POPULAR GOVERNMENT

MARCH, 1968

Published by the Institute of Government
The University of North Carolina at Chapel Hill

This month

POPULAR GOVERNMENT

Published by the Institute of Government

This month's cover features the lighthouse on Ocracoke Island, heralding another season for North Carolina tourism.

Contents

Volume 34 March, 1968 Number 5

POPULAR GOVERNMENT is published monthly except January, July and August by the Institute of Government, the University of North Carolina, Chapel Hill. Editorial, business and advertising address: Box 990, Chapel Hill, N. C. Subscription: per year, $3.00; single copy, 35 cents. Advertising rates furnished on request. Second class postage paid at Chapel Hill, N. C. The material printed herein may be quoted provided proper credit is given to POPULAR GOVERNMENT.

COLLECTIVE NEGOTIATION for North Carolina Teachers?

by Fred Young

North Carolina is just beginning to experience the change in school board-teacher relationships that has already taken place in many parts of the country. Anyone reasonably familiar with the national picture in education is aware of the dramatic transition from the passive attitude teachers traditionally maintained toward their employers to one of militancy. In large cities power struggles are under way to determine who will control certain elements of public education, and teacher groups are in the thick of the fight. Throughout the country teacher organizations are insisting that boards of education recognize them for the purpose of negotiating collectively on matters of concern to their members. Many North Carolina boards of education are beginning to feel pressure for negotiation agreements, and a few boards have given quasi-recognition status to certain teacher groups.

Securing collective negotiation agreements is a top-priority goal of the major national teacher organizations, the National Education Association (NEA) and the American Federation of Teachers (AFT). Presently, these organizations are engaged in a bitter membership battle in which each group is trying to prove that it can represent the interests of teachers more effectively than the other. With over a million members, the NEA is the larger organization. Traditionally, the NEA has devoted a major portion of its budget to projects designed to improve instruction. It also accepts all educators, including supervisory personnel, as members. The younger and more militant AFT generally excludes supervisory personnel. The AFT has always devoted most of its budget to the bread-and-butter issues of improving teacher salaries and conditions of work. Membership in the organization has doubled within the last four years, primarily because the union defeated NEA locals in representation elections in a number of large cities, including New York, Chicago, Detroit, Cleveland, Providence, Gary, and Washington, D. C.[1] In response to this threat, the NEA has become nearly as if not equally militant in the hard line it has taken in demanding better pay and work conditions for teachers.

To assume that the AFT-NEA rivalry is totally responsible for the increased teacher militancy would be erroneous. While the competition has fanned the flames, the teacher organizations are also reacting to pressure from members. A recent study on teacher negotiations[2] lists the following reasons for the change in teacher attitude:

1. The mounting impatience of teachers with what they consider to be economic injustice to their profession.
2. Teacher impatience over the neglect of schools by an affluent society.
3. Loss of identity of teachers resulting from the bigness of cities and school districts.
4. Rapid emergence of a new status for public employees in general. (In 1962 President Kennedy's Executive Order 10988 gave federal employees collective negotiation rights.)
5. The feeling by well-trained professional teachers that they have the right to participate in policy formation.
6. The impact of the civil rights movement on teachers, who are beginning to view themselves as a disadvantaged and discriminated-against group.

1. Peter Janssen, "The Teachers Union: Response to Academic Mass Production" *Saturday Review*, 50 (October 21, 1967), 64-66.
2. T. M. Stinnett, Jack H. Kleinmann, and Martha L. Ware, *Professional Negotiations in Public Education* (New York: The Macmillan Company, 1966), pp. 4-6.

It is important to define what is meant by collective negotiations. The process should not be confused with traditional democratic administration whereby school boards extend to teachers the right to be heard and ask them to participate in certain aspects of educational planning in an advisory capacity. Rather, collective negotiations means that employees, through their chosen representatives, and employers negotiate certain conditions of employment until a mutually acceptable agreement is reached.[3] Both parties must negotiate in good faith; neither has the right to withdraw from the process and make a unilateral decision.

The Status of Collective Negotiation Nationally

Collective negotiations are relatively new on the American education scene. The movement began about 1960, and it has gained momentum rapidly. Presently, ten states have statutes providing for teacher negotiations, and 23 more states have already had introduced or are likely to consider such legislation by 1972. (North Carolina is not among those states that are predicted to consider or adopt such legislation by that date.) The ten states that now have negotiations statutes represent approximately 34 per cent of the public school teachers in America. Teachers in these states have the legal right to negotiate collectively with boards of education. If the trend continues and all 23 states where similar legislation will likely be considered do enact negotiation statutes, 80 per cent of the nation's teachers will have this right by 1972.[4]

Teacher strikes in North Carolina?

The provisions of the law governing collective negotiations differ considerably among the states that have legislation dealing with the subject. Some of the statutes apply to all public employees; others apply to teachers alone. Also, there are variations in the legal definition of what is to be negotiated. Several states, such as New York, Michigan, Massachusetts, and Wisconsin, give teachers the right to negotiate "wages, hours, and other terms and conditions of employment" collectively. Often, states that adopt this terminology are labor oriented, and the legislation applies to all public employees. The Washington and California laws widen the scope of the bargaining by providing that representatives of teachers and representatives of boards of education shall "meet and confer" on proposed school policies relating to curriculum, textbook selection, in-service education, assignment practices, salaries, noninstructional duties, course content, and similar educational policies. Uniquely, the Minnesota statute gives teachers the right to bargain on the economic conditions of professional service, but specifically excludes bargaining as it relates to the educational policies of the school district.[5]

Obviously, state legislatures have not reached agreement as to what items school boards and teacher groups have the legal right to negotiate. The differences, however, may not be as great as the statutes indicate because in practice it is difficult to separate conditions of work from educational policy. For example, the salary schedule is a condition of work and would be negotiable within the provisions of almost all state legislation. However, if the board must reduce library expenditures, increase class size, or eliminate guidance services to meet the higher costs of the negotiated salary schedule, educational policy is being bargained also.

Teacher organizations constantly and apparently successfully negotiate to broaden the interpretation of statutory clauses limiting what is negotiable. The NEA goal is negotiation over "all matters which affect the quality of the educational program," while the AFT feels it appropriate to bargain over "anything that affects the working life of the teacher.[6]

Frequently, power rather than legislation or judicial rulings determines what is negotiated. In the New York City teacher strike this past fall, the Board of Education and AFT disagreed over the value of the controversial "More Effective Schools" program designed to improve selected inner-city schools. The union wanted to expand the program while the board maintained that the measurable results of the project did not justify the costs, and further, that the issue was clearly educational policy and should not be a subject for negotiation.[7] The union was able to get the project continued as part of the agreement that settled the two-and-a-half-week strike.

In those states that do not have collective negotiation statutes (North Carolina is one), teachers are not necessarily prohibited from collective negotiations. Several state courts have ruled that negotiations between boards of education and teacher groups are legal provided that they are entered into voluntarily by both parties and no state statutes prohibit them.[8] Some states without enabling legislation—New Jersey, for example—are more deeply involved in collective

3. Myron Lieberman and Michael H. Moskow, *Collective Negotiations for Teachers* (Chicago: Rand, McNally and Company, 1966), p. 1.

4. Myron Lieberman, "Collective Negotiations: Status and Trends," *The American School Board Journal*, 155 (October, 1967), 8-9.

5. Wesley A. Wildman, "What's Negotiable?" *The American School Board Journal*, 155 (November, 1967), 9.

6. *Ibid.*, p. 8.

7. *Ibid.*, p. 9.

8. Reynolds S. Seitz, "Public Employee Negotiating and School Board Authority," *Legal Problems of School Boards* (Cincinnati: The W. H. Anderson Company, 1966), p. 124.

negotiations than other states that provide teachers the legal right to bargain.[9]

The Legal Status of Collective Bargaining in North Carolina

Two statutory provisions are important in considering North Carolina's legal requirements in the area of collective negotiations. G.S. 95-97 prohibits employees of governmental units from becoming members of labor unions, but the term "employee" is defined to mean law enforcement or fire protection personnel only.[10] Thus, this legislation does not apply to teachers. The second, G.S. 95-98, makes agreements or contracts between governmental units and labor unions illegal:

> Any agreement, or contract, between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county or other municipality, or agency or instumentality of government, is hereby declared to be against the public policy of the State, illegal, unlawful, void and of no effect.[11]

Close examination of the statute raises several important legal questions. Does the term "labor organizations" as used in this legislation apply to a professional association, such as the NEA, when it acts as bargaining agent for teachers? This question is particularly important since almost all North Carolina teacher organizations are affiliated with the NEA.

G.S. 95-98 clearly prohibits contracts between school boards and the AFT or other union affiliates. Does the use of the word "agreements" also prohibit verbal understandings? Lester Ball, professor of education at The University of North Carolina at Chapel Hill and an authority on collective negotiations, maintains that statutory prohibition against a school board's entering into a written contract with an employee organization is not a deterrent to negotiations because the organization will seek to reach an understanding with the board, and teachers will sign individual contracts incorporating the terms of the agreement.[12]

The Attorney General discussed the legality of collective negotiations by North Carolina teachers in an opinion written on February 19, 1968:

> Collective bargaining by teachers is prohibited both by statute law and by opinion of the Attorney General in this State. School teachers are considered to be public employees since they are employed by boards of education and these boards are units of government exercising sovereign powers. There is no express authority for collective bargaining by teachers or public employees, and as I have already explained, teachers are public employees . . . we do not have collective bargaining by teachers, and do not propose that private organizations shall operate and run the State of North Carolina. . . . The legality of collective bargaining by teachers is not in doubt in this State. There is no such right of collective bargaining of teachers or other public employees. We have always thought that the State administrative officials and the boards operating units of government should run the State of North Carolina.[13]

It should be noted that neither court decisions nor statutes were cited to support the conclusion. Further legislation or judicial ruling will be necessary to clarify the exact legal status of collective negotiations by teachers in North Carolina.

Moving from collective negotiation statutes to "no strike" statutes, one finds that several states have legislation prohibiting strikes by public employees, including teachers. The courts have upheld the legality of these statutes with unanimity.[14] North Carolina does not have legislation prohibiting teacher strikes, but the judiciary in other states has refused to uphold the right of teachers to strike even in the absence of no-strike legislation.[15] However, no-strike legislation and judicial rulings have been of so little value in prohibiting strikes or mass resignations that the whole question of public employee rights is under review.

The author, Fred Young, is assistant superintendent of the Burlington City Schools. The article was written as a paper for a course in school law taught by Robert Phay, of the Institute Faculty, in the School of Education of the University at Chapel Hill.

Much of the current interest was stimulated by the teachers' strikes in the fall of 1967, the recent strike by New York City garbage men, and the Florida teacher crisis. The strike by garbage men was finally submitted to binding arbitration, a procedure that has

9. Lieberman, *op. cit. supra* note 4.
10. N. C. GEN. STAT. § 95-97.
11. N. C. GEN. STAT. § 95-98 (1959).
12. Lester Ball, statement before North Carolina central district superintendents, February 6, 1968.
13. N. C. Attorney General's opinion. Letter of February 19, 1968, to Larry L. Deemer.
14. Seitz, *op. cit. supra* note 8, at 140.
15. Stinnett, Kleinmann, and Ware, *op. cit. supra* note 2, at 33.

been strongly opposed by organized labor. However, George Meany, president of the AFL-CIO, recently gave some indication of a softening attitude on this point, stating that while the basic right to quit a job if one does not like the working conditions should not be denied a public employee, the public also has the right to expect services, and that the best answer to this problem may be voluntary arbitration binding on both sides.[16]

Teacher unrest and the demands for collective negotiation agreements are spreading throughout the nation. Undoubtedly the movement will reach North Carolina within the foreseeable future. Present state law forbids agreements and contracts between school board and labor organizations. However there is no legislation specifically prohibiting either collective negotiations or strikes by teachers. It is important, therefore, that the educational and governmental leadership of the state study the practices other states follow in dealing with the problem in order to take appropriate steps to assure the orderly and effective operation of North Carolina schools.

What Are the Advantages of Collective Negotiation Legislation?

Proponents of state legislation to provide and regulate collective negotiations maintain that teachers should have this legal right because of the impersonal and complex operation of schools today. Teachers are employed, assigned, and evaluated by standards and procedures that are applied collectively. In this situation, the individual cannot effectively negotiate or influence his working conditions. To have a voice in these affairs, he must bargain collectively. Such employee rights have been recognized in private enterprise for over thirty years, and it is difficult

What are the advantages of collective negotiation legislation?

to see why they should be denied public employees. Denying public employees the right to organize and negotiate seems to stem from the ancient "crown can do no wrong" concept of government, and the legal trend is away from this idea.

