

POPULAR GOVERNMENT

JUNE, 1967

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In This Issue:

North Carolina Economy in the Year 2000 • County Commissioners and Public Welfare • Constitutional Rights of Children • The Social Fabric of the South • New Alamance Courtroom • Parliamentary Procedure • Institute of Government Library



This month's cover shows the unusual design of the new courtroom that Alamance County will use for its district court. See pages 17-20 for a full account of the new facility.

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North Carolina Economy in the Year 2000

by Carol Van Alstyne

[*Editor's Note: The author is staff economist for the Committee on Manpower and Economic Development of the North Carolina Fund. This article is based on an address before the North Carolina Section of the American Institute of Planners at the Research Triangle Institute. A second article, setting forth positive directions, is scheduled for fall.*

About a year ago the North Carolina Fund initiated a study process and staffed several study committees, one of which is the Committee on Manpower and Economic Development. The Committee has concerned itself with those aspects of our economic system which tend to perpetuate poverty. A portion of the work has been summarized in a paper "The State We're In: A Candid Appraisal of Manpower and Economic Development in North Carolina." Mrs. Van Alstyne was author of the paper, which is the source for some of the figures used in this article.

The comments on the figures are the author's and cannot be taken to reflect the views of the Fund.]

Technological Forecasting

It is exciting to confound each other's imagination with speculation about what tremendous economic potential new technology can unleash for us by the year 2000. By using procedures such as the Delphi method, in which panels of experts are assembled to generate consensus as to the nature and timing of future innovations, the speculation can become rather sophisticated, even accurate.

Inipient technological innovations could have a critical impact on our major industries and how we earn our living in North Carolina:

—Introduction and widespread acceptance of nonwoven fabrics might transform two of our major industries—textiles and apparel.

—Discovery of a cure for cancer (or better, a preventive) could influence the future of another of our major industries—tobacco.

Innovations such as the following would certainly affect our living patterns:

—A high-speed shuttle built to hurtle people from Raleigh to Atlanta would affect not only transportation patterns but also economic development patterns, agglomerations of population, markets, in-

come, debt-paying ability, maybe even the kind of housing people want and can afford.

—Preformed plastic and metal building components assembled with new construction techniques would certainly affect not only the demand for housing but also such factors as the number and location of jobs in the construction industry.

—Introduction of programmed learning might affect not only education but the design and location of school buildings.

We may soon be able to analyze social problems by computer simulation of human thought processes. We are perhaps on the brink of being able to influence the genetic transmission of human characteristics. These developments have awesome implications for the ordering of human life and for the planning of social exchange.

After working at a research institute and being associated with research and development managers who were in the business of technological forecasting, I began to appreciate what they meant when they said that even science-fiction writers lag behind the scientists in contemplation of what is possible. The changes, the fantastic changes, that have taken place in the last 33 years entitle us to reach out boldly in thinking about the next 33 years—to the year 2000.

The year 2000. The possibilities leave us breathless. . . .

But what does it all mean? The people who live across the street from me do not have running water. They have barely been touched by past technological and economic development, and they may not be affected much by future developments. They are listed in the 1960 Census of Housing as living in one of the half-million houses, a startling 40 per cent of all dwelling units in North Carolina, that are unsound or lack plumbing facilities.

Such discrepancies between the possible and the actual demand that we create some means of relating the planning and management of technological change to the planning for economic development.

Economic Development Goals

Explicit treatment of goals can be one of the most significant contributions of a conscious planning effort.

Economic development, as such, is not a specific enough goal to help select from among different

programs the ones which will contribute most to given objectives.

Presently, there is no *explicit*, widely understood statement of specific goals within the economic development program for North Carolina, although certain goals are *implicit* in department annual reports and official messages. These goals, however, are framed only in terms of expanding employment. Economic advance is officially characterized as “spectacular and continuous.” but for these terms to be appropriate, the goals must be framed in terms of employment gains. The 37,500 new manufacturing jobs created in the state last year did indeed push the state to record highs in employment, with the percentage increase over the previous year among the highest in the nation. In terms of employment, the gains are “spectacular.” But let’s look at income gains. One hundred forty-two million dollars were added to payrolls in North Carolina last year—which fact, taken alone, is also impressive. But if we perform a simple calculation, the conclusion that we have made “remarkable progress” is less clear. If we divide the number of new jobs into the total amount of added payroll, we come up with an average of under \$3,800 per new job. That is not a comfortable margin above the poverty line.

Our economic development goals should be explicit and should encompass broader objectives than simply expanding employment. A clear statement of multiple development goals may permit us to evaluate trade-offs that are being made between employment and income.

A statement of economic development goals by Charles Leven, recently President of the Regional

Science Association, is highly suggestive of the direction that thinking about development planning goals might take. Dr. Leven argued that development goals could be framed in terms of the level of income, income growth, and stability of income, as well as employment.

We might then frame development goals for North Carolina, with the year 2000 in our line of sight, in the following terms:

1. To close the income gap, by achieving a level of income for the average North Carolinian equal to that of the average American by accelerating the rate of income growth.

2. Through the generation of stable sources of income.

3. While minimizing unemployment.

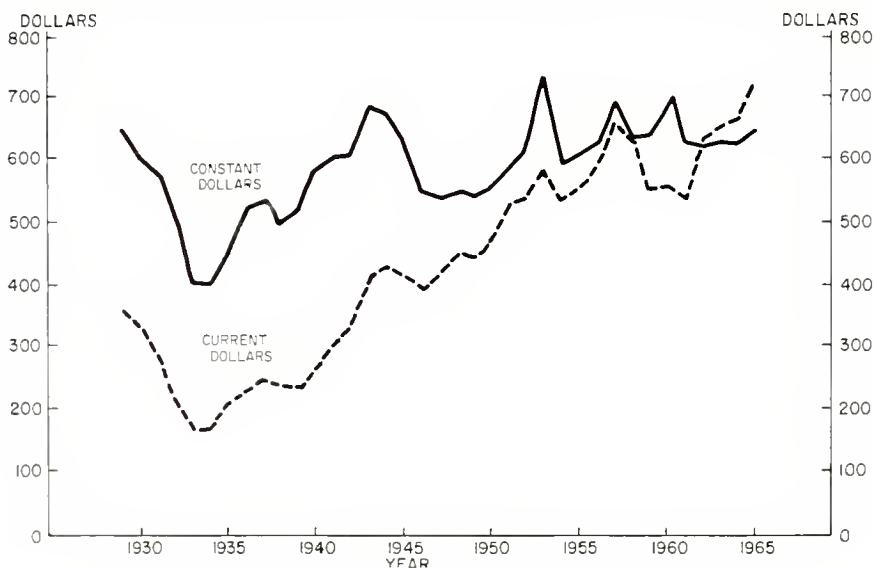
In light of our nation’s greatly intensified concerns about the well-being of people, including the poor people, we would add to this formulation a fourth goal relating to the distribution of income. We might state it technically with a requirement that development gains be distributed to minimize the number of families below, say, one-half of median family income.

Let us look, then, at recent trends in the North Carolina economy as they might relate to each of the goals. Let us examine whether we can expect to reach these goals say, by the year 2000 on the basis of these recent trends.

● *Goal 1. Close the Income Gap*

The income gap is not closing and it will not close for some time at present rates of increase in income. Examination of Chart 1 would indicate

PER CAPITA INCOME:
The Gap between North Carolina and the National Average, 1929-65



that on the basis of existing trends, we will not close the income gap by the year 2000. The gap presently stands at approximately \$700. On the average, each citizen of North Carolina has about \$700 less to spend annually than does each of the other American citizens. Adding it up, if all North Carolinians had the income of the average American, the people living in this state would enjoy the benefits of another 3.5 billion dollars.

North Carolina has achieved a rapid rate of growth of income, a rate among the highest in the nation. Last year, for instance, total personal income grew 11 per cent, a rate which put us fourth highest among the 50 states. Over the last three and a half decades our relative position in per capita personal income has increased from less than one-half to more than three-quarters of the national figure. We have congratulated ourselves on our enormous progress.

Before resting too long on our laurels, however, we should pause to consider that in terms of the difference in North Carolina per capita income and that of the rest of the nation, we will have to grow that fast for some time to come just to keep the gap from getting bigger.

In 1965 the gap stood at just over \$700. Our per capita income grew 9.5 per cent from 1965 to 1966, and in 1966 the gap still stood at just over \$700. What is happening is not that our income is presently converging with that of the nation, but rather that an absolute dollar gap of between \$600 and \$700 is becoming a smaller and smaller percentage of a rising base.

Eventually, if the higher rates of increase are sustained, the gap will begin to close—around the year 2000. If we wish to close this gap much earlier, we will have to work even harder.

In considering our ability to sustain these rates, however, we should not overlook the contribution of intersectoral shifts during the last several decades. In the last fifteen years agricultural employment has been cut in half. Recent income gains were boosted more by shifts of employment from agriculture to the industrial sector than they were by gains in the relative wage rate in the industrial sector.

In fact, the average hourly earning of manufacturing production workers in North Carolina has not advanced in recent years relative to the national level. Manufacturing wages in North Carolina have stayed at 70 per cent of the national level for almost fifteen years.

In the past, our relative income increases were also boosted by the migration of our lower-income people to other regions—which tended to raise our per capita income figures and to lower theirs. This was not an altogether negligible factor: between 1950 and 1960 more than two times as many people (including workers and dependents) left the state as were added to our labor force.

More recently, our relative income gains have been stimulated by the step-up in military activity. Although military payrolls accounted for only 4 per cent of personal income in North Carolina in 1965, they expanded by one-quarter from 1965 to 1966 and accounted for approximately 10 per cent of the personal income gain. (Military payrolls accounted for just over 5 per cent of the personal income gain at the national level.)

Our advances in income are in terms of our own past, and not in terms of how the rest of the country is doing today. The proper standard of performance is a national standard. While our rate of per capita income growth is faster than that of the country as a whole, it is not *enough* faster; if present trends continue, it will be about 2000 before the absolute gap between our income and that of the country as a whole *begins* to close. We may ask: "Is that soon enough?" On the basis of present trends in population, in income, and in the value of the dollar, per capita income in North Carolina would be four times what it is today by the year 2000—a rich-sounding \$8,000. Yet the gap between per capita income in North Carolina and the rest of the country may be considerably larger than it is today.

● Goal 2. *Generate Stable Sources of Income*

Let us look at the major industries which are sources of income in North Carolina.

