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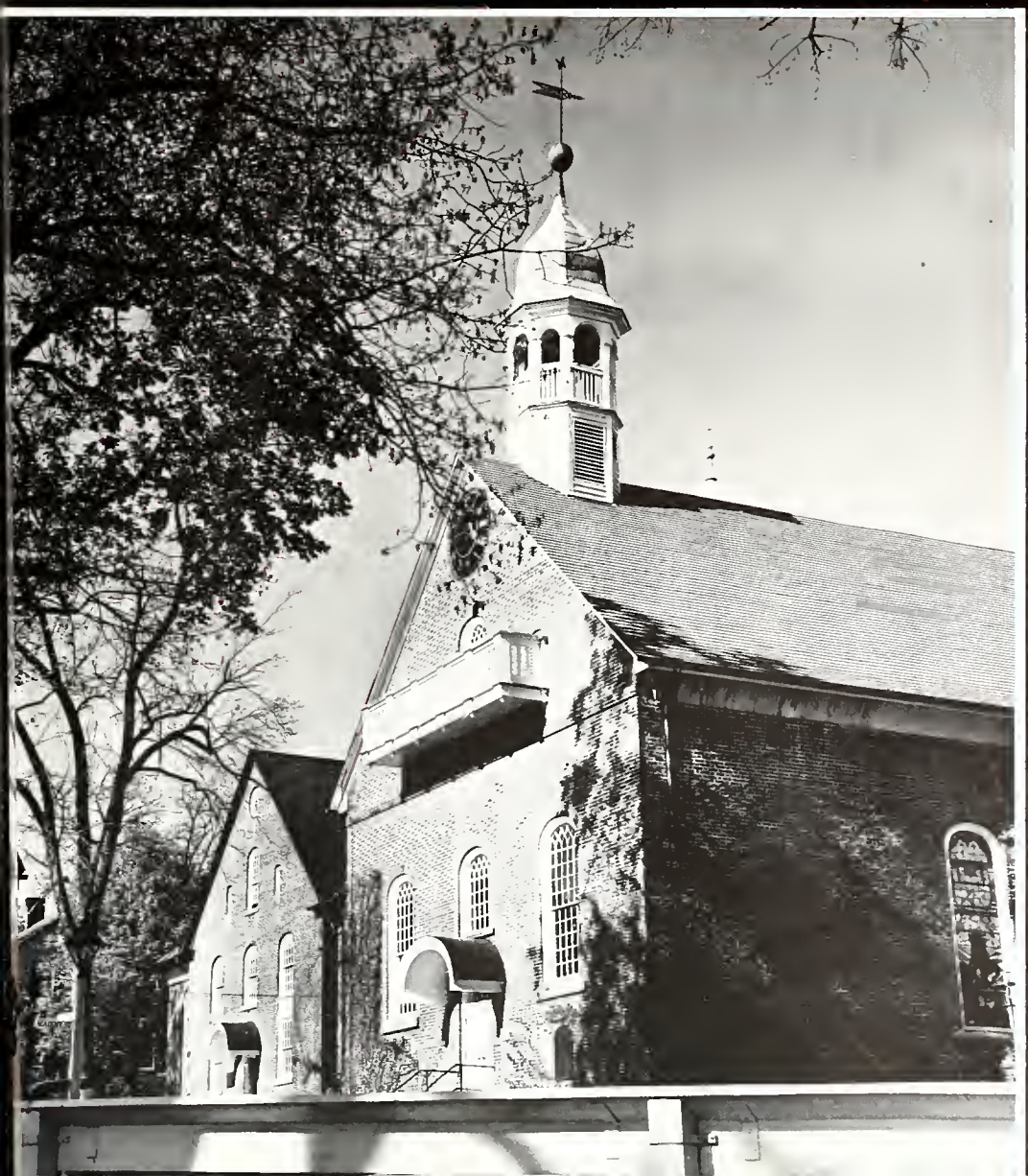

This month

The Campus in Crisis

Voting Systems

The Great Throwaway

Juvenile Justice

Litter

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This month's cover shows the Home Moravian Church in Old Salem. In April the Institute of Government will conduct its second week-long Historic Preservation Seminar, which will conclude with a two-day visit to Old Salem. Part of this occasion will be a "happening," in which the participants in the seminar (dressed in authentic Moravian clothes) will partake of a feast featuring an authentic late eighteenth-century Moravian menu. They will prepare it all themselves, using original equipment —even, it is said, down to killing and skinning the rabbit for the rabbit stew. (Photo courtesy of the N. C. Department of Conservation and Development.)

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DESIGNING an ELECTORAL SYSTEM for a CONSOLIDATED GOVERNMENT

By Joseph S. Zimmerman

Let me suggest that there is a positive correlation between the electoral system and the responsiveness of a governing body to its citizens. The municipal reform movement in the early part of the twentieth century was convinced that such a relationship existed and sought a complete change in the existing electoral system, including the elimination of partisan elections and ward elections and the replacement of a large bicameral city council by a small unicameral one.