Much of the reasoning used to support the National Labor Relations Act, which regulates collective bargaining for employees in private industry, may be used to justify collective negotiations for public employees. Supporters of the act maintained that it was in the public interest to give industrial employees the legal right to organize and bargain collectively because such legislation would eliminate unrest and controversy and end crippling strikes over union recognition.[17] Since negotiations between boards of education and teachers may go on in the absence of prohibiting legislation, state statutes may be needed—not to give teachers the right to negotiate but to establish a workable process for these negotiations.

Reynolds C. Seitz, former dean of the School of Law at Marquette University and a well-known labor relations consultant, feels that a carefully developed process for negotiations is calculated to bring sane and logical compromise between parties who are in disagreement. Experience indicates that without an established process boards of education and teacher groups become involved in undue controversy, debating the procedures for negotiations instead of concentrating on the items to be bargained.[18]

In the absence of legislation, boards of education and teacher groups who choose to negotiate must agree on recognition procedures, determine what is negotiable, establish appropriate bargaining units, work out a negotiation timetable or schedule, and develop impasse and grievance procedures. Without legal support, there is no assurance that either group will bargain in good faith or abide by the agreements reached. If teacher organizations and boards of education must solve all these problems by themselves, the process will almost inevitably lead to unnecessary strife and discord. Elements of this problem were evident in the spring of 1967 in negotiations between the Winston-Salem/Forsyth County Board of Education and teacher organizations in that school unit. Superintendent of Schools Marvin Ward feels that the absence of mutually accepted and well-understood ground rules for negotiation contributed to a breakdown in communication and prolonged controversy in that school system.[19]

The issues of *The American School Board Journal* for October and November, 1967, were devoted to negotiations, featuring seven major articles by prominent labor and education consultants. These consultants seemed to feel, almost unanimously, that the trend toward negotiations is irreversible and that boards of education will be well advised to stop opposing legislation that would bring order to the process. Rather, board members are counseled to be positive; to institute, influence, and mold appropriate legislation; and to prepare themselves for negotiations by securing appropriate legal advice. One of the authors, Robert A. Jamieson, first vice-president of the Illinois Association of School Boards, writes:

> Collective negotiations can be as effective for boards as for teachers. There is an opportunity

16. *New York Times*, February 20, 1968, p. 1.

17. Robert A. Doherty, "Public Interest at Stake," *The American School Board Journal*, 155 (October, 1967), 11.

18. Reynolds C. Seitz, "Legal Procedures and Problems in Collective Bargaining," *Proceedings of the 1966 New Platz School Law Conference* (New Platz, N. Y.: State University College, 1966), p. 11.

19. Marvin Ward, personal conversation, January 17, 1968.

during negotiations for boards to utilize these procedures to press for their own demands and obtain changes they have wanted for years . . . . Tool up for action . . . Make proposals known and assume an offensive position.[20]

The National Labor Relations Act contains a clause that specifically exempts employees of federal, state, and local governmental agencies from the provisions of the law. To remove this exemption and bring public employees under the provisions of the legislation is the announced goal of the AFT.[21] If the exemption should be removed, public employees, including teachers, would have the same organizational and negotiation rights as industrial workers. The process would be regulated by the National Labor Relations Board and the court decisions that have grown out of NLRB rulings. It seems more desirable for each state to adopt statutes acceptable and appropriate for the local situation. Furthermore, it is vitally important that teachers maintain their independence and not become allied professionally with any specific economic or political interest group. If the exemption is removed and teacher bargaining is governed by labor laws, teachers as a professional group may feel considerable pressure to form an alliance with organized labor.

> School boards throughout the nation must determine if they want the federal government to move into the area of teacher negotiations, and if not, then school boards must see to it that their individual state legislatures plan effective legislation which will prevent another September such as in 1967—a September in which more than one and one-half million children were deprived of the opportunity to start school because their teachers were on strike against their school board.[22]

Many educators and laymen believe that collective negotiations will ultimately improve the entire educational system. Teacher negotiations have often dealt with matters other than salary. Recent collective negotiations have resulted in better financing for such educational components as reduced class size and capital improvements. Supporters of collective negotiation also maintain that additional highly skilled persons will be attracted into the profession, roles and responsibilities will be better defined, contributions from teachers will strengthen school policies, and teacher leadership will be developed and utilized for betterment of the over-all program. Such cooperative board-teacher-administrator efforts, they reason, will facilitate general improvement of education.

In summary, advocates of legislation to provide and regulate collective negotiations for teachers maintain that the complexity and impersonal elements of school operation make such employee rights imperative; that employees of private industry and the federal government have such rights and teachers should be given the same consideration; and that since negotiations may take place in the absence of prohibiting legislation, it is in the public interest to establish a workable, legal framework to reduce controversy and promote compromise. Furthermore, there is the risk that failure to adopt such legislation at the state level will lead to federal intervention and removal of the exemption clause in the National Labor Relations Act. Moreover, collective negotiations may be in the best interest of boards of education, and, most important, the process may eventually result in a better educational program.

What is the North Carolina law on collective negotiation for teachers?

What Are the Disadvantages of Collective Negotiation Legislation?

Frequently, opponents of collective negotiations assert that the process requires an unlawful and unwise delegation of school board authority.[23] The National School Boards Association, for example, adopted the following policy opposing collective negotiations at its 1965 convention:

> School boards, subject to the requirements of applicable law, should refrain from compromise agreements based on negotiation or collective bargaining, and should not resort to mediation or arbitration, nor yield to threats of reprisal on all matters affecting local public schools, including the welfare of all personnel. They should also resist by all lawful means the enactment of laws which compel them to surrender any part of their responsibility.[24]

Some state courts have not accepted this point of view, stating that negotiation does not demand capitulation by the school board and that permitting employees

20. Robert A. Jamieson, "The Board's Positive Approach," *The American School Board Journal*, 155 (November, 1967), 15.

21. E. Riley Casey, "Legal Problems of Negotiations," *The American School Board Journal*, 155 (November, 1967), 17

22. *Ibid.*, p. 18

23. A joint statement released by the Florida School Boards Association and the Florida Association of School Superintendents opposes any legislation that would result in delegation of school board authority to make final decisions on all matters under its jurisdiction. These Florida groups recommend, however, that local boards reach agreement with teachers and spell out negotiation procedures, avoiding any legal requirements or technicalities. Florida School Boards Association Guidelines for Florida School Boards Entering Professional Affairs (Negotiation) Agreements [mimeo.] (Florida School Boards Association, 1966), pp. 1-11.

24. National School Boards Association, "Beliefs and Policies," *National School Boards Association Information Services Bulletin*, III, No. 2 (June, 1965).

to bargain collectively does not force the employer to give up the decision-making role.[25]

Other opponents of collective negotiation believe that the process will be detrimental to educational progress, and they list specific and defensible reasons for reaching this conclusion. Fred Heddinger, first vice-president of the Pennsylvania School Boards Association, feels that requests for negotiation agreements do not stem from teacher dissatisfaction but from two strong employee organizations that are deliberately contributing to the heat in a search for dues-paying members. In this situation, what school board members agree to do or not to do has little bearing on the pressure for negotiation agreements. Heddinger states that many labor experts who attempt to transfer the labor process to education and educators who attempt to become labor experts contribute to the problem rather than help solve it. He contends that when teachers engage in collective negotiations they lose their independence. The professional group becomes their spokesman, and the individual is merely one cog in the union machine. Under collective negotiation agreements, boards of education are not likely to give individual teachers the attention they would otherwise receive.[26] Heddinger, along with the members of the Kentucky School Boards Association, believes that when collective negotiation agreements are mandatory, teacher welfare legislation—such as minimum salary schedules, fringe benefits, and tenure laws—should be wiped from the law books.[27] It is not reasonable, he says, for teacher groups to be legally assured of a reasonable foundation and then be able to bargain beyond this floor. In true collective negotiations, all conditions of work should be negotiable.[28]

One of the strong negative aspects of negotiations is the time and cost involved. Such matters are not easily or quickly hammered out. Inevitably, school boards will have to employ additional personnel to conduct the negotiation process, spending money that otherwise could be used to reduce class size, purchase library books, and supply other vital educational needs.

In a resolution opposing a proposed collective negotiations law, the members of the Kentucky School Boards Association maintain that there is no evidence that professional negotiations under mandate of law contribute to improvement of the educational program. Instead, experience indicates that mandated negotiation procedures breed discord, strife, division in the profession, walkouts, protests, strikes, and conflicts to the orderly and cooperative operation of education programs. The members of this association insist that the schools belong to the people, not to the teachers, and school boards are the representatives of the people. The interests of children supersede those of teachers, and laws requiring collective negotiations are not in the best interest of children, taxpayers, school boards, administrators, or teachers.[29]

The Kentucky group also points out that teacher groups request permission to negotiate educational policy. Myron Lieberman, a strong advocate of the teacher-union movement, believes such employee groups should be excluded from policy formation because they are protected by tenure. The public should have the right to change policy makers.[30] Furthermore, teachers represent an interest group, and there is direct conflict of interest if they are involved in policy making.

The Kentucky resolution also points out the necessity for conducting negotiations behind closed doors. The public cannot be aware of the issues at stake or the progress of the negotiations. Such procedure for conducting the public's business is contrary to general practice and even illegal in some states.[31]

Proponents of negotiation argue that both educational policies and general operation will improve when teacher leadership and knowledge are utilized more effectively. This assertion is open to question. It may be that teachers are not uniquely qualified either by training or experience to formulate policy and administer school programs.

Raleigh E. Dingman, executive secretary of the North Carolina State School Boards Association, states that collective negotiation legislation should not be adopted precipitately. He maintains that such laws are often brought about by political pressure from labor unions and teacher organizations, not by any desire or necessity on the part of the legislature to regulate activities that are already under way. Furthermore, he says, such laws may cause confusion, create strife, and encourage negotiations before either teacher groups or boards are ready for them. He feels that boards of education and teacher groups should use every effort to establish lines of communication, including written personnel policies, so that legislation will not be required.[32] Others substantiate Dingman's statement that collective negotiations laws increase the number of school units involved in negotiations.[33]

Many administrators are cautious and wary about collective negotiations. They fear that administrative discretion and flexibility will be lost, and they do not want negotiating teams going to the board and bargaining items generally considered as administrative prerogatives.

25. Casey, *op. cit. supra* note 21, at 17

26. Fred Heddinger, "Collective Negotiations in Education," *VSSDA Information Service*, Vermont State School Directors Association, Special Report (October, 1967), pp. 1-5

27. *Ibid.*, Kentucky School Boards Association, The Professional Negotiations Issue [mimeo.] (Lexington: Kentucky School Boards Association, 1967), pp. 1-5

28. Heddinger, *op. cit. supra* note 26

29. Kentucky School Board Association, *op. cit. supra* note 27

30. Myron Lieberman, "Teacher Negotiations," *School Boards. A Creative Force* (Evanston, Ill.: National School Boards Association, 1967), p. 76

31. Kentucky School Boards Association, *op. cit. supra* note 27

32. Raleigh Dingman, personal conversation, December 13, 1967

33. Lieberman, *op. cit. supra* note 4, at 8

Furthermore, it is difficult, if not impossible, to operate an effective school system without considerable administrative freedom. The quality of public education will suffer if principals and superintendents do not have the authority and responsibility to lead, and situations without either have developed in some school units in other sections of the country.

One problem inherent in collective negotiations is the tendency of employee organizations to become so concerned about protecting the interests of the members that progress and change become impossible. Because of the public nature, financial structure, and size of the educational enterprise, change is slow and difficult under the best circumstances. Progress may be greatly reduced if educational policy is unduly controlled by employee groups overly concerned about protecting seniority, providing security, and maintaining the status quo. It is possible, however, that this situation will not develop. In the past, teacher organizations have been among the more progressive forces in education. Nevertheless, there is the danger that highly organized and powerful organizations will eventually become a barrier to progress in education.

To summarize, opponents of collective negotiation legislation contend that such laws require an unwise delegation of school board authority; that the demands for statutes are the result of AFT-NEA pressure, not legitimate dissatisfaction on the part of teachers; that negotiations are unreasonably costly and are guided by self-interest on the part of teachers; that teachers are not uniquely qualified to participate in school policy making; and that professional negotiation laws do not necessarily lead to improved education for children. Furthermore, many superintendents oppose the process because they fear loss of the administrative freedom and flexibility necessary to operate a successful school program. Several reputable groups and individuals state that collective negotiation laws, instead of bringing order and harmony, create strife, discord, division, and disorder. Finally, the argument is made that teacher organizations may well become an obstacle to progress and change in education.

Does North Carolina Need Such Legislation?