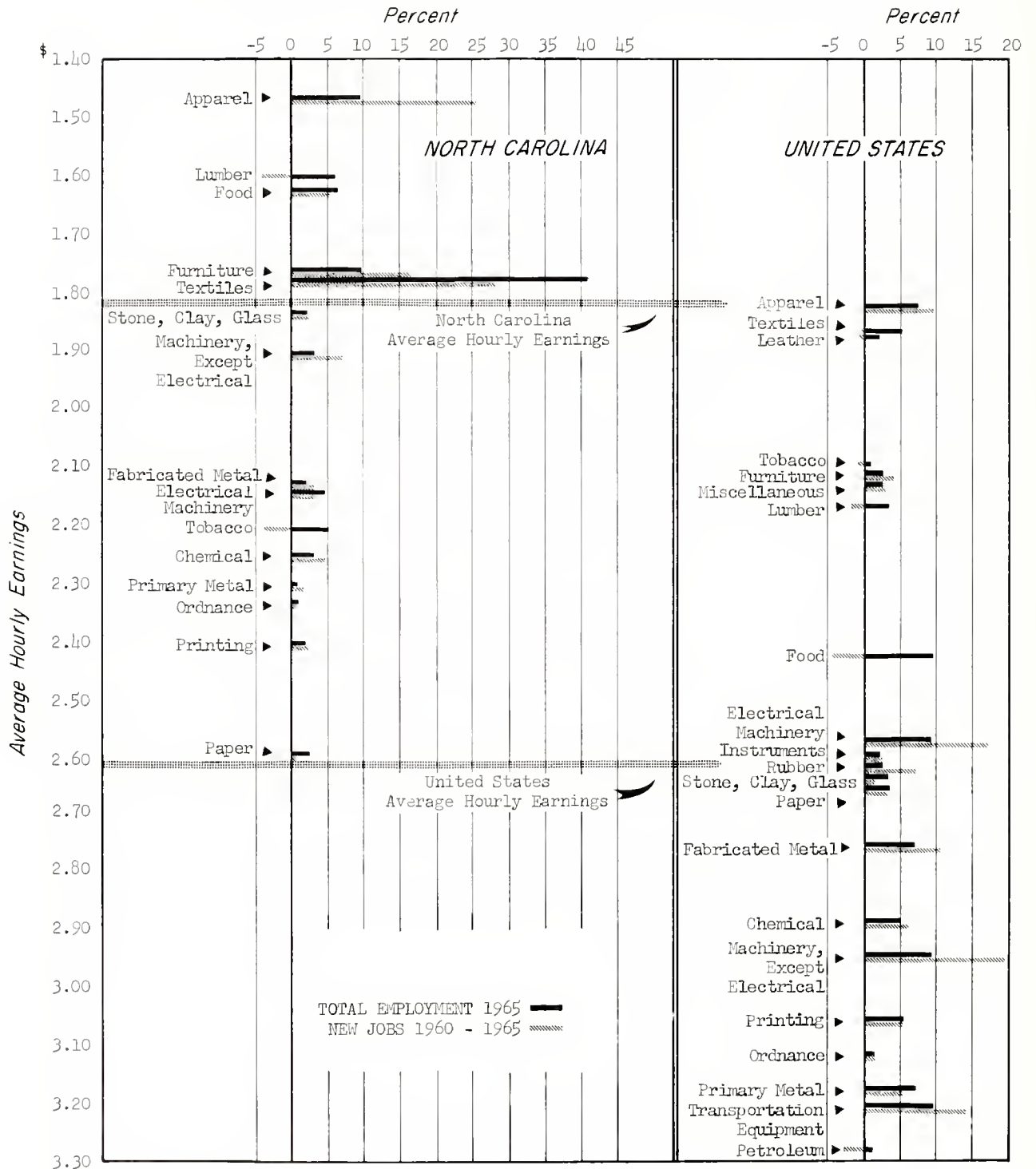
Agriculture. As mentioned earlier, we have experienced a remarkable decline in the share of our labor force employed in agriculture. In the incredibly short span of fifteen years, agricultural employment has dropped from one-quarter to less than one-tenth of all civilian employment in North Carolina. Although we still tend to think of ourselves as an agricultural state, less than 10 per cent of our labor force is employed in agriculture. While many painful adjustments still must take place in agriculture, in terms of numbers the great exodus from agriculture may already have taken place in North Carolina. We have shifted from a poor agricultural state to a poor industrial state.

Manufacturing. North Carolina already has a larger share of her work force in manufacturing than does the country as a whole. Almost one-third of all workers in this state are employed in manufacturing compared with about one-quarter nationwide. We continue to make rapid gains in the number of workers employed in manufacturing, gains which far outpace those of the country as a whole. But these gains must be put into context. At the national level, the manufacturing share of total employment has been declining since the 1940's. Except for war periods, the peak manufacturing share of

NEW JOBS

TWO - THIRDS OF THE NEW MANUFACTURING JOBS IN NORTH CAROLINA ARE IN INDUSTRIES PAYING LESS THAN THE NORTH CAROLINA AVERAGE WAGE WHILE TWO - THIRDS OF THE NEW MANUFACTURING JOBS IN THE UNITED STATES ARE IN INDUSTRIES PAYING MORE THAN THE UNITED STATES AVERAGE WAGE

Comparison of the Distribution of New and Existing Manufacturing Jobs by Level of Industry Hourly Wages North Carolina and the United States



employment in the United States was back about 1920. Thus our gains in manufacturing employment intersect declines at the national level.

North Carolina employment has shifted from agriculture to manufacturing, but within manufacturing, diversification from our traditional industries has not proceeded rapidly. Over-all, we had 79 per cent of our employment in textiles, furniture, apparel, food, lumber, and tobacco in 1960 and 77 per cent in 1965, a decrease of but two percentage points in five years. We have had rapid growth in new industries, but it is over such small bases that, in absolute terms, the growth is swamped by expansion of the traditional industries.

Our employment growth is characterized not so much by expansion in the growth industries as it is characterized by increases in our share of industries contracting nationally as sources of employment. Over the period from 1960 to 1965, six of the twenty-one major manufacturing industries declined in employment at the national level. North Carolina has substantial employment in four of the six industries—textiles, lumber, tobacco, and food. (The other two are leather and petroleum.)

Currently, some 58 per cent of our manufacturing employment is in these industries contracting as a source of employment at the national level. This is a portentous situation. First, growth trends of the recent past may not be sustained into the future decades from the same sources. The interregional shift of textiles, for example, may largely be exhausted—almost all of the New England textile industry has already migrated to the Southeast. A capacity of less than one million spindles remains in New England as compared with about seventeen million in North Carolina, South Carolina, Georgia, and Alabama.

Second, the causes for the national decline in employment in an industry—whether technological innovation, diminished demand, or whatever—may extend in time to North Carolina.

Given this continuing dependence on our traditional industries, what can be done to lay the groundwork for greater industrial diversification as this relates to our economic development goals? Much planning is indispensable to this effort: for industrial parks, for transportation, for utilities required by new industries, and especially for education to build up the skill level of the labor force.

Services. In recent years services have been the most rapidly growing sector of employment at the national level. Nationally, employment in services has been growing almost three times as rapidly as in manufacturing. Employment in services has also been growing rapidly in North Carolina. Future enlargement of the service sector, however, may require incomes sufficiently high to allow for discretionary spending. Nationwide, the highly skilled service jobs—in medical, legal, engineering, and educa-

tional services—are two to three times as numerous as the low-skilled jobs in hotel, laundry, and building maintenance work. And employment in many of these highly skilled service jobs will require a high level of formal preparation, with consequent demands on our educational system.

● *Goal 3. Minimize Unemployment*

Minimizing unemployment is an appealing goal, yet it may be a complex maze of economic and political considerations. From a strictly economic point of view, one approach to minimizing unemployment might be to encourage migration of workers who cannot find jobs. It is likely, however, that political considerations will be highly relevant and unfavorable to this possible alternative. Migration has been important to North Carolina in the past. Between 1950 and 1960, for instance, outmigration was twice as large as the increase in the labor force in North Carolina. Over 300,000 people left the state while the labor force increased by about 150,000 people.

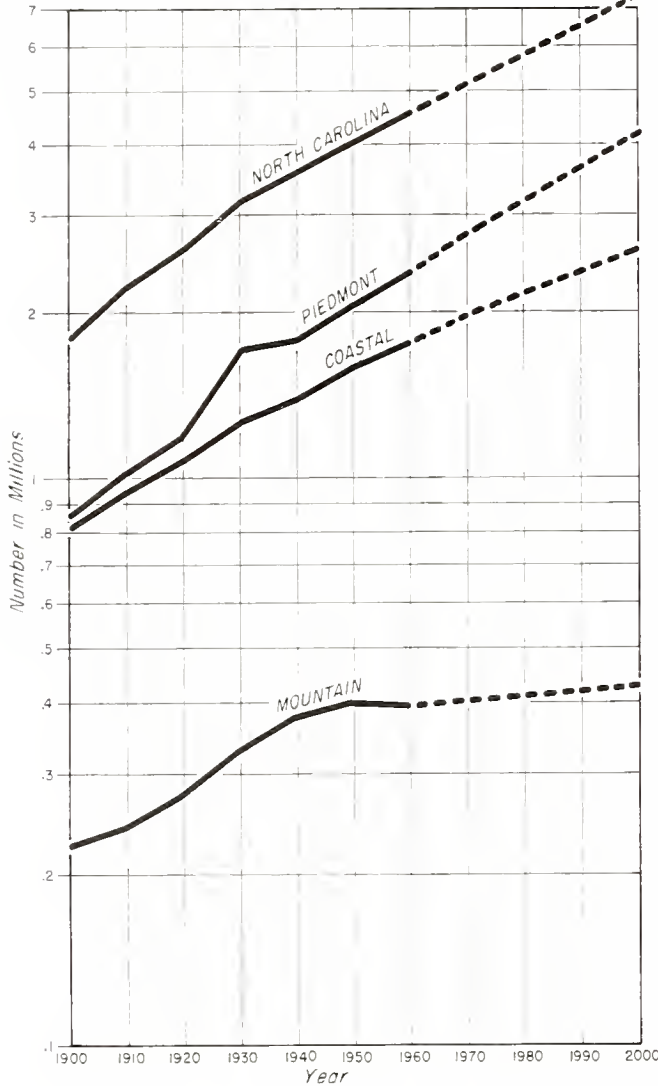
Migration patterns are influenced by the comparison of economic opportunities in North Carolina with those elsewhere. The fact that in the last five years outmigration has dropped to one-tenth of what it was in the previous ten may indicate that workers see a relative improvement in job opportunities in North Carolina.

Other factors specifically relevant to the goal of minimizing unemployment include: population growth, trends in labor force participation rates by sex, future demand for labor, and population movements (rural to urban areas, and among regions within the state).

Straight-line projections of North Carolina population indicate that we will have a population of around 7.5 million by 2000, an increase of about 50 per cent. Weighting recent trends in the three major regions of the state heavily, we might foresee that three-fifths of this total population increase will occur in the Piedmont, about one-third in the coastal area, and less than 10 per cent in the mountain region. The population growth follows employment opportunity. This conclusion may be supported by the observation that in the last five years as many new jobs (with employers covered by the North Carolina employment security law) were added in Mecklenburg County as in thirty coastal counties that had twice the population of Mecklenburg.