Although many students of local government believe that the municipal reform program has improved the caliber of city government, the electoral system prescribed by the reformers is undergoing reassessment in the light of current conditions.

The various objectives of democratic voting can necessitate different electoral systems. In a referendum, a simple "yes" or "no" vote is sufficient. If only two candidates seek election to an office, allowing voters to cast a vote for one candidate obviously is an adequate system. The situation differs considerably, however, when three or more candidates seek election to an office, as plurality voting can allow a minority candidate to be elected. To prevent this a run-off election is held in some cities between the two candidates with the largest number of votes in order to guarantee that the candidate elected is the choice of a majority of the voters.

The election of a city council at large frequently overrepresents the majority, especially the middle-class majority, and often results in no direct representation for minorities, thereby aggravating any alienation that exists. Increasingly, political scientists and others are becoming convinced that minorities must be provided with representation and that a council which represents only the majority clearly is an undemocratic body.

Partisan or Nonpartisan Elections?

One of the most emotional issues facing charter drafters is the question whether elections should be partisan or nonpartisan. Deletion of the party name and emblem from the ballots, it must be pointed out, does not prevent parties from nominating candidates and conducting vigorous election campaigns. In many cities—Chicago is an outstanding example—the electoral system is nonpartisan in name only.

Partisan Elections

Advocates of partisan elections on the local level of government maintain that they are essential for the health of the state and national parties, since local parties serve as the roots of the state and national parties. Nonpartisan local elections, they contend, weaken state and national parties because there are fewer rewards available to party workers and the parties become inactive during municipal election years.

It is apparent that many programs focusing upon cities are federal-state-local in nature. This means that local officials must deal with partisan state and national officials. Professor Charles A. Beard wrote in 1917 that "not a single one of our serious municipal questions—poverty, high cost of living, overcrowding, low standard of life, physical degeneracy—can be solved, can even be approached without the cooperation of the state and national governments, and the solution of these problems calls for state and national parties."[1] However, there is little evidence to support the contention that partisan municipal officials can deal more effectively than nonpartisan officials with state and federal officials.

Do partisan elections on the local level facilitate the recruitment of candidates for state and national office? Charles R. Adrian has written that "it is unusual for a successful nonpartisan politician to move up into higher partisan ranks. Thus the fact that personnel for the two ballots are kept largely separate creates a problem for the parties, which ordinarily use local and legislative positions as the training ground for higher offices."[2]

A somewhat related argument is that partisan elections facilitate the recruitment of candidates for local office because the party assumes much of the responsibility for raising funds needed by candidates for their campaigns. This argument assumes that the cost of conducting a local election campaign is so large that many highly competent citizens will refuse to offer themselves as candidates in a nonpartisan election because they would be unable to raise the necessary funds to finance their campaigns.

Several students of local politics argue that nonpartisan elections are responsible for a low turn-over in the membership of a city council, thereby increasing the prospect that the council will be composed of individuals holding a conservative philosophy. Partisan elections, on the other hand, will result in the election of a council more truly representative of the political philosophy of the average citizen.

1. Charles A. Beard, "Political Parties in City Government," *National Municipal Review* (March, 1917), p. 201.

2. Charles R. Adrian, "Some General Characteristics of Nonpartisan Elections," *The American Political Science Review* (September, 1952), pp. 766-76.

The author is a member of the faculty of the Graduate School of Public Affairs at the State University of New York at Albany. This article is adapted from his presentation before the Charlotte/Mecklenburg Charter Commission.

Critics of nonpartisan elections maintain that policy issues are avoided in such election campaigns, with the result that the campaigns focus upon personalities rather than issues. Since issues are not fully discussed and positions are not taken, voters experience serious difficulty in attempting to identify programs and positions with individual councilmen.

Finally, supporters of partisan elections maintain that such elections ensure that there will be collective responsibility, since "protest voting" is facilitated. The electors can turn the governing party out of office if it fails to provide good government. This cannot be done under a nonpartisan system in view of the fact there are no clearly identifiable majority and minority groups because most councilmen take a middle-of-the-road position on issues.

Nonpartisan Elections

The principal argument in favor of nonpartisan elections is that there is no Democratic or Republican way of performing such municipal functions as street cleaning, fire protection, and sewage disposal. Flowing from this basic argument are several related arguments. The *National Municipal Review* in 1951, for example, carried an editorial that states "... cities must be emancipated from the tyranny of the national and state political parties. Good citizens who agree on vital issues should not be divided by blind loyalties that serve only to confuse these issues."[3] Local issues, it is maintained, are obscured when national and state partisan issues intrude into municipal affairs.