Despite the negative factors cited in the foregoing section, it is likely that North Carolina will need legislation governing collective negotiations for teachers within a few years. The state has never really followed the national pattern in industrial relations, and this anti-organization attitude may postpone the demands for negotiations for a time. Nevertheless, if projections are correct and 33 states and 80 per cent of the nation's teachers are covered by such statutes by 1972, the pressures on North Carolina will be almost irresistible.[34]

The AFT and NEA each spend approximately $1,000,000 annually to assist their state and local affiliates in obtaining such agreements.[35] It is rumored that the AFT is moving south and that Richmond is the next target city. Recently, it was reliably reported that a teacher group in Wayne County was contacted and offered support by AFL-CIO representatives.[36] Furthermore, actions by teacher groups in Winston-Salem/Forsyth, Burlington, and elsewhere indicate that North Carolina teachers do not need prodding by national organizations. The failure of several school supplement referendums during the past year has increased teacher interest in negotiation agreements, and a number of school units will likely be involved in negotiations in the near future.

The timing of legislation to provide and regulate teacher-school board negotiations is vitally important. If legislation is unduly delayed, negotiations without statutory procedures will create unnecessary confusion and strife among teachers, board members, and administrators. If the legislation is precipitate, boards of education and teacher organizations will be encouraged to enter into negotiations before they are prepared for or interested in the process.

To some extent, the provisions of legislation governing collective negotiations will depend on whether the law applies to teachers only or includes all public employees. In either case, the statutes that seem to be working effectively in other states make provisions for most of the following items:

What kinds of statutory provisions work best for collective negotiation?

1. Provide teachers the right to organize and negotiate or not negotiate.
2. Establish a state agency to supervise the legislation, provide consultant assistance, conduct representative elections, etc. A board might be created for this specific purpose or the responsibility could be assigned an existing board.
3. Outline recognition procedures calling for exclusive employee representation by one organization, permitting minority group hearings (not bargaining), and providing for individual petition to the board.
4. Define negotiable and nonnegotiable areas.
5. Determine procedures for organizing appropriate bargaining units.

34 Leiberman, *op. cit. supra* note 4, at 9. Seitz, *op. cit. supra* note 8, at 2.

35. Leiberman, *op. cit. supra* note 4.
36. Jerry Paschal, personal conversation, December 13, 1967.

6. Prohibit strikes and provide penalties for violations.
7. Outline impasse procedures, including nonbinding mediation and fact-finding.
8. Establish a timetable for negotiations geared to the annual budgetary process. The timetable should provide for automatic impasse procedures if agreement is not reached by a certain point.
9. Call for reducing all agreements to a written contract to be in force for a stipulated period of time, with compulsory arbitration of grievances during the term of the contract.
10. Define the role of the superintendent.
11. Allow for a waiting period before the legislation becomes effective to enable boards, administrators, and teachers to prepare for operation under the new legislation.
12. Require employee groups and boards of education to negotiate in good faith.

North Carolina's nonunion social climate may delay or even prevent a teacher drive for collective negotiations. It is more likely, however, that the general public, legislators, school board members, and many administrators and teachers will underestimate the impact of this movement. Collective negotiations was the most popular topic for study and conversation at the recent national conventions of the National Association of Secondary School Principals and the American Association of School Administrators. Several of the panelists and speakers who had experience with the process asserted that collective negotiations made a greater impact on school operation than the civil rights movement or the federal entry into education, neither of which has been inconsequential.

Because of the general antipathy toward employee organizations in this state, the North Carolina General Assembly may delay enacting a collective negotiations statute until long after one is needed. As an interim step, the state organizations of teachers, administrators, and school boards may find it necessary to develop model agreements and procedures that can be used by their local affiliates. Both Kansas and Florida have followed this process.

Some North Carolina educators fear that the General Assembly will react to teacher pressure for collective negotiations by enacting strong "anti" legislation. This action might lead to a direct confrontation between the General Assembly and the state teacher organizations. Although their local affiliates are generally weak and poorly organized, both North Carolina teacher organizations are strong and effective at the state level, and this strength should be respected.

North Carolina can ill afford a major controversy concerning the operation of the educational enterprise. Consequently, it will be in the best interest of the state for both advocates and opponents of collective negotiations to realize that changes in relationships come slowly, but occasionally are necessary. Teacher organizations will not likely secure all the rights and power they desire, nor will those who oppose collective negotiations be able to maintain the status quo. Compromise will be necessary. It is vitally important that the differing parties compromise to prevent conflicts and a break in relationships, instead of compromising as a result of controversy.

Generally, school board-administrator-teacher relationships have been excellent in North Carolina, and it is possible that the state could avoid the trauma being experienced in other areas of the country by establishing viable lines of communications between teacher groups and school boards and by meeting some of the minimal and reasonable demands of teachers. This probably will not happen, however, because a cumbersome tax structure and fiscal impotence deny local school boards the resources with which to compromise. Unable to achieve reasonable progress through understanding, teacher groups are likely to turn to militant action. At the present time, there is little reason to believe that North Carolina will escape the controversy associated with collective negotiations in other sections of the nation. Nevertheless, both educational and political leaders should observe trends and practices in other states to determine the most effective methods for dealing with the problems posed by the emergence of collective negotiations, and appropriate steps should be taken to insure the orderly and harmonious operation of North Carolina schools.

All-America Cities: Hickory and Laurinburg

Hickory and Laurinburg have been selected by *Look* Magazine as among ten All-America cities. In a several-page story with photographs, the editors of *Look* cited these two cities for a variety of accomplishments, particularly in race relations and industrial development.

Hickory, the article pointed out, had built a $6,000,000 hospital, made sewer improvements, offered a wide range of vocational training opportunities, provided job placement services for unemployed Negroes, had developed a community theater and ballet, and had maintained good relationships between whites and Negroes.

Laurinburg was commended for refusing to let its rural people be forced from the community by the slow-down in farming, but rather finding industry that could give employment to these people. In addition, the city was cited for the progress being made in race relations and for the community cooperation that brought St. Andrews College to Laurinburg.

SREB SEMINAR on the

by Elmer Oettinger

[*Editor's Note: The author, who is editor of* Popular Government *and an assistant director of the Institute of Government, served as director of the SREB seminar for southern journalists on "The Administration of Justice," which he characterizes in this article.*]

- What is the over-all nature and the challenge of the administration of justice?

- What are the functions, problems, and social responsibilities of police?

- What are the effects of recent U. S. Supreme Court decisions both on police practices and on the constitutional rights of the accused?

- What is the nature of the challenge, the problems, and the responsibility of prosecution and defense attorneys in criminal justice? Of trial and appellate judges? The jury? What underlies the surge of teen-age crime? Where lies the crux of the problems of juvenile delinquency in the juvenile courts?

- What are the responsibilities of the mass media—newspaper and radio and television news staffs—with respect to criminal justice? What should the public know about criminal justice, and what can it do? What creative thought and action processes are under way—what changes are being wrought—in the law and the administration of criminal justice? What does the future hold?

These were some of the major questions that eleven invited speakers and twenty-eight southern journalists from fourteen states were called upon to consider in a memorable week last September. The occasion was a seminar on "The Administration of Justice," sponsored by the Southern Regional Education Board and conducted by the Institute of Government.

The five-day program was attended by twenty-eight selected southern journalists (*see box on page 14*). The support of Ford Foundation funds permitted a selection of leading authorities in the area of criminal justice to serve as speakers and discussion leaders (*see box on page 12*).

- The first speaker, Milton G. Rector, found a careful reading of the report by the President's Commission on "The Challenge of Crime in a Free Society" essential to any understanding of the "nature and challenge of the administration of justice." He spoke of public tolerance which permits organized and other crime to flourish; the reasons why crime too often does pay; the "culture of violence that seems to run with poverty in big city areas"; and the need for a revision of sentencing laws so as to screen "dangerous offenders" from society for long periods and encourage re-

habilitation practices by limiting sentences of others to a maximum of five years.

● Speaking in "Toward A Redefinition of the Police Function," Herman Goldstein called for "development within the police field of a stronger and more basic commitment to the values that must attach to the police function under democratic government." He also saw as a second objective "the development within the police field of a desire to meet more effectively the variety of social problems of a non-criminal nature that come to police attention." He pointed to the police as reflecting community standards, values, and customs and urged the necessity for greater research and public discussion to bring about understanding of and by police in their community relationships. Goldstein also emphasized the importance and broad range of police discretion.

● Professor Jerome Skolnick said that the effect of recent decisions of the United States Supreme Court on police practices and constitutional rights had not been to "handcuff" the operations of the police. He pointed out that the administration of criminal justice in the United States is, in the main, a system of justice without trial. (His recent book, *Justice Without Trial*, elaborates on this thesis.) His reasoning is that a large percentage of cases are "disposed of outside the traditional trial process, either by a decision by prosecutor or by police not to charge a suspect with a criminal offense or by a plea of guilty by the accused." Thus, he says, the assumption that criminal cases will be decided at a trial by a judge or by jury is not justified. However, he claims, ample evidence indicates that the police response to the Supreme Court decision is fundamentally pragmatic. They pay attention to the rules of arrest, seizure, and evidence "almost in direct relation to the gravity of the crime." According to Skolnick, "the exclusionary principle puts pressure on the police to work within the rules in those cases where prosecution is contemplated. But at the beginning of a case, or in his general patrolling activities, the policeman is only slightly deterred by the prospect of the loss of a conviction because he is still exploring."

● Discussing "The Roles And Dilemma of Counsel in Criminal Justice," Ronald L. Goldfarb pointed out that the problem of professional ethics for the trial lawyer is confounded by the fact that he serves many masters and operates with many different motives. Goldfarb noted: "A trial lawyer is responsible to himself and is guided by his own personal code of ethics; he is also an officer of the court and responsible in some general way to the administration of justice, no matter who his client is; similarly, he is a licensed member of a professional fraternity and must live by its standards of conduct. Furthermore, trial lawyers all march to the tune of drummers of their own."

Goldfarb, director of the Brookings Institution Program on Criminal Justice, formerly served in the United States Department of Justice and as a practicing attorney. He has published widely. Although he believes that most "moral dilemmas of the prosecution and the defense counsel in the administration of criminal justice" are necessarily resolved "by private uncorroborable and uncontrollable standards," he believes that every city would gain from having a public official assigned as a sort of "Ombudsman" or "inspector general" to the chief judge of the area as a grievance committee for court and bar. Thus, professional practices, grievances against lawyers, improved community relations, better bar rules and standards, the reputation of the bar, and the well-being of the community all could be served through this one specialized official.

● Federal Judge J. Braxton Craven, Jr., of the Fourth Circuit Court of Appeals, sees the true role of the judge in the administration of criminal justice, as in civil, to be "to concern himself to find a way *within* the framework of the law to a just result." With respect to the criminal law, Judge Craven says that the judge's function "is to be the sober second thought of the community." And he concedes: "It is sometimes harder to be it than to know what it is." He contrasts the roles of state and federal trial judges, comparing that of the former to "a referee at a prize fight" and calling that of the latter a functionary of justice who "may properly participate in the trial—even to the extent of himself calling and examining witnesses to elicit the truth." He feels, however, that constitutional and other procedural decisions of the appellate courts now are changing the role of both state and federal trial judges, bringing more affirmative duties to both.

Judge Craven would grant to appellate courts the power to review sentences, and he believes that waiver of a trial by jury should be permitted in criminal trials as "an obvious desideratum." He says that "almost every federal judge, regardless of his background and personal biases, is himself sensitive enough to the incredible difficulty of decision-making to view the work of the Supreme Court sympathetically even when in disagreement with its decision." He does not feel that the Bill of Rights ever was "intended to be a code of criminal procedure" or that it is "well adapted to that end." And he sees the ultimate solution as "a thorough revision and enlargement of federal rules of criminal procedure (and state codes) to incorporate and make explicit the case-by-case promulgations of constitutional dogma together with rules of less dignity but perhaps equal validity."

● Harry Kalven, Jr., admits to a great affection for the American jury system. Professor Kalven, who with Hans Zeisel wrote a recent book entitled *The American Jury*,

sees in the jury "a remarkable political institution," "an exciting experiment," "the commitment of laymen to the administration of justice." He is not surprised that the jury has been "the subject of a deep controversy, attracting at once the most extravagant praise and deep criticism." But in his survey of 600 trial judges regarding 3,576 criminal cases they had tried, the return questionnaires indicated that judges would have agreed with juries on 78 per cent of the cases on the guilt question. The judges rated 69 per cent of the verdicts as correct, 22 per cent as tolerable, and only 9 per cent as without merit. The trial judges felt that the jury understood the cases in every instance except one. Nor did they find that the cleverness of lawyers or the reading or hearing of possible prejudicial accounts in the new media unduly influenced the jury.

Kalven reported that he could not resolve the policy debate between judge and jury. He concluded that whether or not others came to admire the jury system as much as he and Zeisel, "it must rank as a daring effort at a human arrangement to work out a solution to the tension between law and anarchy."