A much more intriguing and difficult projection to make than the total population is the distribution of the population by size of place. About 60 per cent of our population lives in rural areas; this is twice the percentage for the country as a whole. Historically, the percentage of our population living

POPULATION of NORTH CAROLINA and REGIONS, 1900-2000
ACTUAL and PROJECTED



in urban areas has grown similarly to that of the nation about sixty years earlier. Thus in 1960 North Carolina's percentage of population living in urban areas approximated that of the United States in 1900. Extending these paths up to the turn of the new century, we can expect that as for the United States in 1940, about 60 per cent of our population will live in urban areas in the year 2000. In the next third of a century we will shift from 60 per cent rural to 60 per cent urban.

Planning for Development in North Carolina

We have seen some trends—some hopeful, some disquieting—all posing crucial questions as to the direction and pace of our future economic development. Underlying many of the trends is a gross underinvestment in the human resources of our state. At the time of the last census, some 40 per cent of our

family heads, the major breadwinners, had less than an eighth-grade education. And functional levels may be well below recorded levels, particularly in rural areas.

Clearly, to accelerate our economic development, we must develop the great but as yet underdeveloped potential of our human resources. There is currently a perceptible shift in emphasis in planning for economic development from "area development" to "people development."

Massive concerns for people pose fresh challenges to planners.

The public response to newly perceived needs for human resource development has meant proliferation of planning centers and sources of funds for planning. This has happened partly because existing centers have not responded fast enough to the requirements of the new emphasis on the needs of people, especially the needs of the disadvantaged.

Let us look for a moment at planning in North Carolina. Outstanding work is being done in certain regions and cities of the state, and in certain functional areas, such as higher education and mental health. But focusing on the state level, planning as a process of setting goals, comparing alternative approaches to those goals, developing specific programs to accomplish them, and evaluating the effectiveness of these programs is just now only beginning to take place.

What steps might be taken to enhance our planning for manpower and economic development in North Carolina?

Policy discussions of economic development goals. The appointment of the Governor's Council for Economic Development is a first important step to stimulating public discussion of broad policy issues relating to the economic development of the state. Vigorous activation of the Council will create a forum for the discussion of these issues. Although the Council has 55 members, it does not include representatives of many important groups who are making significant contributions to our development efforts. Deliberations on a full range of real alternatives must certainly include these groups. In addition, to be effective the Council will need not only an Advisory Committee but also a small, full-time professional staff, independent of operating agencies, to generate the information it needs.

More fundamentally, we should have a much greater understanding of how our economy works. We need to know, for instance, what the implications are for wage policies of a major shift in our efforts to attract new industry from cost-oriented firms to market-oriented firms. Cheap labor is a comparative advantage in attracting cost-oriented firms but may be a comparative disadvantage in attracting market-oriented firms.

Search for new approaches to manpower and economic development. In addition to perfecting existing approaches, we must seek totally new approaches to development. These approaches might utilize more fully resources not now centrally featured in our development efforts.

One such approach could be elaborated as it might relate to the textile industry—our largest employer. North Carolina textiles must now compete with foreign imports. Development efforts to increase the incomes of the textile workers using existing production technology must confront the reality that higher wages will mean higher costs and a reduced ability to compete. We can achieve higher incomes without higher costs only through increased productivity.

A planning effort could stimulate technological surveillance to discover innovations known but not yet applied which could increase the productivity of the textile workers. These innovations are likely to involve the purchase of inputs into the textile industry from other industries, such as those producing equipment and chemicals. Planning for the economic development process should insure that these new purchased inputs will be produced in a way and in a place that will create jobs for our workers, including those workers not needed in textiles as a result of increased productivity in that industry.

Now, jobs producing these new inputs into the textile industry may require different sets of skills. We need to search for and use technological innovations which can speed basic education and skill training to prepare workers not needed in textiles for jobs in the new firms. We must successfully coordinate the manpower development process with the economic development process.

Such an approach is beyond the scope of any particular firm, or even any particular industry. It is certainly beyond the current mandate of state government. Clearly, such an approach to development has some new features: (1) It is comprehensive. (2) It involves entirely new relationships between the private and the public sectors. (3) Finally, it relies heavily on new applications of technology. Implementing such approaches requires that we explore how to strengthen planning efforts in both the private and the public sectors: it requires that we specify who might assume the new functions set forth. We hope to contribute to the thinking on the questions in a follow-up article.

New approaches must be programmed, evaluated for effectiveness, and compared dispassionately with still newer approaches if we aspire, by the year 2000, to create economic opportunity in North Carolina as great as can be found in the nation generally. □

Seminar on Low Income Housing

Eugene A. Gulledge, Greensboro housing developer, is interviewed by WTVD (Durham) newsmen at the Low Income Housing Seminar held at the Institute on May 25. Gulledge and others told the 200 city councilmen, housing authority officials, and other local officials that North Carolina is not building enough public housing or bidding for its share of federal assistance in other housing programs. Gulledge advised the officials: "Jump in and get your feet wet."



Municipal and County Administration

Classes Graduate

May 20 was commencement day for the forty-one city and county officials who were enrolled this year in the Municipal and County Administration courses. The courses, which were coordinated by Jake Wicker of the Institute staff, cover many aspects of local government administration, and these forty-one had been coming to the Institute for two- or three-day sessions at least once and sometimes twice each month since last September.

William D. Snider, Editor of the

Greensboro Daily News, delivered the commencement address, "North Carolina in Perspective."

The presentation of two awards to outstanding graduates concluded the exercises. The George C. Franklin Award is given annually by the North Carolina League of Municipalities to the student in the Municipal Administration course with the most distinguished record. This year it went to James Hudson, City Attorney of Salisbury. Mayor John A. Mitchener, Jr., of Edenton, President of the North Caro-

lina League of Municipalities, presented the award.

The North Carolina Association of County Commissioners Award is given to the student in the County Administration course who made the best record. This year it was earned by Robert Kinch, Forsyth County Personnel Director. The presentation was made by Fred D. Hauser, Chairman of the Forsyth County Board of Commissioners and President of the North Carolina Association of County Commissioners.



Principals in the graduation exercises for the Municipal and County Administration classes extend their congratulations to Mrs. Dorothy Biggs, City Clerk-Treasurer of Lumberton and a member of the Municipal Class. Left to right are Fred D. Hauser, Chairman of the Forsyth County Board of Commissioners and President of the North Carolina Association of County Commissioners; Mayor John A. Mitchener, Jr., of Edenton, President of the North Carolina League of Municipalities; William D. Snider, Editor of the Greensboro Daily News, who delivered the graduation address; and Jake Wicker, Assistant Director of the Institute of Government, who presided.

Municipal Administration Class

R. Yates Barlow, Asst. City Engineer, Morganton; Dorothy McG. Biggs, Clerk-Treasurer, Lumberton; Jimmy W. Brock, Finance Officer, Morganton; Delmas C. Brown, Jr., Purchasing Agent, Charlotte; Clarence O. Burch, Urban Development Adm., Roxboro; James E. Caldwell, Jr., Asst. Town Mgr., Chapel Hill; Mary Lee Callahan, City Clerk, Forest City; Bobby B. Clark, Supt., Parks & Recreation, Shelby; W. E. Cochran, Jr., City Engineer, Concord; Kenneth M. Crow, Auditor, Winston-Salem; Carolyn A. Denning, Town Clerk, Benson; Jesse E. Forrest, Supt. of Public Works, Enfield; Lawrence G. Fowler, City Engineer, Valdese; Jesse L. Greeson, City Clerk, Henderson; Berry Thomas Hart, Water and Sewer Maint. Supt., Durham; Clarence Haskins, Tax Collector-Treasurer, Enfield; Jesse W. Hilliard, Director of Public Works, Wallace; James R. Hinkley, Area Dir., Div. of Community Planning; James A. Hudson, City Attorney, Salisbury; Thomas Jordan, Asst. Tax Collector, Burlington; Larry S. Kerr, Street Maintenance Supt., Durham; Wayne G. Kimbrell, Asst. City Engineer, Shelby; John A. Knight, Personnel Officer, Burlington; Grover C. Nicholson, Jr., Engineer, Greensboro; Charles W. Poovey, Building Inspector, Lenoir; Robert K. Seals, Asst. Street Supt., Charlotte;

Charles L. Sellers, Area Dir., Div. of Community Planning; John G. Turner, Asst. to City Manager, Greensboro; W. C. Werth, III, Personnel Technician, Charlotte; E. Graham Wilson, Director of Utilities, Gastonia; James E. Yarbrough, Jr., Planner, Winston-Salem.

County Administration Class

J. Alvin Brooks, County Administrator, Caswell; John F. Click, Data Processing

Manager, Forsyth; W. Paul Graham, County Manager, Roberson; William G. Houck, Executive Secretary, New Hanover; Carl W. Howie, Statistician, Gastonia; Ernest G. Johnson, County Manager, Hertford; Garland H. Jones, County Manager, Wake; Robert E. Kinch, Personnel Director, Forsyth; Anne F. Parham, Administrative Asst., Guilford; H. Glenn Powell, Asst. Auditor, Rockingham.



A group of course participants wrestle with a problem in a work session.



Robert Kinch, Forsyth County Personnel Director, receives the County Commissioners Association Award from Fred Hauser.



James Hudson (right), City Attorney of Salisbury, receives the George C. Franklin Award from John Mitchener.



The 1967 County Administration Class



The 1967 Municipal Administration Class

County Commissioners and Public Welfare

by Paul N. Guthrie, Jr.

[*Editor's Note: The author is Assistant Executive Secretary for the North Carolina Association of County Commissioners.*]

Since the beginning of recorded history the care of the poor has been a public concern and a local responsibility.

At first the early church offered assistance to the poor, but later, under feudal systems, some European states actually enacted penalties against those who would aid the poor. Eventually this repression was relieved, and legislative recognition of the responsibility for the poor was established.

One of the earliest statutory enactments came in England in 1531, when a law was passed charging local officials with the duty to seek out the poor and to limit such persons to certain areas. In 1536 laws were passed directing the use of church funds for the aid of the poor, and by 1572 local tax funds were used in England for the aid of the poor. For the next 30 years a great number of revisions and changes in the laws concerning the poor were passed, thereby creating a very confused and unmanageable circumstance. To remedy this situation, in 1601, the Elizabethan Poor Law was enacted to clarify the law of the poor. This enactment established, in large measure, the structure and tradition of "public welfare" in the English-speaking world for the next three centuries.

