseracing bookmaking and related offenses. Suspecting defendant of these crimes, an officer of the law arranged to have a locksmith go to Irvine's home while Irvine and his wife were away, and make a door key. Two days later police installed a concealed microphone in the hall. On two later occasions the microphone was moved to a bedroom and a closet. The Court made this observation: "That officers of the law will break and enter a home, secrete such a device, even in a bedroom, and listen to the conversation of the occupants for over a month would be incredible if it were not admitted." The action constituted an illegal search and seizure, and would today be inadmissible in North Carolina under G.S. 15-27, 15-27.1 and the *Mapp* decision.

On the other hand, where there is no illegal trespass, there is no constitutional violation. In *State v. Walker*, 251 N.C. 465 (1959) the North Carolina Supreme Court upheld the admissibility of evidence obtained by means of a tape recorder placed in a motel room with the consent of the renter of the room. The recordings were used against others who came into the room. The United States Supreme Court upheld eavesdropping evidence in two cases—one where a detectaphone was placed against a party wall[30] and one where a police informer carried on his person a small radio transmitter which carried conversation to a police agent some distance away.[31] In all three cases there had been no trespass.

Whether these cases will continue to stand is unclear. Many feel that all forms of electronic eavesdropping constitute an invasion of privacy and may deprive the accused of a "trial fundamentally fair in the sense in which that idea is incorporated in due process."[32] Another commentator has expressed the belief that eavesdropping constitutes a violation of the First Amendment freedom of expression—". . . expression becomes less free . . . by the fear of such surveillance."[33]

As new methods of scientific investigation are developed, new problems will arise. Soon our own State Supreme Court and the United States Supreme Court will have to confront these problems of balancing a desired police efficiency with the preservation of individual dignity and privacy. An understanding of some of the issues involved will allow the public to form opinions on these matters—and as we have seen, the consensus of the populace is important in structuring the content of due process. It will also assist the populace in appreciating some of the delicate and intriguing problems faced by the law enforcement agencies of the State.

[30] *Goldman v. United States*, 316 U.S. 129 (1942).

[31] *On Lee v. United States*, 343 U.S. 747 (1952).

[32] Frankfurter, J., dissenting in *Irvine v. California*, 347 U.S. 128 (1954).

[33] King, Wiretapping and Electronic Surveillance: A Neglected Constitutional Consideration, 66 Dick. L. Rev. 17 (1961).

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