● On the question of free press and fair trial, Telford Taylor took note of the considerable disagreement between press and bar as to "the amount of damage that crime news reporting may do to the fairness of a trial." Professor Taylor observed, however, that agreement is general as to the two major categories of dangerous publicity. He defined these categories as (1) "publicity which permeates the community, and infects the jury with a preconception of the defendant's guilt or innocence; this may be accomplished by denunciation, sensational photography, predictions of what the evidence will show, or expression of opinion by the police or prosecuting officials"; and (2) "publicity which informs the jurors about matters which are excluded by law from their attention and consideration, such as reports of confession which, for one reason of another, are not received as evidence at the trial, or the defendant's prior criminal record." He feels that the British system of restricting pre-trial information would not work in the United States, where "a very high value is placed in the press as a positive influence in insuring the fair administration of criminal justice." Taylor believes that a reassessment of the ban on television cameras in the courtroom is overdue. And, in his judgment, rules limiting the amount of information that lawyers and law enforcement officers divulge in the pre-trial stages are entirely in order. In view of his conclusion that the police, who feel heat from press and public, are the most frequent source of pre-trial publicity, he personally would favor "the enactment of legislative guidelines for police conduct in this area and for their administration by the courts so far as it is necessary to safeguard trial processes."

Professor Taylor, now a professor of constitutional law at Columbia University Law School, was chief prosecutor for the United States in the Nazi war crimes trials at Nürnburg.

● The confused state of the juvenile courts was attributed by Mason Thomas to a complex maze of factors. He noted lack of uniformity in juvenile court programs and a variety of qualifications or lack of qualifications of juvenile court judges. He cited the *Task Force Report on Juvenile Delinquency and Youth Crime*, which attributed "the failure of the juvenile court to fulfill its rehabilitative and preventive promise" to "a grossly overoptimistic view of what is known about the phenomenon of juvenile criminality and of what a fully equipped juvenile court could do about it." An overabundance of theory in the juvenile court area is matched by plethora of practice.

Professor Thomas discussed the recent determination of the rights of juveniles in the *Kent* and *Gault* cases. The Court cited the rights to notice of charges, counsel, confrontation, privilege against self-incrimination, cross-examination, and rights in waiver cases. Thus, the *Gault* case applies four Bill of Rights safeguards to delinquency adjudication proceedings: notice, right to counsel, privilege against self-incrimination, and the right to confrontation. Professor Thomas also noted that the Report of the President's Commission advised that juvenile court hearings be divided into two parts: (1) an adjudicatory hearing, and (2) a dispositional hearing. He found "no essential conflict between the treatment purposes of the juvenile court and due process of law." He said: "One could effectively argue that the juvenile court idea has not really been tried with qualified judges, adequate diagnostic skill, appropriate resources, adequate financing or the needed public understanding. The press will play a major role in the future of the juvenile court. There is much news value and human interest—often tragic—in the stories of the children who go before our juvenile courts. If you are allowed to go and to write, perhaps the public will have sufficient information in the future to make its own evaluation of the juvenile corrections system."

A former juvenile court judge, Thomas is now associate professor of public law and government at the University of North Carolina and assistant director of the Institute of Government.

● Fred Graham began by noting that "the rules governing the administration of criminal justice have changed more in the past six years than in all the prior history of this country." Graham, who covers the U. S. Supreme Court for the *New York Times*, explained: "Beginning in 1961, with the decision of the Supreme Court in the case of *Mapp v. Ohio*, the Court has undertaken to impose—in the form of a series of constitutional rulings—a detailed code of crimi-

nal procedure on the states." And he added: "One of the arguments in favor of this trend is that it will force police officials and prosecutors to improve their techniques and procedures; to rely less on interrogation and confessions and more on tangible evidence. The inevitable result of the Supreme Court's rulings will be that police techniques will become more sophisticated, because the price of a procedural blunder is that the accused often goes free." Police, he noted, now have to rely "less on interrogations and confessions and more on tangible evidence."

Graham declared that this "procedural upheaval" also requires more "perception and sophistication" from "newsmen who cover courts and crimes." Graham, himself a lawyer, cited the recent employment by the *Times* of two specialists—one a lawyer, the other a former staff member of the President's Crime Commission—to cover the administration of criminal justice. He asserted that "the most crucial test of the press in covering domestic events in the coming decade will be to explore the relationship between crime and the courts." The news media, he said, "should discover whether the Supreme Court's rulings are actually handicapping proper law enforcement in our communities. [They] should also find out if suspects are being granted the constitutional protections they are supposed to have. Then [they] should cast a very critical eye . . . on proposed measures to reduce the individual safegards announced by the courts." He feels that if the press reports and interprets accurately "the actual administration of criminal justice on the local level, and also the proposed constitutional changes in that system, [it] may be able to preserve the benefits of the due process revolution and avoid an unpleasant period of lawlessness at the same time."

● A. Kenneth Pye finds that in recent years "our system for the administration of justice has evolved at a revolutionary pace."

SPEAKERS IN THE SREB SEMINAR

Milton G. Rector, Director
National Council on Crime and Delinquency
Subject: "The Nature and Challenge of the Administration of Justice."

Herman Goldstein
Associate Professor of Criminal Justice Administration
The University of Wisconsin Law School
Subject: "The Functions, Problems, and Social Responsibility of the Police."

Jerome Skolnick
Associate Professor of Sociology and Research Sociologist
Center for Studies of Criminal Justice
University of Chicago Law School
Subject: "The Effect of Recent Decisions of the United States Supreme Court on Police Practices and Constitutional Rights."

Ronald L. Goldfarb
Attorney at Law, Author, and Director
The Brookings Institution Program on The Courts and The Administration of Justice, Washington, D. C.
Subject: "The Roles and Dilemmas of Counsel in Criminal Justice."

Harry Kalven, Jr.
Professor of Law
The University of Chicago Law School
Subject: "The Role and Challenge of the Jury in Criminal Justice."

Telford Taylor
Professor of Law
Columbia University School of Law
Subject: "Informing the Public and Protecting the Courts: The Mass Communication Media and the Administration of Justice."

J. Braxton Craven, Jr.
Judge, United States Court of Appeals
Fourth Judicial Circuit
Subject: "The Role and Challenge of the Judge in Criminal Justice."

Mason P. Thomas, Jr.
Associate Professor of Public Law and Government and Assistant Director, Institute of Government
University of North Carolina at Chapel Hill
Subject: "Juvenile Delinquency and the Confused Nature of the Juvenile Court."

A. Kenneth Pye
Professor of Law
Duke University Law School
Subject: "The Administration of Justice in Transition· Reforming the System."

Fred P. Graham
United States Supreme Court Reporter
The New York Times
Subject: "The Responsibility of the News Media in the Administration of Criminal Justice."

Wayne R. LaFave
Professor of Law
University of Illinois College of Law
Subject: "Future Trends in the Administration of Criminal Justice."

SREB SEMINAR PLANNING COMMITTEE

Robinson O. Everett
Attorney at Law, Adjunct Professor of Law, Duke University Law School, Duke University

Clifford Foust
Associate Professor of History, University of North Carolina at Chapel Hill

C. E. Hinsdale
Associate Professor of Public Law and Government and Assistant Director, Institute of Government, University of North Carolina at Chapel Hill

Michael P. Katz
Assistant Professor of Law, University of North Carolina Law School, University of North Carolina at Chapel Hill

Elmer Oettinger (Chairman)
Associate Professor of Public Law and Government, Assistant Director, Institute of Government, University of North Carolina at Chapel Hill

Kenneth L. Penegar
Associate Professor of Law, University of North Carolina Law School, University of North Carolina at Chapel Hill

Norman E. Pomrenke
Assistant Professor of Public Law and Government and Assistand Director, Institute of Government, University of North Carolina at Chapel Hill

John L. Sanders
Professor of Public Law and Government and Director, Institute of Government, University of North Carolina at Chapel Hill

Mason P. Thomas, Jr.
Associate Professor of Public Law and Government and Assistant Director, Institute of Government, University of North Carolina at Chapel Hill

William Van Alstyne
Professor of Law, Duke University Law School, Duke University

L. Poindexter Watts
Associate Professor of Public Law and Government and Assistant Director, Institute of Government, University of North Carolina at Chapel Hill

Professor Pye, now at Duke University Law School, spoke on "The Administration of Justice in Transition: Reforming the System." He believes that experimentation in hitherto unexplored areas and re-examination of some "premises which underlie our system for the administration of criminal justice . . . in the light of empirical data previously unknown or ignored" have brought marked progress. He says: "States have been required to modify customary practices to insure the observance of federal constitutional rights. Research on a national scale is destroying myths concerning offenders, victims and the nature of criminal conduct." And he concludes: "Our system for the administration of justice is truly in a state of transition."

Professor Pye's comprehensive treatment of the subject brought into focus many aspects of experimentation and change. For example, he pointed to a growing recognition relating to certain types of defendants that "a person is not responsible, even if he appreciates that his conduct is wrongful, if he lacks the substantial capacity to conform his conduct to the requirements of law," and that some people afflicted with drug addiction or chronic alcoholism are not "capable of controlling their conduct because of their mental condition." He discussed the problem of disparity in sentencing and the very considerable ferment in this area. He analyzed significant changes in state criminal procedure which have been required by federal court opinions broadening "the scope of review in cases where prisoners seek to attack collaterally the state court convictions in federal courts upon the grounds of deprivation of constitutional rights." And Pye said: "Principles of federalism have yielded to the necessity of protecting the rights of the individual."

A second major trend in the Supreme Court, as he sees it, "is the movement toward the implementation of rights to which lip service has been paid for generations." He

JOURNALIST PARTICIPANTS IN THE SREB SEMINAR

Jerome Adams
Reporter
Charlotte Observer
Charlotte, N. C.

John L. All
Police Reporter
Charleston Evening Post
Charleston, S. C.

John D. Ayer
Reporter
Louisville Times
Louisville, Ky.

Jennifer Ann Bolch
Reporter
The News-Journal
Daytona Beach, Fla.

Jay C. Bowles
Correspondent
Associated Press
Chattanooga, Tenn.

Herbert B. Bradshaw
Editorial Page Editor
Durham Morning Herald
Durham, N. C.

Allen Bryan
News Director
WKLO Radio
Louisville, Ky.

John Carr
Reporter
Delta Democrat-Times
Greenville, Miss.

Lane Kerr
City Editor
Greensboro Daily News
Greensboro, N. C.

Rod Cockshutt
Editorial Writer
The News and Observer
Raleigh, N. C.

David Cook
Editor
Ocala Star-Banner
Ocala, Fla.

Albert Darby, Jr.
Court House Reporter
The Cumberland News
Cumberland, Md.

W. Howard Eanes
Asistant Managing Editor
The Roanoke Times
Roanoke, Va.

Robert Evans
Reporter
Richmond News Leader
Richmond, Va.

Tom R. Farrell, Jr.
News Editor
WABG Radio and Television
Greenwood, Miss.

John A. Finley
Reporter
The Courier-Journal
Louisville, Ky.

Hubert Hendrix
Editor
Spartanburg Herald
Spartanburg, S. C.

William Jennings
Legislative Reporter
The Press-Chronicle
Johnson-City, Tenn.

John E. King, Jr.
City Editor
Dallas Morning News
Dallas, Tex.

Robert Mason
Editor
Virginian-Pilot
Norfolk, Va.

Tom D. Miller
General Assignment Reporter
Huntington Advertiser
Huntington, W. Va.

William C. Morris
Managing Editor
Greenville Piedmont
Greenville, S. C.

Luis V. Overbea
Staff Reporter
Piedmont Publishing Company.
Winston-Salem, N. C.

Robert J. Paddock
Newscaster
WLAP Radio
Lexington, Ky.

James A. Pinson
Associate Editor
Waycross Journal-Herald
Waycross, Ga.

Frank Pleasants
Reporter
Greensboro Record
Greensboro, N. C.

Richard Allan Shaffer
Court House Reporter
Tulsa Tribune
Tulsa, Okla.

Edward W. Swain
City Editor
The Times-Dispatch
Richmond, Va.

attributes to the events of the last decade "an appreciation that the rights guaranteed to the people by a constitution or statutes are less important than the rights which the people are really able to exercise and practice." He cites the right of counsel to illustrate this point. According to Pye, "The great accomplishment of the last decade is the removal of many of the elements of hypocrisy from criminal procedure. Rights given to individuals are now being implemented and enforced."

He also discussed at some length the changes in the arrest and search and seizure techniques and powers of the police. Pye found "a need for speedy improvement in many state systems of post-

conviction remedies" in order to "decrease federal intervention and the handling of complaints of injustice made by state prisoners." And he called equally important "the education of the personnel who administer state systems for the administration of justice and the improvement of their techniques." He said: "The needs of state law enforcement, judicial, and correctional agencies must be determined and proposals prepared with the object of seeking federal support. Any state which is not developing a plan is derelict."