Responsibility for the Poor in North Carolina

In North Carolina before 1776, the church was largely responsible within its parishes for providing aid to the poor, and the vestries had authority to raise moneys for

the poor by tax assessment.¹ After the Declaration of Independence and the separation of church and state, the county replaced the parish as the chief provider for the poor. In 1777² the General Assembly authorized the wardens of the poor, and in 1783³ approved power to levy taxes for the support of the poor. This legislation represented no break from historical tradition, but merely transferred the powers of the parish to the county. The establishment of county responsibility for the poor, through the wardens, was an extension to the new republic of local systems set forth in the English Poor Law. For the next 95 years this assignment was the basic structure found in North Carolina counties.

In 1868⁴ North Carolina ratified a new constitution that reaffirmed governmental responsibility for the poor:

Beneficent provision for the poor, the unfortunate, and orphan, being one of the first duties of a civilized and Christian state, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal state institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.⁵

Following ratification, the General Assembly, in special session, enacted legislation implementing

this constitutional mandate. It established the State Board of Public Charities and in effect transferred the powers of the wardens of the poor to the boards of county commissioners. These initial statutes⁶ established the basic policy of North Carolina, that the county, under limited state supervision,⁷ should be responsible for the poor.

In the years after 1868 the State Board of Public Charities received very meager appropriations from the General Assembly.⁸ During the period 1872 to 1889, little if any state supervision of county efforts was undertaken, and many county efforts were deplorable.⁹ Nevertheless, in 1876¹⁰ and 1891¹¹ the legislature reaffirmed its intent and added to county responsibilities.

By 1892 the State Board of Public Charities began to function again as a supervisory body with the establishment of local volunteer boards of visitors that investigated and reported on matters concerning the poor in their counties. These boards were the historical predecessors of today's county welfare boards. These boards of visitors continued to function until 1917.

By the early 1900's new concepts and public concerns in social welfare began to take shape in the United States. In 1917,¹² as a result of this revival of interest, the General Assembly rewrote North Carolina's welfare laws, es-

6. Public Laws of 1868, c. 20, § 8(2); § 8(25); § 8(20); § 8(7); § 8(24).

7. Public Laws 1868-69, c. 170.

8. Roy M. Brown, "Growth of State Programs of Public Welfare," (MSS. in the North Carolina Collection, Library of the University of North Carolina at Chapel Hill), Ch. VIII, p. 10 et seq. [paging inconsistent].

9. *Ibid.*, Chapter IX, pp. 10-11.

10. N.C. GEN. STAT. § 153-158.

11. N.C. GEN. STAT. § 153-152.

12. Public Laws 1917, c. 170.

1. William Conrad Guess, *County Government in Colonial North Carolina*, The James Sprunt Historical Publications (Chapel Hill: University of North Carolina Press, 1911), p. 15.

2. Acts of November, 1777, c. 7.

3. Acts of April, 1783, c. 16.

4. April 21-23, 1868.

5. N.C. Const. of 1868, Art. XI, § 7.

tablishing the beginnings of a state-supervised, county-administered public welfare system.

With the advent of many new state and federal programs and the enlarging of state supervision in many areas, North Carolina's welfare structure has undergone many changes since 1920. The current framework of operation dates from the enactment of the Social Security enabling legislation in 1937,¹³ and all welfare developments in this state since that time have maintained in principle the concept of local administration under limited state supervision. This basic policy concept is the current manifestation of welfare practices common in North Carolina since before 1776.

The Current Role of County Commissioners

The county has thus always had a prominent place in North Carolina's welfare systems. But what about today? What is the present responsibility of county government for public welfare?⁵

The legislative grant of authority to county commissioners in regard to public welfare is much broader than may be immediately apparent, when these powers are viewed in the light of practical application. First, the commissioners probably have majority strength on the county welfare board. The commissioners decide whether it shall have three or five members.¹⁴ If three, the commissioners will appoint one member, the State Board will appoint one member, and these two members will appoint the third. On a five-member board, the commissioners appoint two, the State Board two, and these four elect the fifth. Thus the commissioners appoint at least half the board, and it seems likely that if they wished, they could exercise some suasion in the selection of the "neutral" member.

In a number of counties this

role of the county commissioners is increased by the fact that one of the commissioners serves on the welfare board. This member serves in a direct liaison role between the two boards.

County commissioners also have authority to review grants made by the welfare boards.¹⁵ If the commissioners decide that any award needs to be reviewed, they must have a duly announced reconsideration hearing. After such a hearing the board may change a grant, but any decision is appealable to the State Board of Allotments and Appeals. This is a difficult procedure, but its mere existence indicates a basic legislative intent that the policies of the county welfare board that have financial implications should be subject to review by the governing board of the county.

This leads to a third area of responsibility for county commissioners: budgets and administration. G. S. 108-11, which delegates certain duties to county welfare boards, provides that the administrative budget prepared by the welfare board shall be submitted to the board of county commissioners for its approval. In addition, G. S. 108-38 extends broad powers to the commissioners in the administration of the welfare program:

The county board of commissioners and the county board of welfare, in joint session, shall determine the number and salary of the employees of the county board of welfare, having been advised by the county director of welfare and the State Board of Public Welfare; provided, however that the members of the county boards of welfare shall not have a vote at such joint sessions.¹⁶

The implications of this type of delegating of authority are obvious, because it is in the budgeting and staffing areas where administrative policy is made. While technically welfare policy deter-

mination is vested in the county welfare board, it is clear that these administrative powers regarding the structure of the welfare board, the review of grants, the review and approval of administrative budgets, and decision authority over staffing levels and compensation of personnel give the county commissioners clear responsibility for operation of the county's welfare program.

Commissioners have other large administrative responsibilities assigned by statute. They must keep proper accounts and report to the State Board.¹⁷ With the approval of the county welfare board, the commissioners may appoint an attorney to handle certain kinds of actions and to serve as a special prosecutor in nonsupport cases.¹⁸ They may elect whether to place welfare department employees under the North Carolina Local Governmental Employees' Retirement System.¹⁹ Commissioners also have responsibilities regarding the blind²⁰ and regarding the establishment of houses for indigent and delinquent children.²¹ Another responsibility has to do with county homes for the indigent²² (although these institutions are becoming less numerous²³).

A fourth, crucial role of the board of county commissioners is in communication. Commissioners are generally reflective of community sentiment. Being elected officials, they are acutely aware of the popular judgment in their communities. Their opinions should be carefully weighed by welfare directors and welfare board members because commissioners will reflect community feelings.

The reverse of the coin is that the commissioners can also interpret for the welfare board and the welfare director to the community at large. Such communica-

16. N. C. GEN. STAT. § 108-38.

17. N. C. GEN. STAT. § 108-40; § 108-64.

18. N. C. GEN. STAT. § 108-14.01.

19. N. C. GEN. STAT. § 128-37.1.

20. N. C. GEN. STAT. §§ 111-13, -14 et seq.

21. N. C. GEN. STAT. § 153-9(38).

22. N. C. GEN. STAT. § 153-152.

23. Latest figures indicate that only 12 counties still maintain county homes.

13. Public Laws 1937, c. 288.

14. N. C. GEN. STAT. § 108-11.

15. N. C. GEN. STAT. § 108-31; § 108 60.

tion results in a better understanding of welfare policy decisions and programs. Operating a good program without this kind of public support is very difficult. When bad publicity arises and community support dwindles, a vicious cycle sets in: Personnel become defensive, better jobs lure them away, new personnel with less experience and talent are hired, administration of the program suffers, and the net result is that the program becomes less manageable and the results poorer. It is therefore absolutely essential that full communication between the commissioners, the people of the county, and the welfare board be maintained. Failure to communicate can only damage the program and weaken its effect.

Conclusion

In short, then, county commissioners have both a constitutional and a statutory responsibility for the administration of public welfare. The problem is that from time to time legislative intent is clouded by administrative custom. Attempts to exclude local funding authorities from program decision making, except at budget time, can and do result in bad management. Commissioners are the elected representatives of the population of the county. In them is vested by the voters both the responsibility for the county's governmental operations and the power to levy taxes. In terms of long-run results, it is far better for welfare agencies, both state and local,

to work with county officials in developing better programs than to exclude them from program evaluation. Arriving at the courthouse door at budget time with a totally new program to be partially funded by county commissioners is not the way to encourage good cooperation. Programs should be reviewed with the commissioners and implications pointed out before budget time. Then when appropriations are to be made, the board will have some understanding about what is being asked for and what can be expected in return for its allocation of county moneys. Experience teaches that only in this way can our public welfare operations be improved. □

Probation Officers Meet

Dr. Douglas Sessoms teaches in the school for probation officials. Sessoms is an Associate Professor of Recreation Administration in the Department of Sociology at the University at Chapel Hill and Director of the Multi-Purpose Training Center.

North Carolina probation officers are shown in class during the course of the school. Institute staff member Richard McMahon was in charge. This is one of several groups of a continuing program of instruction.



Changes in the Social Fabric of the South

by Mark F. Ethridge

[*Editor's Note: A Mississippian, Mr. Ethridge was formerly editor of the Louisville Courier-Journal and is now Professor of Journalism at the University of North Carolina at Chapel Hill. This article is adapted from an address delivered on April 7 before the Tenth Annual Planning Conference at the Institute of Government.*]

There can, of course, be no planning that is meaningful without consideration of the people for whom you are planning, of the economic, political and social conditions which have formed their background and molded their attitudes. Appomattox is my starting point because it gave the final answer to slavery and secession: because it ripped apart the economic and social fabric of the South and started us on new paths which we, however unwillingly, are now treading.

After Appomattox

The Southern soldier returned from Appomattox to find his whole way of life changed. Slaves were freed, cities burned, crops destroyed, land abandoned, what few industries there were in ruins and carpet-baggers and scalawags in charge of his government. He had to make a whole new way, economically at first and politically after the Hayes-Tilden deal which withdrew Union troops and turned the Southern states back to their own people and left them free to handle their problems as they would. How they handled them is our concern for this hour, because it affects all we do today.

Twelve years after Reconstruction had ended, James Bryce wrote glowingly of the progress the South had made. "But for one difficulty," he said, "the South might well be thought to be the most promising part of the Union, that part whose advance is likely to be the swiftest, and whose prosperity will not be the least secure.

"The difficulty, however, is a serious one. It lies in the presence of nine million Negroes."

That presence still plagues us. The Confederate flag, instead of being the symbol of gallantry at Gettysburg, has become the banner of the bigots. Demagogues and racists who would have been spurned before Congress and the Supreme Court asserted the national conscience and the national will have marched under the outworn shibboleth of states' rights into the governorships of Georgia, where Axe-handle Maddox holds sway; Mississippi, where Ross Barnett led revolution; Arkansas, where Faubus reigned until he chose to withdraw himself; and Alabama, where the Wallace dynasty sits under the



Ethridge

balcony of the old Confederate capitol where Jefferson Davis took his oath.