Pye praised the work of the Institute of Government in informing and educating law enforcement officers concerning their new duties under court decisions and for systematic studies which are under way and needed." He said: "The work has to be done at a state and local level, through organizations such as the Institute of Government or by joint efforts of state law enforcement personnel, judges, lawyers in law schools."

Pye saw no reason for complacency but ample reason for pride in recent progress. He concluded: "Some say history will judge the quality of a civilization by the way in which a society treats those of its citizens who are accused of crime. By this standard, there can be little doubt that America has a fair claim to the title of the world's most enlightened nation. Others would evaluate the effectiveness of the system in terms of the extent to which it has eradicated crime. By this test, we have a long way to go. Perhaps the standard will combine both factors and ask whether we are doing the best job we can with the resources which are at society's disposal. We are now in a period of transition where it is difficult to make such judgments. In another ten years we may be in a better position to give an answer."

● Wayne R. LaFave, the final speaker, cited four major trends in the administration of criminal justice: (1) "A more careful and complete analysis of the amount and kind of evidence which should be required to justify the several critical decisions which are made in the criminal justice process." (2) "A more careful and complete delineation of criteria to serve as the basis for the exercise of discretion at the several critical decision-making levels on the question of whether the individual should be subjected to the subsequent steps of the criminal justice system." (3) "A careful re-examination of difficult problems currently dealt with in the criminal justice system by resort to informal processes, or accommodations, whereby only a part of the criminal justice system is invoked." (4) "Increased efforts to establish effective checks upon decision-making at all levels of the criminal justice process."

Professor LaFave observed that "we have long relied upon our criminal justice system for the administration of what are essentially social services." He discussed plea bargaining, and commented that "because the frequency of conviction without trial not only permits the achievement of legitimate objectives in cases where pleas of guilty are entered, but also enhances the quality of justice in other cases, reform lies not in bringing a substantial shift away from the practice whereby avoiding pleas are obtained, but rather by the formulation of procedures which will maximize the benefits of conviction without trial and minimize the risks of unfair or inaccurate results." He says that this is what "the proposed minimum standards for criminal justice on the subject of guilty pleas attempt to do."

LaFave believes that the proposals stemming from the present sustained critical attention from influential organizations and groups "require concentrated efforts on the part of the organized bar and, indeed, from all interested and concerned citizens, hopefully stimulated by the press," if they are to be implemented.

* * *

Obviously, this resumé can do no more than to catch the flavor of the occasion and the caliber of the speakers and their ideas. For the administration of justice is a vast and complex area; and criminal justice has come to attract and require the attention not alone of judges, lawyers, and police, but also of psychologists, psychiatrists, political scientists, social workers, historians, and indeed much of the academic community. Inevitably, specialists with backgrounds ranging from recreation to corrections have been drawn into the intensive inquiry presently under way. For if, as the President's Crime Commission claims, its recommendations "call for a revolution in the way America thinks about crime," such a revolution in thought must affect the way professional persons and the public at large think about criminal justice, too.

The challenge is not only to combat the negative—organized and unorganized crime and juvenile delinquency—but also to develop a positive base of essential values and ethics upon which information and understanding must rest and programs, including those aimed at prevention of crimes and rehabilitation of offenders, may be pursued and understood. The challenge is to raise standards of governmental performance through professional advancement and public understanding, strengthened through determination born of deep awareness of problems, causes, and directions. The SREB seminar exemplified the sort of legal and governmental concern and action, coupled with humanitarian and social goals, which underlie the flux of advance in the administration of criminal justice.

The intense interest of the journalists attending the seminar was evidenced in the sharpness of their questions, the constantly high level of participation, and the series of columns written by some of them on the seminar and its ideas and published in their papers in the weeks following.

THE ANATOMY OF NEGRO UNREST

by John W. Winters

Immediately after World War II there was abound in this world a movement by native governments to shed the shackles of colonialism, or the domination of local small countries by large countries from the outside. The Negro revolution in America, in its endeavor to shed the shackles of discrimination, is a direct part of this worldwide movement by men seeking freedom of opportunity, freedom of expression—seeking a right to the good life. The unfortunate part of this story in America has been the lack of understanding by the majority of the white populace of the deep and full meaning of this movement, and in a real sense a refusal by Americans to relate the Negro movement to America's own problems during the American Revolution. This almost complete lack of appreciation of the yearning of dark men for equality of opportunity is to our own shame, for if there had been a real understanding in the beginning, we would not need to be here today. However, to be practical, the most promising part of the present situation is that we are trying to understand and to seek ways and means of solving these perplexing and difficult problems.

The Primary Issue

The single most important issue confronting this nation is the matter of *equality of opportunity*. It supersedes in importance the question of who arrives first on the moon. It transcends, in its ultimate significance, the outcome of the war in Vietnam. It overshadows all of the issues—all of the problems and questions inherent in the Cold War—and it may well determine whether we shall be victorious in this ideological struggle.

Equality of opportunity stands first on the agenda of this nation's unfinished business.

Today, we are faced with the possibility of a racial war that no one can win. It cannot be won by Negroes because we possess neither the numbers nor the technical resources to win it. It cannot be won by the majority whites because such a war would end forever the hope and dream of this nation for a government ruled by law and a society guided by justice, fraternity, and equality.

All the wars that have been fought by this nation—from the War of Independence in the eighteenth century to the present struggle in Vietnam—have been based upon the concept that no one group of men is good enough to dominate another, and upon the conviction that to deprive a people of the right to life, liberty, and happiness is alien to the laws of God and contrary to the nature of man.

A racial war on these shores would signal the end of a civilization that has been building for two thousand years.

But the possibility of such an event cannot be ignored, and this would not be the first time in a nation's history that a people was destroyed by a minority from within, rather than by a major power from without.

Negroes, as James Baldwin warned a few years ago, are so placed strategically that they can ring down forever the final curtain on the American dream.

The riots we have witnessed in our large cities are but a partial expression of the sense of futility, hopelessness, despair, and hatred by the Negro masses. They represent but a prelude of things to come if conditions continue in their present state and if matters continue on their present course.

The cause of the Negro—which is the cause of America—will be secured neither by the advocates of "black power," where black power means violence and chaos, nor by the advocates of compromise, where compromise means the appeasement of injustice. Our cause—and the cause of our nation—will be served only when black men and white men come together in an atmosphere of mutual respect, deep-rooted integrity, and genuine good will to resolve our problems and to seek ways to establish a society where all men are free in their person and their property, and are restricted only by the accidents of their native endowments.

Today, as always, equality of educational opportunity is the crucial issue in gaining equality of economic opportunity, in securing equality of social justice, in realizing equality of civic responsibility, and in developing the equality of political power.

Treating the Disease and Not the Symptom

Amidst the rising prominence of concepts such as "black power" and "white blacklash," which carry with them a host of tangled sociological meanings, we are being pressed harder than ever before to seek balanced and unemotional approaches to our nation's most frightening and most critical domestic problem.

In an atmosphere of fear, hatred, despair, futility, and sheer loss of faith and hope—where emotion prevails and the appeal to reason goes unheard—no educator, no political leader, no public servant, and no responsible citizen can fail to recognize the symptoms of a disease that is rapidly approaching the stage of malignancy.

Just as no wise physician who ministers to the body will pursue a course of palliative treatment where curative treatment is needed in arresting the growth of a malignant tumor, so no wise educator, political leader, or citizen can pursue the practice of treating symptoms rather than causes.

The imbalances and inequities in our society that revolve around the factor of race have come about through long years of segregation, discrimination, social intolerance and unconcern. The seeds of discord and unrest, hatred, bitterness, bigotry, and intolerance have been planted deep in the racial soil, allowed to sprout and spread at will.

There are evidences in some areas of public service that efforts are being made to come to terms with this question of our national welfare and our national destiny. But thus far, our activities have been confined largely to the level of symptoms rather than directed to the level of causes.

The legislation that has been enacted, the commissions that have been created, the programs that have been instituted have been feeble and half-hearted—more directed by the politics of expediency than by the politics of duty, more designed to palliate than to cure; and more directed to correct than to prevent. The time has now come for a change of direction.

Segregation has left both white and Negro separate, and deprived them of the opportunity to create together, develop and sustain mutual understanding, mutual respect, and a mutual genuine regard for each other's personhood. This isolation of the Negro from the mainstream of American cultural and social life is the problem that must be resolved, but it can be resolved permanently only when integration proceeds in both directions.

Is Progress Being Made?

A current myth concerns racial progress. Both Negroes and whites are under the illusion that the past decade has brought about tremendous gains in improving the status and lot of Negroes in this country. If it is the goal of the Negro to be equal in fact as well in law, to be free and equal in reality as well as in proclamation, we must understand and face realistically the truth that this has not occurred.

The prospects for the Negro baby cited by the late President Kennedy in his message to Congress in 1963, the Labor Department's Moynihan Report released last year, the report of the Southern Regional Council on the continuing crisis released in May of last year, the findings of the Watts Commission on the riots in Los Angeles, the writings of Professor Wallace on teacher training in North Caro-

Mr. Winters served three terms, 1961-67, as a member of the Raleigh City Council. He is a real estate developer in the Capital City. His article comes from a talk given before the Institute's Seminar for City and County Managers.

lina—among a host of other studies and documents—all reveal quite clearly and document quite substantially that in spite of headlines of the contrary, the conditions of life for the Negro in American society are deteriorating.

The Moynihan Report, released a few months ago by the Labor Department, makes this fact clear: "Individually, Negro Americans reach the highest peaks of achievement. But collectively, in the spectrum of American ethnic and religious and regional groups—where some get plenty and some get none, where some 80% of their children go to college and others pull them out of school at the 8th grade—Negroes are the weakest. The most difficult fact for white Americans to understand is that in their terms, the circumstances of the Negro American Community in recent years have been getting worse rather than getting better."

We should be reminded that since the Supreme Court decision of 1954, de facto segregation in every major city in our land has increased rather than decreased.

Let us not overlook the harsh fact that the Negro community is sharply divided between a growing, but still small, middle class and a large, and in many ways, increasingly disorganized and disadvantaged lower class.

The median income of Negro families last year was only $3,839, or 56 per cent of that of white families—the same ratio it was ten years ago. No fewer than 45.8 per cent of all Negro families earned less than $3,500 a year—which is less than a poverty income. Unemployment among our people averaged 9.8 per cent compared with 4.6 per cent for whites. And more than one-fourth of all Negroes in the labor force were out of work at some time or other during the course of the year.

Moreover, today nearly 25 per cent of urban Negro women who have been married are now divorced, separated, or living apart from their husbands. Fewer than half of all Negro children reaching 18 have lived all their lives with both parents, and more than 56 per cent receive public assistance at some time during their childhood.

More than 50 per cent of Negro youngsters fail the Armed Forces Qualification Test, which measures ability to perform a job at an acceptable level of competence—the level that ought to be found in anyone with a seventh or eighth grade education.

The widely discussed Wallace report on teacher education in North Carolina has focused attention on the quality of the product from Negro colleges. But even more important, it reveals what is happening to Negro children in the public schools before reaching college. While the lowest SAT average of entering freshmen in a white state college in 1965 was 800, the highest average of entering freshmen in a Negro state college was 678. And at one Negro college in our state, of 454 entering freshmen, only 23 had a reading ability at the first-year college level. The majority were below the ninth grade level.

These are circumstances and facts of Negro corporate life today that cannot any longer be ignored or disregarded.

URBAN UNREST—WHAT CAN BE DONE NOW?

The article that appears on these pages is derived from Mr. Winters' participation in a panel on "Community Race Relations: Local Action Needed," presented before the Institute of Government's Seminar for City and County Managers, held February 7-9, 1968. While this article is an evaluation of the situation for Negroes today, as part of the panel presentation Mr. Winters also made some suggestions for immediate steps that local government officials can take to build greater understanding between whites and Negroes and help avert problems of Negro unrest.

1. Establish a department in your local government to deal specifically with urban unrest problems.
2. See that your police department, while adequately trained in riot control, is also adequately trained in human values, especially as they relate to minority people.
   A. Integrate your force and assure equality of opportunity.
   B. Use the example of the article entitled "The White Cop and the Black Rebel" in *Look* for February 6, 1968. The article documented the relationship between a black power advocate and a policeman working for a middle ground of understanding between the minority poor and the police department for the benefit of the community.
3. Move quickly to develop recreational facilities with supervised programs.
4. Help the local antipoverty program; see that it is properly administered to do what it is designed to do.
5. Encourage minority group participation in government.
   A. Invite schools to tour your facilities.
   B. Have a youth participation day.
   C. Try to build confidence among minority people by having a genuine and sincere program to involve them.
6. Encourage good-will programs among white civic clubs so that they may better understand some of the problems you face.

The Failure in Negro Leadership

And, finally, another myth that must be changed is that all the problems and all the evils that Negroes face are the fault of the white majority. For many of the facts that frustrate our efforts for genuine equality emerge from the context of our own attitudes, our own practices, and our lack of mature responsibility to overcome the effects of slavery, discrimination, and second-class citizenship.

Consider the fact, that, in spite of Negro poverty, the total wealth and income of the Negro in the United States exceed the wealth and income of the entire nation of Canada. Yet, there is no visible evidence that this wealth has been harnessed and used constructively for the benefit of Negro America's economy. Where is the Negro in the productive end of American industry? Where is the Negro in the realm of business and commerce? To what can we point with pride and say: Look! This is what my wealth has wrought?

Go into any community—north, south, east or west—and you will find there a hard core, self-centered Negro middle class, proud of its achievement, sensitive about its social status, zealously guarding its vested interests: More proficient at playing bridge than in understanding the daily newspaper. More adept at gossiping about people than in discussing ideas. More proud of its cars, homes, and furniture than concerned about its community, its institutions, and its problems. More contented than committed. More complacent than aroused. More apologetic than aggressive. More self-centered than civic-conscious.

Here standards of mediocrity are accepted for standards of excellence—ethics of expediency have replaced the ethics of duty. Here is contentment with getting by, rather than striving to achieve.

These people are leaners rather than lifters; talkers rather than doers; complainers rather than changers; whiners rather than winners; and drifters rather than drivers. These are the enemies from within who sabotage the Negro's struggles and his efforts, and postpone the day of full emancipation.

* * *

Time now is running out. The restless masses are moving from a state of futility to a state of despair. They are "out of hope" and have nothing to lose; and history has taught us that the most dangerous man on earth is the man who has nothing to lose.

The Graduating Class

FOURTH ANNUAL POLICE ADMINISTRATIVE COURSE

The Institute's Police Administration course, which was the responsibility of Donald B. Hayman this year, runs for 140 hours from October through March. Those who received diplomas this month were Major Herbert C. Britt, Jr., of the Lumberton Police Department; Sgt. John P. Broadwell, Raleigh; Lt. Q. H. Dale, Gaston County; Lt. Robert A. Dale, Jr., Morganton; Chief Foy G. Davenport, Plymouth; Lt. G. L. Dempsey, Greensboro; Sgt. Charles G. Diedrich, Raleigh; Sgt. George W. Dudley, Whiteville; Asst. Chief Coy E. Durham, Chapel Hill; Chief Ray H. Early, Jr., Ahoskie; Major Charles M. Ferguson, Jr., Gastonia; Asst. Chief Harvey J. Ellis, Butner; Lt. Douglas E. Franklin, Morganton; Chief Kyle M. Gentry, North Wilkesboro; Capt. Carthanel M. Gilstrap, Goldsboro; Capt. C. W. Hayes, Spartanburg; Lt. E. P. Herring, Wilmington; Lt. W. F. Jolly, Durham; Detective T. H. Lassiter, Durham; Capt. George B. Livingston, Jr., Charlotte; Lt. Robert R. Mason, Asheboro; Asst. Chief Egbert R. McKay, Concord; Lt. Steve A. Monk, Winston-Salem; Chief Calvin C. Pearce, Murfreesboro; Chief James H. Griffin, Sanford; Records Supervisor Rudy V. Pearce, Raleigh; Sgt. William A. Poole, Thomasville; Capt. B. L. Porter, Charlotte; Sgt. William R. Redmond, Statesville; Asst. Chief Roy R. Renfrow, Goldsboro; Chief Lloyd B. Shumake, Mooresville; Sgt. Victor B. Spence, Raleigh; Lt. William S. Surratt, Winston-Salem; Lt. B. L. Thomas, Greensboro; Lt. E. L. Turner; Spartanburg; Sgt. Mitchell G. Walters, Lumberton; Lt. C. E. Wilson, Wilmington.

LOCAL GOVERNMENT BOND RATINGS: The Changing Scene

by John C. Clark

Ratings—What They Are and What They Mean to Local Governments

One vitally important but widely misunderstood phase of local government debt management concerns the credit ratings given to communities by companies or services that specialize in making analyses of the credit capacity of local governments. These ratings have evolved over the past fifty years into one of the most important factors considered by local governments seeking to raise money through the issuance of bonds, by investment bankers trying to market bonds, and by investors who ultimately acquire these bonds.

The ratings also take on particular significance in view of the great social, economic, and technological changes that are now occurring, and the demands that these changes place upon the borrowing power of the localities where their impact is felt—notably in the large cities of the nation, but also in the growth areas of North Carolina and elsewhere. The increase in volume of outstanding state and municipal debt in the United States from $7,000,000,000 in 1917 to $110,000,000,000 today is partly a reflection of the expenditures required to deal with our new kinds of problems.

Under this greatly expanded demand for money, properly evaluating the diverse credit capacities of a wide spectrum of state and local governments has become a major task for the various rating services that perform this function. Finding it difficult to accommodate the heavy call for ratings, one national service of high reputation has recently announced a dramatic change in policy to facilitate its operation. Other services, both national and regional, are hard pressed to enlist qualified personnel to accomplish the detailed and complex jobs of analysis. Local government borrowers will therefore find it particularly useful to understand the "ratings situation" as it exists today, with the implications it has for the maintenance of good credit standing and for the related cost of borrowing on forthcoming bond issues. (In many local governments recently the imbalance of supply and demand for money has produced borrowing costs and interest rates that exceed legal limits.)

While the rating itself does not dictate the interest rate to be obtained when the bonds come to the market, it does have an important bearing on the final bid set by the underwriter. Although a syndicate may evaluate the quality of a bond issue either higher or lower than the rating assigned by one of the rating services by its own process of credit appraisal, the rating service report must be weighed as a factor because of the psychology of investor acceptance and the

necessity to compete in price with similar bonds of the same rating being offered in the market. The importance of these ratings should not be minimized—for this reason, and also because the ratings services we will describe have performed a highly commendable function over the years in providing a method of evaluation to the investment banking trade and to the individual and institutional investor.

Local government finance officers should fully comprehend both the guidelines that determine ratings and the type of information sought by the rating services. In a general way, all key city and county officials should be aware of their bond credit rating—they might even have greater concern for it than for a possible "All-American City Award." While the All-America Award has great value for civic pride and for social and economic development and progress, a good credit rating can literally save the community millions of dollars over the years in debt service cost for capital outlay. Furthermore, those City Fathers who are conscious of bond ratings are inclined to foster good fiscal control to guard the rating status.

A rating is a letter or numeral assigned to the bonds and graded according to estimated quality of the community's credit capacity (see Table I). The financial data used to determine a governmental unit's credit should clearly indicate its ability to pay by stating in detail the total debt burden, its administration and financial record, its payment program, and a complete description of the resources. Providing this information should be a continuing process, in view of the fact that valuations, debt limitations, growth factors and resources are more than ever in a state of flux. Though the interval may seem very short, I would recommend that the data be submitted to all the services concerned every six months. This should not be any additional burden, since a similar report is required in January and July of every year by the Local Government Commission. This method would create uniformity, better compliance with state law, and a flow of information to the rating services that will stimulate their closer attention to the governmental unit by the rating service. With the tremendous number of bond issues coming to the market, a rating service might well overlook a municipality that has been dilatory in keeping its data current just at a time when a rating for that unit might be essential.

In broad terms, the rating goes down when the debt goes up. This is elementary, because debt burden is the largest weighted factor. However, an increase in debt does not always mean a lower rating, because in recent years the growth in resources and valuations has often outpaced the debt increment, giving a lower debt ratio. This points out the reasons for stressing accurately in data reports to the rating service the true valuations, appraised valuations, and assessed valuations. Tax collection records should exhibit good administrative and fiscal control. Data on resources not only should present actual figures of population, wealth, and industry, but also should outline future potential through planning and development.

To implement their system, some of the rating services provide a prepared form for reporting data. Reference to the check list in Table II may be helpful, because it is something of a composite of items requested by the various services.

Why the Present Concern About Ratings?

Moody's Investors Service and Standard and Poor's Corporation, both of New York, are the two principal and best-known advisory services whose ratings are most widely followed by dealers and investors in the national market. They have made these ratings available, deriving revenue to cover their costs from related materials which they publish, such as manuals and surveys. However, Standard and Poor's has recently made a new policy statement that effective March 1, 1968, it will rate municipal bonds only upon request, charging a fee for the time and expense required to analyze the issue. The fee, of course, will vary according to the size of the issue and type, such as general obligation bonds or revenue bonds. This contract fee

Mr. Clark is senior vice-president of the Wachovia Bank and Trust Company, in charge of public finance. He has been interested in bond ratings for many years because of his experience in trading, underwriting, and consulting in municipal bonds.

arrangement will also apply to tax-exempt industrial-aid revenue bonds, which in themselves add heavily to the work load of the service analysts.

This request for the contract rating may come from the issuer, underwriter, consultant, or institutional investor. Probably it will be the underwriter who most often seeks the rating. In any event, the local government will indirectly pay for the cost of the rating, since the bid will be predicated upon gross spread, deducting all expenses, including rating fees, applicable to the account. Assuming, for an example, that a fee of $1,000 would be charged for a $5,000,000 revenue bond issue, the cost for rating would amount to 20 cents per $1,000 bond. The fees on general obligation issues would probably be less, because the presale work is less involved. While these fees do not

Table I

Key to Moody's Ratings

(with Comparative North Carolina Municipal Council Ratings)

Description	Example	Recent Yields (20-Year Maturity)	N.C.M.C.
Aaa—Best quality			
"Gilt edge," virtually	North Carolina	4.05	°
no investment risk,	South Carolina	4.05	—
outstanding financial	Connecticut	4.125	—
management			
Aa—High quality			
High-grade caliber,	Winston-Salem, N. C.	4.10	93
excellent financial	Charlotte, N. C.	4.25	85
condition, sound	Dallas, Texas	4.25	—
intrinsic value			
A—Higher medium grade			
Possesses many favorable	Alamance County, N. C.	4.40	86
investment attributes,	Fayetteville, N. C.	4.40	83
sensitive to over-all	Baltimore, Md.	4.50	—
rate market			
Baa—Lower medium grade			
Financially adequate,	Wayne County, N. C.	4.55	85
but protective elements	Asheville, N. C.	4.70	76
satisfactory only for	New York City	5.00	—
long-term view			
Ba—Speculative elements			
Future ability to pay	Carteret County, N. C.	5.15	69
not well assured	Craven County, N. C.	5.15	73
B—Speculative			
Not a good investment,	El Dorado Hills, County		
market value very	Water Dist., Calif.	5.40	—
vulnerable			
Caa—Highly speculative			
Poor standing, on verge	West Virginia Turnpike	750[c]	—
of default	Chesapeake Bay Bridge		
	and Tunnel, Va.	9.73[c]	—

Data estimated March 1, 1968. Recently adopted subcategories within some ratings are not shown.

° Not rated, but hypothetical 100

[c] Estimated

seem to be large, particularly if the underwriter is able to meet quality requirements by getting the rating, they are worth noting. Furthermore, this contract rating will be valid for only one year, after which time the contract must be renewed at an expected smaller fee.

At the same time, we have been advised that Moody's will continue to issue ratings as it has done in in the past, but its policy statement leaves open the possibility of charges in the future. While now only one national rating service will not charge, local finance officers and other officials should nevertheless remember that investors will still want *two* ratings, and that to offer less than two may result in higher costs of borrowing.

Local governments in North Carolina are fortunate in this respect because they can continue to enjoy the existing Moody rating service on all issues of $600,000 or over and also the numerical ratings given by the North Carolina Municipal Council, Inc., a nonprofit service supported by banks and investment bankers who underwrite and invest in North Carolina municipal bonds.

Additional services, fully described in Table III, are also available. This table will also serve as a convenient reference in sending financial information to *all* the rating services.

Advisory Comments to North Carolina Local Governments

While ratings are directed toward the investor, the local government should accept the responsibility periodically and frequently to furnish the rating services with financial data to update the information about its credit capacity. In the long run, this step will mean lower interest costs, assuming good fiscal management and progress. Refinement of information

Table II

Outline for Preparing Financial Information

Population 1940, 1950, 1960, 1965, 1970 (Est.)
- Percentage of white and nonwhite
- Future annexation programs
- Payroll trends
- Military impact
- Unemployment statistics

Assessed Valuation (lowest, past thirty years)
Assessed Valuation, 1965-66, 1966-67, 1967-68
- Real property, personal property, corp. excess

Estimated Present True Valuation
Last Reappraisal Date and Percentage Listing of Appraised Valuation
Per Capita Wealth
- Rule of thumb to check accuracy of above: double income and add ten times first-quarter payroll and value of farms

Per Capita Income (Sales Management)
Home Values
Bonded Indebtedness
- Breakdown as to general and utility
- Bond anticipation or revenue anticipation notes
- Deduct sinking funds and self-supporting issues
- Net debt and percentage ratio to assessed valuation
- Per capita gross debt for unit only and also overlapping

Debt/Wealth Index (compared with 3.3% for the U. S.)
Description of Utility Systems Debt, Both General Obligation and Revenue
Record of Revenues
- Tax rate breakdown for past five years
- Total tax rate for city and county
- Tax collection record
  - Levy, past five years
  - Percentage delinquent, past five years
  - Total uncollected, past five years
- Liquor revenues, sales tax revenues, etc.