Race and the Mind of the South

But that is not the extent of the tragic reaction to the three civil rights bill, the innumerable decisions of the Supreme Court, and the promulgations of executive departments, such as school and hospital guidelines. It will be up to historians to tell what the past thirteen years have done to the mind of the South. For one thing, what has happened has largely stilled the voices of the moderates, both in private and in public life—the voice of people of good will who, perhaps opposed to desegregation, still want to obey the law.

The South's obsession with the race question—its unreasoning fear of black supremacy and its grim determination to use all means, legislative and otherwise, to maintain white supremacy—has led it into a feeling of embattled martyrdom, of introversion and isolationism, which has never been a part of its tradition until recently. There are those who look askance at appropriations for the U. N. because of fear of African domination. Alaskan statehood was strenuously opposed by Southerners under the leadership of Stennis and Russell because it would give the Senate two more members who would not be sympathetic to Southern filibusters and manifestos. It has made moral cowards out of Southerners in the Senate who know better and want better than negative defiance of the national government which

they help to shape. A Kentucky senator said to me of a Deep South Senator, "He has the best mind in the Senate, but he is so obsessed by the race question that he can not use it in the broad national interest. He looks for the 'nigger in the woodpile' of every legislative proposal." Every Southern senator is haunted by the specter of some demagogue looking over his shoulder, ready to snatch his seat if he is too liberal, or even too moderate.

We of the South are living through and seeing before our eyes, if we would but look, one of the great tragedies of our national history: a revolt being led by men who have so much to offer the country if their minds were not paralyzed by sectional bitterness. As James McBride Dabbs ruefully said in his book *Southern Heritage*, "Defending, so they say, the Southern way of life, they indicate by their actions that they have lost its quality." More than a hundred years ago, Lincoln said, "Slavery debauches even our greatest men. Monstrous crimes are committed in its name. . . ." Substitute white supremacy for slavery and there is Lincoln speaking to this generation.

As a member of a liberal administration, former Governor Luther Hodges gave the South a warning which it must heed if it is to square with the national conscience and share the bounties of an industrial civilization. "We are witnessing," he said in a speech at the University of Alabama in 1964, "a social revolution centering on the demands of Negro rights, and given the whole history of this nation and of the world itself, the ultimate outcome cannot be in doubt. The Negro in America cannot be denied full dignity without abandonment of everything America has stood for in the history of civilization. The Negro deserves better treatment, and he must surely get it. Our good sense will not permit us to continue to sanction the waste of talent of our Negro citizens."

I have dwelt on the race question so long because it is impossible to consider the future of the South without considering its past. But there have been other factors which have molded our mores and affected our thinking.

Economics—Past and Present

In its climb out of prostration and poverty after Appomattox, the South—to achieve a "fatback and hominy" standard of living, as Harry Ashmore calls it, far below the rest of the country—embraced practices which became, certainly in the Deep South, a part of the regional tradition, practices which were costly and in a measure degenerating. Among them were the one-crop system of cotton cultivation, with all its attendant evils, such as tenancy, share-cropping, and the furnishing system which made virtual peons of the poor white farmers along with the Negroes. They had no control over their destinies because

they were disfranchised by poll taxes and Black Codes, to which North Carolina contributed more than her share.

As the cotton economy collapsed under mechanization or competition from the richer cotton lands of California and Arizona, there began the great outmigration which still continues to the ghettos of Harlem, Watts, South Side Chicago, Detroit, and other metropolises. Unfortunately, along with the export of a largely illiterate population, with all its poverty and diseases, we indulged in a great export of brains. In my own field, we have sent North for better opportunity, some of them from this university, the managing editor of the *New York Times*, the editor of *Esquire*, the editor of *Newsday*, the editor of the *Wall Street Journal*, and the head of the Washington bureau of the *New York Times*.

In the processing of cotton, we created not only a great industry in which North Carolina is dominant, but also a great evil in the mill village, a relict of feudal days in which again individual dignity was subordinated to the company boss. Two major mill villages—or more precisely, unincorporated towns—still exist in North Carolina. In fairness it must be said that Burlington Mills is trying to dispossess itself of Erwin, but there is no indication of a similar move in the barony of Kannapolis.

There were a great many enlightened mill owners, but they were in the minority. It is no exaggeration to say that the textile industry was built upon the backs of child labor, cheap wages, long hours, the stretch-out and resistance to unionization, even to the use, as a lawyer for a mill chain told me, of "stud horse stuff"—that is, violence. As recently as 1931 the North Carolina textile mills were operating 66 1/2 hours a week, and when it was proposed to reduce them to 60, the cry went up that the industry would be destroyed. Instead, of course, the cheaper labor, the nearness to the raw material, and the machinery to process fine goods have destroyed the New England industry and centered it very largely in the Piedmont.

Similar phenomena existed in other industries in the South, in coal and in timber. When the rich soft-coal fields were opened in Kentucky and West Virginia, mining villages were created. The company town was common, the company store a must. Before John L. Lewis flung his weight around, miners were paid in script which they had to spend at the company store. Many of them never saw a nickel or a dime or a dollar of American currency. Some of the more canny miners bought stuff at the company store and sold it outside to get currency.

Bloody fighting over unionization succeeded the feuds of Bloody Breathitt and Jackson. The Hatfields and the McCoys became small-timers in comparison with Mingo, Lynch, Harlan, and Pineville. The mine

owners controlled the peace officers, and where they couldn't keep order, governors called out the National Guard. Mechanization finally settled the blood baths of the coal fields. Great engines augur into the earth and bulldozers ruthlessly scrape off the good topsoil to get to the seams below. We are paying for this now in flash floods, in the poverty of Appalachia, in a people too impoverished or too unskilled to move, in a people who will be forever on the rolls of the poor of this country. Fewer than 200,000 miners now extract more coal than the 700,000 in 1920. Worse than anything else, we have made charity cases out of the stock that followed Boone out of the Yadkin River settlements.

The story of timber has its parallels. Blessed with great forests, the South encouraged their exploitation without controls. Vast areas of pinelands were ruthlessly cut down. I have seen miles and miles of stumps in my native Mississippi. Now, happily, in the same region I have seen miles and miles of new young trees. In 1870, the South produced only 9.4 per cent of the timber products. Now it produces considerably more than 50 per cent. By 1960 the South had received more than half a billion dollars a year from the sale of paper and pulp, not to mention furniture wood, in which High Point and Thomasville have passed Grand Rapids. More than 200,000,000 acres of Southern land are in young forests. When Dr. Charles Hertig discovered how to get the resin and turpentine out of pine pulp, a vast paper industry sprung up that is a boon to the South, to North Carolina among other states.

There is one thing common to the three industries that I have mentioned: cotton, coal and timber. They are, on the whole, low-pay industries. Moreover, they have tended to establish a caste system by the isolation of their workers, by the control that comes with company towns, mill villages, and what used to be called turpentine camps.

I have not mentioned tobacco, which is of supreme importance to North Carolinians. It was here in Caswell County that the farmers had learned to grow and to cure the bright leaf which is such a major factor in the state's economy. The story is too well known to all of you for me to tell, but without tobacco, North Carolina would perhaps be a one-crop economy still and the vast complexes of buildings at Durham and Winston-Salem would not exist.

A Look to the Future

In all I have said, I have not meant to be a Jeremiah. There have been vast abuses of our natural resources and vast injustices to our people, black and white. But the sun is beginning to shine through. We have rid ourselves of a great many of the incubuses which burdened us — rid ourselves in

many cases with the help of the federal government and the assertion of the national will and conscience.

Political structures reared on oligarchy by control of state legislatures are beginning to crumble under the guarantees of civil rights, under urbanization, which rid us of rural domination (of which Georgia, with its county unit system, was the horrible example), of voter registration, of the consciousness on the part of politicians in most states that the Negro does have a voice and the poor white a stronger voice than he had. The emerging two-party system in the South, so far behind a reactionary Republican facade, will in time become of importance in that it will challenge both parties to present better than demagogues.

The South is developing industrially, though it has a long way to go to equal the national industrial growth. In 1914 the South had 852,857 wage earners in manufacturing; in 1963 the number was 11,907,000, but the Southern gain in manufacturing is the same one-sixth of the national value that it was 60 years earlier.

We have rid ourselves of many of the things that held us back. We have water power for all the industries that can be garnered to us. We have coal, we have timber for the pulp and paper and furniture industries. We have rid ourselves of the hookworm, malaria, and the onerous Pittsburgh-plus freight rate that penalized us. We have got rid of share-cropping and farm tenancy to a major degree. The mill villages and the mining camps are disappearing. We have capital, or can get it, to finance any enterprise. We have TVA with all its blessings. We have oil and gas and even Coca Cola and patent medicines galore. We have climate and an adequate rainfall. We have rural rehabilitation, a changed agricultural economy in which worn-out cotton lands now handsomely support Black Angus and polled Herefords.

If we still have resistance to the central government, we have governors who are willing to go hat in hand to ask for more largesse from it or to protest a cut in highway funds. And we have a federal government which is using its beneficent powers to shorten the hours of labor, raise wages, and throw itself on the side of the dignity of man and against injustices. Thank God for it.

I must make an acknowledgment before I close. I am indebted to many sources for statistics and ideas, but to none more deeply than to an excellent book by two Kentucky historians, Tom Clark and Ab Kirwan, who took his doctorate at Duke. *The South Since Appomattox* is a book that should rank with Cash's *Mind of the South*. I recommend it to all those who would try to understand where we came from. It is up to you to say where we shall go. □

Alamance County Builds a New District Court Facility: A Departure in Courtroom Design

by D. Marsh McLelland

[*Editor's Note: The author is clerk of the Alamance Superior Court and chairman of the Uniform Courts Commission of the North Carolina Association of Clerks of Superior Courts.*]

Anticipating the need of special facilities for the new district court, scheduled to begin operations after the 1968 general election, Alamance County's Board of County Commissioners decided in 1964 to add a second story to the courthouse annex then being planned to house the tax collector, the county accountant, miscellaneous offices, and the commissioners' board room. Herb Carmen, of the

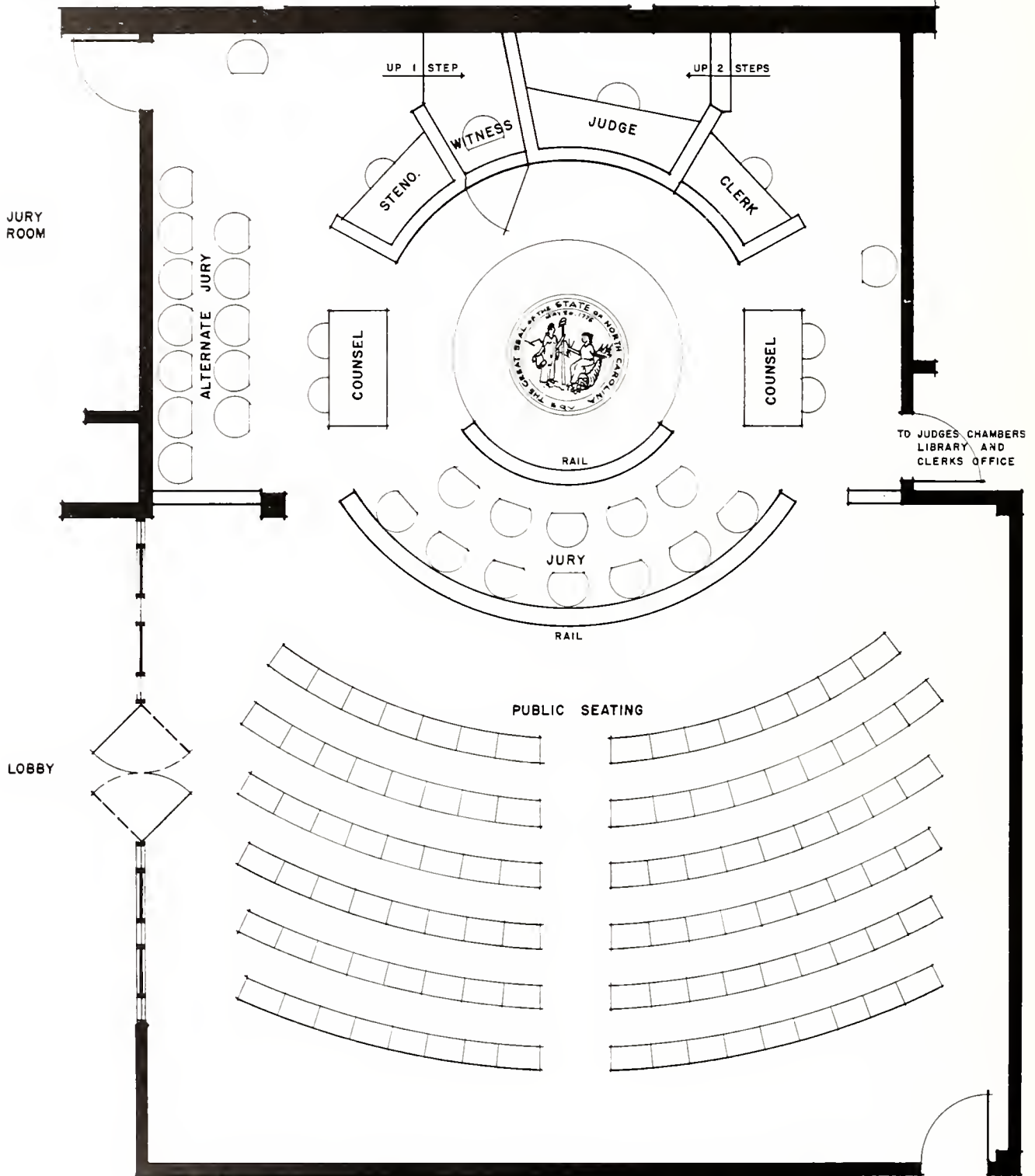
architectural firm of Alley, Williams, Carmen and King, Inc., worked out a courtroom floor plan in consultation with Marsh McLelland, Alamance's clerk of superior court. It utilized the entire second story and was made up of a courtroom with a seating capacity of 100, a jury room, a judge's chamber, a clerk's office, a magistrate's office, a small library, offices for the prosecutor and the stenographer, and a small conference room. The plan was shown to lawyers and other interested persons, underwent numerous revisions of detail, was approved by the commissioners' building committee and scheduled for con-

struction in skeletal form when the contract for the building should be let.

The ground floor and basement of the annex were finished and occupied in the fall of 1966, and the commissioners authorized their administrative assistant, Sam Webster, to proceed with finishing of the interior of the court complex. The courtroom and the judge's chamber were walnut paneled, a vinyl tile floor was laid and chairs for the judge, jury, attorneys, other court officials and spectators were ordered. Herb Carmen was asked to draw detailed plans for the judge's bench, witness box, etc., and he wondered whether

The entire new Alamance Court House Annex is modern in design. The courtroom is on the second floor.





COURTROOM PLAN

there might not be some arrangement inside the bar that would be better than the traditional judge - in - the - middle - with - the jury-on-the-side design. He and Mr. McLelland, the clerk, once more began their consultations. They considered variations on the standard arrangement, drew sketches, made paper models, and studied judge-in-the-corner plans. The clerk asked the lawyers for ideas, sought inspiration from the judges, and mentioned the problem to Ed Hinsdale of the Institute of Government staff. Mr. Hinsdale remembered seeing an article in *American Judicature* on courtroom design, found the issue, and dis-

covered that the prize winner was a circular design with the witness in the center of the perimeter on the far side from the audience and directly opposite the jury, seated in a semi-circle with its back to the audience. The stenographer, the judge, and the clerk were ranged in that order on the perimeter to the left of the witness, and counsel tables on the perimeter to the right. The design had two unique features: (1) By use of the circle, no courtroom principal was stationed behind or directly to the side of any other principal; (2) by moving the traditional stations of the principals, the jury was afforded a full face

view of the witness.

This semi-circular arrangement was eminently adaptable to the needs of the new Alamance courtroom. The architect, Mr. Carmen, found that a circle large enough to accommodate twelve jurors in a single row required more floor space than was available. He considered it no disadvantage, however, because the use of a large circle unduly lengthens the distances between the fixed stations of the principals, and therefore modified the plan. The plan as drawn and executed provides two rows for the jury, five seats on the front and seven on the back. The rows are semi-circular, cen-

This photograph shows the courtroom's unusual treatment of the "jury box," placing the jurors with their backs to the audience, directly facing the judge and the witness.



tered immediately inside the bar facing the bench complex, and flanked by opposing counsel tables on a circular line continuing toward the bench. The bench, a single unit in walnut, completes the circle. The judge is seated two steps above floor level and slightly to the right of center, the clerk to his left on the curve, and the witness to his right, slightly left of center and one step above floor level, flanked on the far curve by the stenographer. The distances between principals is well within tolerable limits. Counsel tables are at an angle in relation to the witness box, and

the witness is still substantially to the side of the judge, but the jury sees the witness full face. The Great Seal of the State of North Carolina laid in the center of the floor of the arena, as on the portico of the State Legislative Building, is the final touch. It seemed an appropriate way to emphasize the orientation of the new District Court toward the State.

The new building, costing \$233,000 including the finished courtroom (but not furnishings for the adjoining offices which are yet to be purchased), was dedicated in ceremonies conducted on May 21, 1967. Resident Judge Leo Carr

made the dedicatory address. Oscar Gammon, chairman of the board of county commissioners when the first building plans were made, and Homer Andrews, current board chairman, shared the ribbon-cutting honors. The new courtroom drew all but universal praise. The *Greensboro Daily News* featured it in its story of the dedication, calling it ultra-modern. Those who have seen it agree that it is modern and attractive in appearance, functional in design, and an excellent example of what a county can do to prepare for the district court system. □

Quotes on the Courtroom

Superior Court Judge Leo Carr, who gave the dedicatory address when the court house annex was officially opened on May 21, spoke with equal enthusiasm for the new courtroom: ". . . [O]ur design, I believe, is better than some similar ones I have seen in legal journals. I feel we will like it very much when we get accustomed to it, and it will work out better than the older courtrooms."

Attorney John D. Xanthos commented: "The new courtroom . . . presents a revolutionary departure from the age-old concept of courtroom design . . . [It] will be good for all litigants."

County Solicitor Spencer B. Ennis, who will be using the courtroom as prosecutor in the Alamance general county court until the district court is established, was also very pleased with it. "It is a very attractive and functional courtroom, and its design will be advantageous to the jury."

Judge William L. Shoffner, who presides over the county court, said that he is looking forward to holding court in the new facility as soon as possible. "It is a new adventure in courtroom architecture. Its simplicity adds to the dignity of the court and gives the room itself a judicial atmosphere. Its arrangement makes it most efficient for the judge, the clerk of court, the court stenographer, the jury, the witnesses, and the spectators. I am looking forward to working there the balance of my term."

Burlington attorney Edgar S. W. Dameron, Jr., also a former county solicitor, said that "over-all, the new courtroom is superior and should promote the cause of justice . . . The physical location of the jury in relation to the parties and their lawyers appears fair to all concerned—in fact more so than in the conventional courtroom."

—Extracted from a news story by Connor Jones
of the Burlington Daily Times-News

Credits: The photos of the Alamance Courthouse Annex and the new courtroom are by courtesy of Ed McCauley of the *Burlington Daily Times-News*. The architectural drawing of the courtroom is by Alley, Williams, Carmen, and King, Inc., Engineers and Architects, in Burlington. Pat Bailey of Station WBBB in Burlington also kindly made courtroom photos available to *Popular Government*. All other photos are by Charles Nakamura. The charts and graphs are by Charles Nakamura and the North Carolina Fund.

Memorandum

To: All Juvenile Court Judges

From: Mason Thomas and C. E. Hinsdale

Subject: Constitutional Rights of Children
in Delinquency Hearings

On 15 May 1967 the U. S. Supreme Court in a 7-2 (8-1, in part) opinion handed down *In the Matter of the Application of Gault (a minor)*, _____ USSC _____, 35 LW 4399. This decision expands the constitutional rights of a child at a delinquency hearing which could result in commitment to an institution, and drastically alters the procedures which must be followed in these cases. Since *immediate action* is required by all juvenile courts to comply with this decision, this brief digest is supplied for your guidance. Concurrently, implementing legislation is being prepared for consideration by the General Assembly at this session.

Essential Facts in the Gault Case

Gault, age 15, was placed on probation by a juvenile court in Arizona in February, 1964, because he was in the company of another child who stole a wallet. On June 8, 1964, Gault was taken into custody and placed in detention by the sheriff because of a verbal complaint by a neighbor that lewd remarks had been made to her over the telephone. His parents, who were both away from home working at the time, were not contacted at the time of detention.

The juvenile probation officer filed a petition on June 9 (also the date of the juvenile court hearing) which was never served on the parents. The petition alleged delinquency without specifying facts. The complainant did not appear at the hearing. Gault was not represented by counsel. There was conflicting evidence concerning whether Gault had made lewd remarks to the complainant. No record was made of the hearing. The judge committed Gault to training school as a juvenile delinquent for the period of his minority (6 years) unless sooner discharged. An adult convicted of the offense with which Gault was apparently charged could receive a fine of not more than \$50 and imprisonment for not more than two months. Proceedings to obtain

Gault's release eventually resulted in the case's reaching the U. S. Supreme Court, which was asked to rule on the petitioner's entitlement, under the due process clause of the Fourteenth Amendment, to:

1. Notice of the charges;
2. Counsel;
3. Confrontation and cross-examination;
4. The privilege against self-incrimination;
5. A transcript of the proceedings; and
6. Appellate review.