Administration Record—Current Revenue and Expense
Investments and Net Cash on Hand, Collateral to Secure Deposits
Debt Payment
- Is the local government current on all debt service?
- Has the local government ever defaulted on bond principal or interest?

Debt Payment Program
- Bond requirements for current fiscal year
- Bond requirements principal and interest for next five years

Debt Trend—Comparative Net Debt for Past 30 Years at Intervals
Recent Sales and Present Bonds Authorized But Not Sold
School Enrollments for Past Ten Years and Projected Enrollment
Resources
- Description of principal industries
- List of twenty largest taxpayers
- Stability factors—size, diversification, and college enrollment
- Residential characteristics and housing program
- Educational and recreational resources

Good Government, Fiscal Integrity, Complete Audit Reports, Pictorial Views, All-America City Awards, Citations

is important because the rate of interest may vary within the same bond grade by as much as one-quarter of 1 per cent.

Smaller units that have not enjoyed ratings by Moody's because their debt has not exceeded $600,000 should make particular effort to provide information well in advance, anticipating any new issue that will carry their total debt over this amount.

North Carolina local governments are well advised to recognize the need for comprehensive fiscal reporting and work toward better ratings now, rather than wait until the crisis of available money become acute, as it has in the major cities of the North, West, and East. Toward this end the Investment Bankers Association has already appointed a special ad hoc committee to study the problem of ratings and submit recommendations for the future.

Also the Securities and Exchange Commission is considering establishing surveillance of tax-exempt bond issues, particularly industrial-aid revenue bonds, for which information has been lacking in certain cases. SEC regulations of tax-exempt borrowings would create further problems in the additional cost of underwriting, plus the difficulties of "red tape" and "red herrings" on corporate bonds.

The future may see a national system of ratings with control at regional levels along the line of the Federal Reserve district boundaries. This would allow for better control and greater accuracy in the appraisal of credit and in the processing of the financial data. Whether it would be accomplished by a federal-state-local government relationship or by the investment banking industry is still a matter of conjecture.[1]

1. As this article goes to press, U. S. Senator Proxmire has introduced legislation that includes provision to substitute a federal bond rating service for private ratings. At the outset it would be financed by the sale of $1,000,000 in debentures to the Federal Deposit Insurance Corporation and $100,000 in debentures to the Federal Savings and Loan Insurance Corporation. Additional subscriptions would be obtained from every Federal Reserve Bank. Thereafter, it would collect fees from local government issues.

Table III

Directory of Rating Services for North Carolina Local Governments

Moody's Investors Service, Inc. — Robert Riehle, Vice-Pres. (In charge of ratings)
99 Church Street
New York, New York 10007

Since 1909 Moody's Service has provided ratings without cost on all municipalities in the United States with gross debts of $600,000 or over. The system is based on a gradation scale according to quality, starting with Aaa for the highest grade, working downward as shown in Table 1.

Standard & Poor's Corporation — John K. Pfeiffer, Asst. Vice-Pres. (In charge of ratings)
345 Hudson Street
New York, New York 10014

Standard & Poor's has also enjoyed a national reputation for providing municipal ratings since 1949 and is widely followed by the investor public in conjunction with Moody's ratings. Its system is also based on a gradation scale of letters, starting with AAA for the highest grade and working progressively downward, with slight variation from Moody's, such as BBB instead of Baa. Ratings furnished by contract for a fee, effective March 1, 1968.

North Carolina Municipal Council, Inc. — W. Herbert Jackson, Pres.
(not for profit)
1004 Raleigh Building
Raleigh, North Carolina

Numerical ratings are confidential, for use of members only. They are based on a point system, giving analysis to the various factors under the three main groupings of relative debt burden, administration and financial record, payment program and resources. For broad purposes of comparison, numerical ratings of 89 to 94 would be equal to a rating of Aa by Moody's. The benefits of this system for North Carolina are many, chiefly exhibited by good local management and attention to the specialized area of North Carolina.

North Carolina Securities Advisory Committee — Logan Y. Pratt, Chrmn.
American Building
Charlotte, North Carolina

This self-appointed committee is composed of North Carolina investment bankers and dealers who serve on a cooperative, nonprofit basis to determine which North Carolina local government units are eligible for investment by banks in North Carolina. The committee does not carry its groupings beyond those units that are eligible. These are classified into three groups—No. 1, No. 2, and No. 3. In this order they go from highest credit standing to those deemed acceptable for investment. The groupings are published annually in the *Tar Heel Banker*, but can be easily obtained at any time.

Tyler's Ratings — Walter Tyler, Pres.
180 Varick Street
New York, New York 10014

A small but excellent service with good background and experience. It has a numerical system, scoring 00-14 First Grade, 15-29 Second Grade, 30-44 Third Grade, 45-49 Fourth Grade, etc.

Dun and Bradstreet, Inc.
99 Church Street
New York, New York 10007

This service, affiliated with Moody's Investor Services, provides comprehensive credit analyses on local governments on a subscription service variable for as many units as the purchaser desires. It is directed primarily to the institutional investor.

In the meantime, North Carolina is now favored with a good rating system that deserves the attention and cooperation of all concerned. The State of North Carolina attained its prime rating of Aaa in 1960 and has carefully guarded this status by good government and sound fiscal control. Now is a good time for all local governments in our state to work toward the improvement of their present ratings by continual attention to this important question.

BRUBAKER JOINS INSTITUTE STAFF

C. Paul Brubaker, Jr., has recently joined the faculty of the Institute as a specialist in public finance. Within the University of North Carolina he will be lecturer in public law and government and assistant director of the Institute of Government.

Brubaker comes to the Institute from a position as budget director with the Hanes Corporation in Winston-Salem. He is a certified public accountant and holds a master's degree in business administration from the Wharton Graduate Division of the University of Pennsylvania.

A Pennsylvania native, Brubaker is an Army veteran with service in Japan. He is married and has two young children.

In-Custody Interrogation: When Is the Miranda Warning Required?

by Douglas R. Gill

[*Editor's Note: The author's field at the Institute of Government is criminal law and procedure.*]

The well-known case of *Miranda v. Arizona*, decided by the U. S. Supreme Court in 1966, laid precise guidelines aimed at protecting the rights of suspects being questioned. Any confession or admission obtained in certain circumstances would be inadmissible as evidence if the suspect had not been given a four-part warning that (1) he may remain silent; (2) anything he says may be used against him; (3) he may have an attorney present; and (4) the state will provide him an attorney if he cannot afford one.

One of the most confusing aspects of the *Miranda* case is determining the circumstances in which its four-part warning is required. The U. S. Supreme Court said that it must be given whenever there is "custodial interrogation." But what is the meaning of this term? There are these indications:

(1) The Supreme Court, in its *Miranda* opinion, defined custodial interrogation as "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way."

(2) The purpose of the *Miranda* rule seems to have been to protect defendants' right not to incriminate themselves by relieving the pressure on them in situations in which, although they are legally entitled to remain silent, they feel compelled by the circumstances to talk. Looking to this purpose would indicate that the warning should be given whenever those compelling circumstances exist, and that the Supreme Court's definition (when the person's freedom of action is deprived in any significant way) was an attempt to identify those conditions.

(3) Some courts believe that in-custody interrogation requiring the *Miranda* warning occurs at the same point that the older *Escobedo* case required that a suspect be entitled to the presence of his attorney—when the "investigation is no longer a general inquiry into an unsolved crime, but has begun to focus on a particular subject."

Taking these three indications together, the following rule *may* indicate the point at which the *Miranda* warning is required: when a law enforcement officer directs questions toward a person being investigated as a suspect of a crime in circumtances in which the person reasonably believes that he is not free to leave the questioning.

It must be stressed that no court has formulated such a rule. This rule is *only one reasonable interpretation* that could be put on the *Miranda* case in light of the evidence available from the cases of the U. S. Supreme Court.

Various lower courts have seen the point at which the *Miranda* warning was required in different ways:

- New York. A rape suspect, in his home while his wife was present, admitted in response to an officer's question that he had intercourse with his mother-in-law. That statement was inadmissible because the officer would not have allowed the suspect to leave if he had made the attempt.

- California. A district attorney called the defendant to his office, where he questioned her, without *Miranda* warnings, about her failure to call a doctor for her child. Her statements were inadmissible because the defendant reasonably might have believed that she could not leave during the interrogation.

- Arizona. Information obtained from a person stopped for suspected drunk driving was admissible without the *Miranda* warning because at the time of the investigation the crime for which the suspect would be held (driving under the influence of drugs) was not clear. This court said that the warning need be given only when the police "have focused generally upon the crime so that they would have cause for arrest without a warrant."

• Maryland. Officers asked the suspect questions about transporting cigarettes at the place where his truck (with a false load) was parked while he filed bond for a traffic violation. His statements were admissible despite the lack of a *Miranda* warning because the suspect knew he could leave as soon as bail was posted and the "compelling atmosphere inherent in the process of in-custody interrogation was not present."

These examples are used to emphasize the continuing uncertainty about the kinds of circumstances when the warning is required. Although the North Carolina Supreme Court (*State v. Oxentine*, 270 N.C. at 415) has emphasized that *Miranda* does not "exclude statements made at the scene of an investigation when nobody has been arrested, detained, or charged," it has even been claimed that several lower courts in North Carolina have sometimes refused to consider cases in which no *Miranda* warning was given *even though no confession or admission was involved in the case.*

Thus it seems that, because of the unclear status of the rule and the confusion that exists in courts about when it applies, the most important consideration should be determining when an officer should give the warning in order to avoid trouble. Most people who have tried to find out what effect the warning has have concluded that it apparently does not discourage people from talking. If this is true, the safest policy would seem to be to give the warning very freely, even though technically it may not be legally required, and thus avoid the trouble of arguing about whether it should have been given.

NORTH CAROLINA DEPARTMENT OF COMMUNITY COLLEGES
SPECIAL EDUCATION PROGRAMS

Law Enforcement Training

Schedule of Schools and Conferences

Schools and Conferences	Date	Location	Area Consultant
Riot Control	April 1-April 5	Fayetteville	Carraway
Introduction to Police Science	April 1-April 26	Lexington	Lineberry
Criminal Investigation	April 1-April 26	Durham	Carraway
Jail and Detention Services	April 2-April 4	Elizabeth City	Rumple
Riot Control	April 8-April 12	Dunn	Carraway
Accident Investigation	April 8-April 12	Fayetteville	Carraway
Introduction to Police Science	April 8-May 3	Jacksonville	Langston
Supervision for Police	April 15-May 10	Wilson	Langston
State Parole Officer Retraining	May 1-May 2	Morganton	Netherton
Supervision for Police	May 6-May 31	Gastonia	Lineberry
Jail and Detention Services	April 16-April 18	Warrenton	Rumple
Police Firearms	April 29-May 1	Kinston	Langston
Jail and Detention Services	April 30-May 2	Fayetteville	Rumple
State Parole Officer Retraining	May 8-May 9	Lexington	Lineberry
Jail and Detention Services	May 14-May 16	Burlington	Rumple
Latent Fingerprint Identification	May 20-May 24	Chapel Hill	Spitler
Jail and Detention Services	May 20-May 23	Charlotte	Rumple
State Parole Officer Retraining	May 22-May 23	Elizabethtown	Carraway
Breathalyzer Technical Supervisor	May 27-June 7	Raleigh	Abernethy
Chemical Test for Alcohol Seminar	May 29	Raleigh	Spitler
State Parole Officer Retraining	May 29-May 30	Williamston	Langston
Jail and Detention Services	June 4-June 6	Lexington	Rumple
State Parole Officer Retraining	June 5-June 6	Raleigh	Carraway
Jail and Detention Services	June 18-June 20	Morganton	Rumple
Jail and Detention Services	June 25-June 27	Clyde	Rumple

BOOK REVIEWS

THE DEPARTMENT OF JUSTICE. Luther A. Huston. New York: Frederick A. Praeger, 1967. $5.95.

The Department of Justice is one of a series of books written primarily for high school or college students which describe the origin, development, and organization of several United States government agencies and departments. Other volumes describe the activities of the Federal Aviation Administration, the United States Marine Corps, the Department of Housing and Urban Development, and the Alaska Railroad. This volume outlines the duties and functions of the Department of Justice and its many divisions and presents the views of individuals who have held, or who presently hold, high administrative positions within the Department.