The Decision

In reaching its conclusions on the rights noted above, the Court stated that it was not "concerned with the procedures or constitutional rights applicable to the pre-judicial stages of the juvenile process," nor the "post-adjudicative or dispositional process." The Court narrowed the scope of its opinion to "proceedings by which a determination is made as to whether a juvenile is a 'delinquent' as a result of alleged misconduct on his part, with the consequence that he may be committed to a state institution." No practical difference was noted between the training school to which young Gault was committed and a prison for adults.

1. *Notice of the Charges.*

The Court had no difficulty in reaching the conclusion that notice in this case was constitutionally inadequate:

We cannot agree with the . . . conclusion that adequate notice was given in this case. Notice, to comply with due process requirements, must be given sufficiently in advance of scheduled court proceedings so that reasonable opportunity to prepare will be afforded, and it must "set forth the alleged misconduct with particularity" . . . the child and his parents

or guardian [must] be notified, in writing, of the specific charge or factual allegation to be considered at the hearing, and. . . such written notice [must] be given at the earliest practicable time, and in any event sufficiently in advance of the hearing to permit preparation. Due process of law requires notice of the sort we have described—that is, notice which would be deemed constitutionally adequate in a civil or criminal proceeding.

2. *Right to Counsel.*

The Court compared the seriousness of the delinquency hearing in this case to that of a felony prosecution, declaring:

We conclude that the Due Process Clause of the Fourteenth Amendment requires that in respect of proceedings to determine delinquency which may result in commitment to an institution in which the juvenile's freedom is curtailed, the child and his parent must be notified of the child's right to be represented by counsel retained by them, or if they are unable to afford counsel, that counsel will be appointed to represent the child.

The opinion further noted that, at the habeas corpus hearing, Gault's mother testified that she knew she could have appeared with counsel at the juvenile hearing, and ruled that this knowledge was not a waiver of the right to counsel. Under such circumstances, the child and his parents have a right expressly to be advised that they might retain counsel, and to consider specifically whether they should or should not waive the right.

3. 4. *Confrontation, Self-Incrimination, Cross-Examination.*

Taking up the issue of self-incrimination first, the Court again ruled succinctly:

We conclude that the constitutional privilege against self-incrimination is applicable in the case of juveniles as it is with respect to adults. We appreciate that special problems may arise with respect to waiver of the privilege by or on behalf of children, and that there may well be some difference in technique—but not in principle—depending upon the age of the child and the presence and competence of parents. The participation of counsel will, of course, assist the police, juvenile courts and appellate tribunals in administering the privilege. If counsel is not present for some permissible reason when an admission is obtained, the greatest care must be taken to assure that the admission was voluntary, in the sense not only that it has not been coerced or suggested, but also that it is not the

product of ignorance of rights or of adolescent fantasy, fright or despair.

By the standards quoted, Gault's "confession" was ruled inadmissible, leaving for determination the question of the adequacy of the other evidence, if any, to sustain the juvenile judge's finding of delinquency. The Court found none, and held:

Absent a valid confession adequate to support the determination of the Juvenile Court, *confrontation and sworn testimony by witnesses available for cross-examination were essential for a finding of "delinquency"* and an order committing [Gault] to a state institution for a maximum of six years. [Emphasis supplied.]

5.6. *Appellate Review and Transcript of Proceedings.*

In view of its decision on the major issues outlined above, the Court withheld a direct ruling on these points, but noted in passing that a juvenile court must accompany its orders with a statement of the reasons or consideration therefor, and concluded with this warning:

. . . the consequences of failure to provide an appeal, to record the proceedings, or to make findings or state the grounds for the juvenile court's conclusion may be to throw a burden upon the machinery for habeas corpus, to saddle the reviewing process with the burden of attempting to reconstruct a record, and to impose upon the juvenile judge the unseemly duty of testifying under cross-examination as to the events that transpired in the hearings before him.

7. *Some Rights and Procedures Not Required in a Juvenile Delinquency Hearing.*

In a scholarly historical prologue to the constitutional issues decided in the instant case, Justice Fortas, author of the majority opinion, made a number of interesting and helpful comments about what is *not* required by a juvenile delinquency hearing. He pointed out that a juvenile is not entitled to bail, to indictment by grand jury, to a public trial, or to trial by jury. He noted, also, that certain other rules governing the arrest and interrogation of adults by the police need not be observed in the case of juveniles, but these were not dealt with in detail. He further pointed out that the observance of due process standards, intelligently administered, need not compel the state to abandon any of the substantive benefits of the juvenile process. He emphasized that the "commendable principles relating to the processing and treatment of juveniles separately from adults are in no way involved or affected by the procedural issues" discussed in the majority opinion. Juvenile

offenders need not be classed as criminals, and an adjudication of delinquency should not work any civil disability or disqualify the child for government employment. Confidentiality of juvenile records is not affected, and is to be encouraged. Finally, he repeated that this case was not to be understood to hold that "ordinary due process requirements" must

be observed with respect to hearings to determine the *disposition* of a delinquent child.

On May 23, Rep. Godwin of Gates introduced HB 1103, providing for the appointment of counsel for indigent juveniles at delinquency hearings and for the compensation of counsel. The bill was passed by the House on June 9, 1967. □

INSTITUTE SCHOOLS, MEETINGS, AND CONFERENCES

Tax Collectors School Meets



One of the tax officials receives his certificate and congratulations from Institute Director John Sanders.



At the conclusion of the course, a participant stops to thank Mr. Lewis.

The annual school for tax collectors, conducted by Henry W. Lewis of the Institute staff, met this year on April 24-28. Mr. Lewis has taught this course for a number of years, and it is one of the best-established among the classes offered by the Institute.



Building Inspectors Hold School

The first annual Building Inspectors' Short Course held its graduation exercises at the Institute of Government on May 6. Thirty-nine building inspectors from 27 cities and four counties completed the 60-hour course, which extended over six weekends beginning in February.

The course, believed to be the first of its kind offered in North Carolina, was jointly sponsored by the North Carolina Building Inspectors' Association, the North Carolina Department of Insurance, the State Building Code Council, the North Carolina League of Municipalities, and the Institute of Government.

John Parham of Durham, president of the Building Inspectors' Association, and Kern Church, engineer of the Department of Insurance and Secretary of the State Building Code Council, had major responsibility for planning and conducting the course. Altogether more than 35 instructors participated in various classes.

The course served a dual purpose in providing basic information concerning the duties of the building inspector and at the same time introducing to veteran inspectors the contents of the newly revised State Building Code, which became effective April 1.



North Carolina Insurance Commissioner Edwin C. Lanier speaks at the commencement program for building inspectors. Seated at the left is John Parham.



Participants in the Building Inspectors graduation program are, from left to right: John L. Sanders, Director of the Institute of Government; Edwin C. Lanier, State Insurance Commissioner; Institute staff member Philip P. Green, Jr., who was the course coordinator; Kern Church, Division of Engineering in the North Carolina Department of Insurance and Executive Secretary of the State Building Code Council; Leigh Wilson, Assistant Executive Director, North Carolina League of Municipalities; and John Parham, Durham building inspector and President of the North Carolina Building Inspectors' Association.



Leigh Wilson congratulates building inspectors upon successful completion of the course.

Parliamentary Procedure and Representative Government

by Elmer Oettinger

[Editor's Note: The author has taught parliamentary procedure and held workshops for various groups, including the North Carolina Women's Leadership Training Workshop. He is currently preparing a *Parliamentary Procedure Guide*, designed for use of local and state officials and civic club officers. He acknowledges a debt to former Institute of Government staff member Clyde Ball for source materials growing out of his research in this area.]

"Mr. Chairman! I move . . ."

Those words, or variations, are as familiar to most of us as "please pass the bread." They may be heard many times each day in meeting halls throughout the land. They are keys unlocking the "floor," touchstones of parliamentary procedure, which is itself a trademark of representative government.

A perspective on parliamentary procedure requires an awareness of these points:

1. Parliamentary procedure is the product of representative government;
2. It permeates and controls governmental and club meetings;
3. It is practiced in a variety of forms;
4. It makes for efficiency and fairness in the meeting process.

Parliamentary Procedure is a Product of Representative Government

Parliamentary procedure was born out of the needs of representative government for both a framework and a technique within which to operate meetings. It began in England about eight hundred years ago, and its name suggests its original purpose: providing a procedure for conducting Parliament.

The United States adapted parliamentary procedure to its own needs and uses. The early town meetings used it. So did the Colonial Assembly. It became the *modus operandi* of the Continental Congress. It was drawn upon by Thomas Jefferson when he shaped the rules for the United States House of Representatives. These procedures also were arranged to form the operating rules of the United States Senate. The legislative bodies in

the various states took them over. Clubs, societies, and other organizations adapted the rules of parliamentary procedure to suit their purposes.

The spread of parliamentary procedure was facilitated when, in 1876, Henry M. Robert published his *Rules of Order*. Robert based his rules upon those of the House of Representatives. Although his book remains a standard guide, many other writers have reinterpreted and recast the rules of parliamentary procedure for our century.

The goals and benefits of parliamentary procedure, however, remain unchanged. These include:

1. Equal rights in membership and participation;
2. Majority rule;
3. Protection of minority rights;
4. Free, fair, and full discussion.

Parliamentary Procedure Permeates and Controls Governmental and Club Meetings

It is estimated that more than 200,000 organizations are functioning today in the United States. Virtually all of them use some form of parliamentary procedure. As a general rule, the larger the organization and more complex its business, the more formal and precise is its procedure. The rules governing the operation of the United States Senate and the United States House of Representatives are printed and spelled out in great detail. Those of the North Carolina Senate and House of Representatives are published in booklets running, respectively, 76 and 94 pages for the 1967 session. Professional societies and civic clubs usually adopt constitutions and by-laws which specify meeting procedures. State, county, and municipal boards adapt parliamentary procedure to their functions and needs.

Parliamentary Procedure is Practiced in Many Forms and Variations

Often in smaller communities or groups, procedures tend to be informal. Yet established and recognizable modes of calling meetings to order, adjourning them, appointing committees, hearing reports, inviting discussion, recognizing speakers, permitting motions, and voting on issues

are maintained and enforced in public proceedings at every governmental level.

The great strength of parliamentary procedure lies in this flexibility. The diversity of the forms in which it is practiced attests less to inadequate orientation among users than to a general awareness that parliamentary procedure serves best when tailored to the specific body. A slavish following of Robert's *Rules* may be no more in order than a third amendment to an amendment.

Parliamentary Procedure Makes for Efficiency and Fairness

The judicious practice of parliamentary procedure requires consideration and disposition of one matter at a time, appropriate opportunity for all qualified members to be heard, structural organization of business, confinement of discussion to the subject matter before the body, and an admixture of logic, fairness, firmness, orderliness, and common sense in the presiding officer. It is important that the presiding officer be so conversant with the rules of parliamentary procedure that decisions flow quickly and naturally. Many organizations provide for a parliamentarian to advise the president, chairman, speaker, or other presiding officer. Yet the person presiding must run things; he must not permit the parliamentarian or any other person to take over any of the responsibilities which fall in the domain of running a meeting. Otherwise, effectiveness of organizational procedure is impaired. If advice is desired of the parliamentarian or of a member, the presiding officer calls for it.

It is essential that the presiding officer know thoroughly the contents of the organization's con-

stitution and by-laws and keep a copy of each handy during meetings. Parliamentary procedure does not operate in a vacuum. Rather it depends upon effective utilization of established governing provisions of the body for its sustaining flesh and blood.

The person with the gavel needs to know in precise detail the order of business for the particular meeting, be familiar with the roster and individual membership, and become completely knowledgeable as to the precedence of motions. Motions are the highways along which any organization progresses. Without them, there is no business. With them, the group takes its directions and decides on destinations.

Resources

Beyond the constitution, by-laws, and traditional procedures of any organization, beyond Robert's *Rules of Order*, other resources are available to presiding officers and parliamentarians. Some of the more recent printed materials are more easily understood than Robert and more adaptable to specific groups or bodies. Workshops are helpful, provided persons with a sound working knowledge in parliamentary procedure are available to conduct them. Inevitably the ultimate resource is human: an enthusiastic, knowledgeable, purposeful, participating membership and a presiding officer with leadership skills and understanding.

These basic resources, appropriately used, assure a procedural setting in which public and private business can be effectively conducted and the democratic process can flourish.

North Carolina Association of Registers of Deeds

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edited by Taylor McMillan

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The Institute of Government Library

by Rebecca B. Scoggin

[Editor's Note: Mrs. Scoggin is the librarian of the Institute of Government.]

A collection of some 12,000 volumes and 40,000 pamphlet-type publications dealing with law, public administration, state and local government, and related subjects is housed in the library of the Institute of Government. These materials reflect changing and developing needs of the Institute staff in their extensive programs of short-course training for government officials and employees, consulting services to governmental agencies, and research and publishing programs.

Located on the second floor of the Joseph Knapp Building on the campus of the University of North Carolina at Chapel Hill, the library's resources are available to state and local government personnel. Routine reference questions are handled by the library staff, which also acts as a referral service when questions arise requiring the counsel of an Institute staff member.

The Institute library falls into the category of a "special library" since it exists for the work of the Institute; yet it is also accessible to University students and faculty. Student use is largely represented by those who are enrolled in classes taught by Institute of Government faculty members, for many of the library's book titles are duplicated in other collections on campus where they can be used more conveniently by the student body.

Among the unique features of this special library are its holdings of North Carolina Attorney General's Rulings and its legislative materials. During sessions of the

General Assembly, the library maintains a daily journal of legislative activities. The journal provides an up-to-date history of each bill based upon information gathered by the Institute of Government's legislative reporting staff in Raleigh. This year for the first time the Institute has experimented with a computerized print-out of legislative actions which reports the status of bills at the end of each week. It is expected that this automated service will eventually be programmed for reporting day-to-day actions. When that occurs, the library will no longer need to maintain a journal. Typed copies of all public bills are filed in the library at the close of the legislative session, and an official copy of each bill, complete with any amendments, is placed in the collection for research and reference purposes.

New and recently published materials come to the library

through purchase and publications exchange agreements between the Institute and approximately 200 governmental and university research agencies and institutions. Of the 350 periodicals received by the library, the greatest number are acquired in exchange for *Popular Government*. These magazines and journals include law reviews and publications of local, state, and national agencies related to law and governmental affairs. Most North Carolina editors send their newspapers to the library, thereby enabling the staff to stay in touch with current affairs throughout the state. The pamphlet collection of the library represents the efforts of Institute staff members over the years to build comprehensive libraries in their particular specialized areas of government. These staff collections were brought together in an effort to promote both common and individual research needs.

Mrs. Scoggin



From the Institute's beginnings in 1931, its founder, Albert Coates, contemplated a library that would function as a clearing house of practical information on government to answer the questions of local and state-level officials. Early efforts were made to collect materials that would serve such a purpose, and the library actually came into being in 1939 with the dedication of the first Institute of Government building. In 1948, the book collection was cataloged by the University library's cataloging department, and Betsy Patterson Pace served effectively as librarian during the years 1947-1949 even though she was not professionally trained in library work. During this period much of the material that had been kept by staff members in their own offices was centralized in the Institute library.

From 1950 until 1955, the library essentially did without services from a full-time librarian. Catherine Maybury joined the Institute staff in 1955, and she deserves much of the credit for building the library's firm foundation. When the Institute moved into the Knapp Building in 1956, Mrs. Maybury had already cataloged most of the pamphlet materials on file in the library, and after the move to the new building the materials held by individual staff members in their particular fields were further centralized in the library.

In 1961, Olga Palotai succeeded Mrs. Maybury. With degrees in both law and library science, Mrs. Palotai had an excellent combination of backgrounds to provide library services for an Institute staff dealing with a multitude of legal problems. She introduced a number of new features to the library. One of these was participation in an exchange of legislative service publications among the states. The State Library in Raleigh has been the central exchange agency for this service since North Carolina entered the program in 1962. By sending a second copy of all out-of-state legislative exchange publications

to the Institute, the State Library channels to the Institute a valuable collection of source materials that relate either directly or indirectly to the Institute's own work with the General Assembly and legislative commissions.

Following Mrs. Maybury's example, Mrs. Palotai compiled a basic bibliography of Institute of Government publications and, later, a supplement. She also began publishing a bi-weekly list of reports, documents, and pamphlets in order to keep the staff informed about newly acquired publications in the library's collection.

As a means of informing interested institutions, individuals, and agencies of Institute of Government publications currently available for purchase or free distribution, the library compiles a list of these titles twice a year. The list is published in March and September and is available upon request. Copies of all Institute publications, past and present, are on file in the library and may be borrowed from the collection pro-

vided that there is more than one copy on file.

The Institute library has expanded in books and other materials at a rate that is both gratifying and alarming, depending upon one's point of view. Designed as a one-room library when the Knapp Building was constructed, the annexation of an adjoining conference room became necessary several years ago to meet the needs of a growing collection. Gradually, shelf space in other parts of the building is being used to accommodate the additions of materials that are vital to the work of the Institute staff.

The present library staff consists of a professional librarian, an assistant librarian, a secretary, and a law student who works part time. A committee of seven Institute staff members meets with the librarian periodically to formulate policies and to anticipate needs for materials and services that will help the library gear its operation to the programs that will be undertaken by the Institute staff. □



THIRD LOCAL GOVERNMENT REPORTING SEMINAR WELL RECEIVED

Newspaper and radio reporters and news editors from across North Carolina met at the Institute of Government on May 5-6 to attend the Third Annual Press-Broadcasters Local Government Reporting Seminar. The two-day session featured a banquet address by Dean Norton L. Beach of the School of Education at the University of North Carolina at Chapel Hill. Dean Beach addressed himself to "The Problems of Public Education in North Carolina." The seminar was conducted by the Institute of Government and co-sponsored by the North Carolina Press Association, the North Carolina Association of Broadcasters, the North Carolina League of Municipalities, and the North Carolina Association of County Commissioners.

Institute speakers and their subjects included Henry W. Lewis, "Legal Relations of State and Local Governments"; Warren Jake Wicker, "City-County-State Relations: The Mesh of Governments in North Carolina"; Philip P. Green, Jr., and Robert E. Stipe, "Some Challenges in Local Planning"; Donald Hayman, "Criteria for Evaluating Public Personnel in Local Government"; and Milton S. Heath, Jr., "Local Legislation in the 1967 General Assembly." Also appearing on the program were Leigh Wilson, Assistant Executive Director of the North Carolina League of Municipalities, and John Morrissey, Executive Secretary of the North Carolina Association of County Commissioners. They spoke respectively on "The Future of City Government in

North Carolina," and "The Future of County Government in North Carolina."

In a panel format David G. Warren of the Institute staff and George M. Stockbridge, Executive Secretary of the Health Planning Council for Central North Carolina, discussed "The News Media and the Rights of Privacy of Hospital Patients." Another panel on "Access to Governmental Meetings and Records in North Carolina" included Al Resch, chairman of the Legislative Committee of the North Carolina Press Association; Lloyd Gordon, News Director of Station WBIG, Greensboro; and Elmer Oettinger.

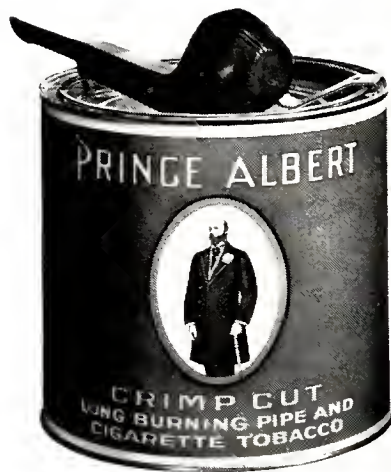
Also speaking at the banquet as representatives of the sponsoring organizations were Steed Rollins, publisher of the Durham papers and board member of the North Carolina Press Association; Richard Barron, Vice President of WSJS-TV and of the North Carolina Association of Broadcasters; and John Sanders, Institute of Government Director.

Journalists in attendance includ-

ed following: Pat Bailey, WBBB, Burlington; Mrs. D'Etta Barnhardt, WGHP-TV, High Point; Owen Bishop, *Durham Sun*; Andy Brown, WGWR, Asheboro; William C. Fuller, *Charlotte Observer*; Tom Gelarden, WTOB Radio, Winston-Salem; Farnum Gray, *Winston-Salem Journal*; Jim Hardin, *Shelby Daily Star*; Mrs. Claudia Howe, *Charlotte Observer*; Gene Hurdle, *The Wilson Daily Times*; Laurens Irby, *Asheville Citizen*; Bob Jackson, *Durham Morning Herald*; Vivian H. Jones, *Star-News* Newspapers, Wilmington; Phillip O. Kierstead, WFMV-TV, Greensboro; Ralph Lancaster, *Greensboro Record*; Jim Lasley, *Burlington Daily Times-News*; Clifton Metcalfe, *Waynesville Mountaineer*; George Roycroft, WGHP-TV, High Point; Neil Smith, *Raleigh Times*; Mrs. Jo Spivey, *Greensboro Record*; Ben Taylor, *Greensboro Daily News*; George Thomas, WTOB Radio, Winston-Salem; Gerald Thomas, *Kinston Daily Free Press*; Miss Lyndal Warren, *Star-News* Newspapers, Wilmington; Bill Weaver, *Greensboro Daily News*, and Bill Wiggs, WVOT, Wilson. □

Intense concentration and attention mark the faces of these news media representatives attending the Local Government Reporting Seminar held at the Institute of Government on May 5-6. Some 25 staff members of newspapers and radio and television stations from Wilmington to Waynesville attended.





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