Mr. Huston—without being critical, controversial, or profound—has indeed written a readable and enjoyable book that may prove useful and informative to those who have never had the opportunity to read about the workings of our government and the role played in it by the Attorney General and the Justice Department. He successfully juxtaposes a cursory but properly patriotic blend of American history, law, and politics without ever getting bogged down in the details of history or the vagaries and complexities of constitutional interpretation. Unfortunately, he appears so intent on directing his comments at the unsophisticated reader that he often appears irrelevant and vague. For example, in the chapter entitled "The G-Men" he states that Mr. Hoover's "more than forty years as head of the FBI have embedded in his thinking definite ideas about methods of law enforcement" (with no further enunciation of just what these ideas are). Mr. Huston goes on to note that Mr. Hoover's experience qualifies him to advise on certain policy matters and that he in fact "does give advice in public and in private on what he thinks should be done legislatively and administratively," this "advice-giving" sometimes "involving him in controversy." Even high school and college readers deserve more specifics and depth of treatment.—A.A.

THE SCHOOL IN THE LEGAL STRUCTURE. Edward C. Bolmeier. Cincinnati: W. H. Anderson Company, 1968. $8.50.

In this, his most recent publication, Dr. Bolmeier convincingly sets forth one of his major theses: to understand the public schools, one must understand the law of public education. As he points out, the public schools are a legal entity that is "created, supported, and governed by law," and it is important if not essential that school administrators and those seeking to know more about school operation grasp the basics of school law. This book provides that opportunity.

Dr. Bolmeier divides his book into three parts—federal, state, and local spheres—and considers the law of each as it applies to schools. Writing of the federal sphere, he shows how all three branches of government create school law, and to that extent determine the type of educational system we shall have. He points out the tremendous impact of Congress on public education through the Civil Rights Act of 1964 and the Elementary and Secondary Education Act of 1965. The role of the executive branch emerges in an account of the historical development of the U. S. Office of Education and the particularly large part it has played in molding federal school legislation, formulating school administration law such as the desegregation guidelines, and stimulating innovative programs in education. The section about the federal influence on the schools concludes with a discussion of the federal court system and important school case law, particularly concerning desegregation and religion. Dr. Bolmeier sums up the first part of his book with an observation that federal legislation, implemented by executive departments and interpreted by the federal courts, has shaped and will continue to mold "educational policy and procedure in every school in every state in America."

Part II, concerning the state sphere, nicely lays out the superstructure of state government that is responsible for the operation of a public school system. Dr. Bolmeier discusses the relatively recent development of state boards and departments of education and the increasingly large role they have played in controlling the public school system as the schools receive state financing. One cannot escape the conclusion that the increased control of the educational system at the state level largely rises from the increased financial role of the state. This observation is particularly relevant to North Carolina since we rely heavily upon the state to finance the public schools (approximately two-thirds of the total cost of public elementary and secondary education comes from the state, which places us third among states in the proportion of school support that comes from this level). Dr. Bolmeier suggests, however, that this dominant role of the state will probably change—not toward local control, but toward the federal educational

schools increases. He points out that federal agencies have already by-passed the state educational bodies in some instances, particularly in the area of school desegregation and the PACE projects of Title III of ESEA, and that this trend is likely to continue as federal financial involvement increases.

Part III treats the school in the local sphere and represents over half of the book. It begins with the legal nature of the school district and proceeds to discuss practically every major legal area of school operation: tort liability, the school board, school property, school finance, teaching personnel, pupil personnel, and curriculum. The constitutional, statutory and administrative law that affects each of these areas is discussed, together with the major court cases.

An annotated bibliography of school law publications concludes *The School in the Legal Structure.* It is a comprehensive listing of important publications in the school law area that will quickly apprise one seeking resource material of what is available in the field and its likely usefulness.

Although not so detailed or comprehensive as Newton Edward's classic *The Courts and the Public Schools*, this book is a very competently written major contribution to the field of school law. *The School in the Legal Structure*, a general treatise that covers the entire area of school law (perhaps its most important use will be as a basic text for a school law course), is a proper climax to Dr. Bolmeier's many productive years at Duke University, and particularly in the school law field. We will miss him as he retires from active teaching, but will look forward to many future first-rate publications now that he can devote more time to writing.—R.E.P.

Credits: The cover photograph is by the North Carolina Department of Conservation and Development. The picture on page 19 is by the Communications Center of the University of North Carolina at Chapel Hill. Lois Filley did the layout.

STORM OVER THE STATES. Terry Sanford. New York: McGraw-Hill, 1967.

It is no news to readers of this publication that Terry Sanford has written another book. It is no surprise that the former Governor of North Carolina lays great emphasis upon the important role states can play in meeting our serious domestic problems through a federated system of government. Unfortunately the book itself contains no news, nor surprises either.

Storm Over the States is the most important printed accomplishment of a $280,000 Ford Foundation- and Carnegie Corporation-financed project entitled "A Study of American States." That study can be credited with two other significant actions: creation of a Compact for Education and its Education Commission of the States, and development of the Institute on State Programming for the Seventies. As the single widely dispersed publication resulting from this expenditure and study, *Storm Over the States* is a disappointment.

Its central ideas are hardly new—strengthen the position and role of the governor, modernize and streamline state governmental machinery, loosen the strings on the multitude of federal grants-in-aid, reform state constitutions, increase the use of state compacts, and so forth. The first half of the book is very repetitive as its key ideas are laboriously restated in different ways. Only in the last hundred pages do the author's ideas and suggestions come clearly into perspective and the reader's interest is captured.

However, these typical book review standards may not be proper criteria with which to evaluate *Storm Over the States.* The author and his associates in "A Study of American States" had no intention of preparing an insightful, systematic, thorough, and rapidly forgotten academic study, despite the title of their effort. In the author's words: "I have not looked on this study as merely a research project, but rather have sought to 'do something' and to sound the trumpet for others who would labor to improve the states' effectiveness" (p. vii). It is too soon to determine whether the book will be a success by these standards, but the probabilities of its doing so are far higher than the chances that it will meet the typical academic standards of what constitutes good writing and research.

The response to the book is noteworthy. Writing for the *New York Times,* Governor Nelson Rockefeller, himself the author of a small but very good book on American federalism, was consistently laudatory of *Storm Over the States.* Reactions closer to home have not been so totally positive. Writing in the *Greensboro Daily News,* Jonathan Yardley noted "turgid" prose, and then tweaked the Governor who broadened the sales tax in 1961 by wondering whether "imposing regressive taxes is the way for state governments to gain the confidence of their constituents, or to achieve the sound tax base that will enable them to meet the demands of larger responsibilities."

The most discerning comments have probably come from Roy Parker, Washington reporter of the Raleigh *News and Observer.* Writing for that paper, he said: "The governor is far too kind—to both the politicians and the people. Moreover, while he makes his case for some changes in the institutional structure of government, he is vague on what use will be made of all these shining new mechanisms when they are built." Parker also adds: "It is somewhat startling, then, to find that in his study of the states, Sanford opts for dubious themes which place more blame on bureaucrats than on politicians, play down the built-in inertia of the public, and holds that we need only to tinker with the machinery to produce results."

Nonetheless, Sanford has set forth a powerful and important

New Books in the Field of Government

Alexander, Thomas B. *Sectional Stress and Party Strength.* Nashville: Vanderbilt University Press, 1967. $10.00.

California, University of (Berkeley). Institute of Governmental Studies. *Metropolitan Communities.* 1967. $10.00.

Corwin, Edward S., and Peltason, J. W. *Understanding the Constitution.* 4th ed. New York: Holt, Rinehart, and Winston, 1967. $3.75.

Doherty, Robert E., and Walter E. Oberer. *Teachers, School Boards, and Collective Bargaining: a Changing of the Guard,* ILR Paperback No. 2. Ithaca, New York: Cayuga Press, 1967. $2.00.

Feldman, Francis L., and Frances Scherz. *Family Social Welfare: Helping Troubled Families.* New York: Atherton, 1967. $8.50.

Fesler, James W., ed. *The 50 States and Their Local Governments.* New York: Knopf, 1967.

Gilbert, Charles E. *Governing the Suburbs.* Bloomington: Indiana University Press, 1967. $10.00.

Graham, Hugh Davis. *Crisis in Print: Desegregation and the Press in Tennessee.* Nashville: Vanderbilt University Press, 1967. $7.50.

Green, Christopher. *Negative Taxes and the Poverty Problem.* Studies of Government Finance. Washington, D. C.: The Brookings Institution, 1967. $6.75.

Heisel, W. D., and J. D. Hamilton. *Questions and Answers on Public Employee Negotiations.* Chicago: Public Personnel Association, 1967.

LeCorbusier. *The Radiant City.* New York: The Orion Press, 1967. $22.50.

Makielski, S. J., Jr. *Politics of Zoning: New York, 1916-1960.* New York: Columbia University Press, 1965. $6.00.

Mayer, Martin. *The Lawyers.* New York: Harper & Row, Publishers, 1967.

Nolte, Chester, and Linn, John Phillip. *School Law For Teachers.* Danville, Illinois: The Interstate Printers and Publishers, Inc., 1963. $5.50.

Nylen, Donald, Mitchell, J. Robert, and Stout, Anthony. *Handbook of Staff Development and Human Relations Training: Materials Developed for Use in Africa.* Revised and expanded ed. Washington, D. C.: National Training Laboratories Inst. for Applied Behavioral Seience, 1967. $4.00.

Safran, William. *Veto-Group Politics.* San Francisco: Chandler Publishing Company, 1967. $6.75.

Sanford, Terry. *Storm Over the States.* New York: McGraw-Hill Book Company, 1967.

Savitz, Leonard. *Dilemmas in Criminology.* New York: McGraw-Hill Book Company, 1967. $5.75.

Scoble, Harry M. *Ideology and Electoral Action.* San Francisco: Chandler Publishing Company, 1967. $5.75.

Stephenson, William. *The Play Theory of Mass Communications.* Chicago: The University of Chicago Press, 1967. $5.00.

Stern, C. A. *Resurgent Republicanism.* Ann Arbor: Edwards Brothers, Inc., 1963. $1.25.

U. S. Department of Health, Education, and Welfare. *Rehabilitating the Narcotic Addict.* Washington, D. C.: U. S. Government Printing Office, 1967. $2.25.

Tax Institute of America. *Taxation of Foreign Income by the United States and Other Countries,* Symposium Conducted by the Tax Institute of America, December 2-3, 1965. Princeton: Tax Institute of America, 1966.

Warren, Sidney. *The President as a World Leader.* New York: McGraw-Hill Book Company, 1967.

agencies as federal money for position for the states in a dynamic federalism. He has called on states to accept the challenge of the urban areas "since only the state is in the position to bring order to urban growth." He has urged that states assert themselves from their pivotal location in the federal system as "coordinator, stimulator, representative, protector and advisor for local governments in their relationships with the national government." As Yardley notes, Sanford writes with "infectious conviction that states *can* do a better job."

Roy Parker is probably correct in saying, "The use to which this book is put is much more important than the book itself." In noting that Washington is not the place where all the nation's problems can be solved, or even recognized, and in asserting that the states can play a vital role in meeting pressing domestic problems, Terry Sanford may have laid the basis for a platform on which both social planner Patrick Moynihan and Senator Sam Ervin, Jr., could stand. That is no mean accomplishment.—S.K.H.

POMRENKE TRAINING BALTIMORE POLICE

Norman Pomrenke is now in charge of training for the Baltimore City Police force. He is also teaching courses in Police Administration at both the University of Maryland and American University in Washington, D. C.

Pomrenke was a member of the Institute of Government staff from September 1, 1965, to October 15, 1967. An assistant professor of public law and government, he was in charge of the Institute's programs in law enforcement. In addition to running the Institute's schools for the State Highway Patrol, he initiated programs in police administration and management and police-community relations.

His new position carries the rank of major.

The Institute Calendar

April

Highway Patrol In-Service School	1-3
	8-10
	22-24
	April 29-May 1
State Probation In-Service School	3-5
Wildlife Testing	8-11
Eleventh Annual Planning Conference	17-19
Highway Patrol Basic School	April 21 - July 26
New Tax Collectors	22-26
Assistant Probation Supervisors	24-26

May

State Probation In-Service School No. 2	1-3
City and County Planners	3
Library Trustees	3-4
Highway Patrol In-Service School	6-8
	13-15
Juvenile Probation Officers	6-9
Juvenile Correction Association	10
Local Government Reporting Seminar	10-11
Fingerprint School	20-24
State Probation In-Service School No. 3	22-24
Waste Treatment Operators School	27-31
Assistant Probation Supervisors	29-31

Continuing Schools

Building Inspectors	April 5-6
	April 26-27
	May 10-11
Municipal and County Administration	April 5-6
	April 25-27
	May 15-18