Richard S. Childs, the founder of the council-manager plan, charges that partisan elections promote voting by citizens who rely upon the party label in voting and have not studied the issues and candidates. He has written as follows:

> If national parties nominate municipal tickets and if the party names appear on the ballots, each local set of party managers thereby can herd an unthinking habit-bound bloc of voters to the polls with the cry for party loyalty.[4]

Critics of partisan elections also maintain that the major political parties lack a definite municipal pro-

3. *National Municipal Review* (July, 1951).

4. Richard S. Childs, *The First 50 Years* (New York: National Municipal League, 1965), p. 37.

gram and that the platforms of the two major parties tend to be general and similar in nature. Hence, critics conclude that parties do not perform the function of offering the voters an effective choice of programs.

Furthermore, few cities have a genuine two-party system, since a city government usually is dominated by one party and there is no effective opposition. In fact, a weak minority party often cooperates with the majority party in exchange for a few hand-outs. Related to this argument is the contention that highly qualified candidates of the minority party have no chance of winning elections to office even if their opponents clearly are not so qualified.

The final argument in favor of nonpartisan elections is that they facilitate the recruitment and election of successful businessmen and professionals as independent candidates. These are individuals who, for various reasons, would not seek office if the election campaign were partisan.

Ward or At-Large Elections?

Ward election of councilmen was the traditional method of electing the city council until the municipal reform movement was generally successful in substituting at-large elections. One of the leading members of the municipal reform movement, Richard S. Childs, offers four major reasons for the general demise of ward elections.

1. Ward elections confined each voter's influence over the governing body to the single member from his ward. He was denied having anything to say about the majority.

2. Ward elections notoriously produced political small-fry who intrigued in the council for petty favors and sought appropriations for their wards in reckless disregard of city-wide interests and the total budget.

3. Ward boundaries got deliberately drawn to favor one faction or party or became obsolete by shifts of population, and redistricting was resisted, sometimes for generations, by the beneficiaries, resulting in gross inequalities of representation and elections of a majority of the council by minorities of the population.

4. The obscurities of ward politics eluded scrutiny by press and public and facilitated development of self-serving political cliques.[5]

Ward Elections?

Today there is growing interest in resurrecting the ward electoral system, especially in large cities, in view of the fact that at-large elections generally do not provide representation for all geographical areas of a city and basic policy decisions may be made by a city council that is unaware of or insensitive to the problems of particular areas of the city.

Proponents advance four basic arguments in support of ward elections. First, a ward councilman is closer to his constituents and this makes it easier for the constituents to judge his performance and to replace him if they are dissatisfied.

Second, citizens are less hesitant to call upon the councilman for assistance since he is more likely to be personally known than any at-large councilman. This argument is particularly important if the primary role of the councilman is viewed as that of an official who performs services for his constituents. On the other hand, this service function can be performed by an information-and-complaint bureau in city hall and neighborhood branch city halls.

Third, the ballot is shortened, since the voter now has to elect only one councilman instead of a group of councilmen. This means that greater attention can be focused on the ward councilman, and voting will, therefore, be more informed. Interestingly, one tenet of the municipal reform program was a short ballot, yet the at-large council adds to the length of the ballot.

Fourth, ward elections guarantee direct representation for geographically concentrated minorities who are in effect disenfranchised by at-large elections. Ward elections do not necessarily represent minority groups in proportion to their voting strength, and a geographically dispersed minority group may be unable to elect a single candidate to the council. There are, of course, other electoral systems that provide representation for minorities whether they are geographically concentrated or dispersed, and we will discuss these systems later.

At-Large Elections?

Proponents of at-large elections have developed several strong arguments against ward elections. First, it is contended that ward councilmen are concerned only with the needs of their own wards, and no one examines over-all municipal needs and establishes priorities for municipal action. "Back-scratching" is common, with one councilman agreeing to vote for a pet project of a second councilman in exchange for his support of a pet project of the first councilman. This means that city-wide needs are neglected. What is needed, according to the proponents of at-large elections, is a council composed of individuals with a city-wide orientation who can develop priorities to ensure that the needs of all areas collectively and individually are taken care of on an objective and rational basis.

5. *Ibid.*, p. 37.

Second, the argument is advanced that the quality of the councilmen is lower when they are elected on a ward basis, since this system facilitates the election of petty politicians. Successful businessmen and professionals, lacking a political support base in a ward, it is maintained, will not seek election to the city council, and the city is the poorer for the failure to secure their services.

Third, ward elections are objected to on the ground that they afford the opportunity for deliberate gerrymandering. The majority party or faction may follow the United States Supreme Court's one-man, one-vote ruling, yet still redraw ward lines in such a manner as to concentrate the opposition in as few wards as possible and may even be able to disperse the opposition voters to such an extent that they are unable to elect a single councilman.

Fourth, the one-man, one-vote principle will necessitate continuous redrawing of ward lines to avoid silent gerrymanders that result from population shifts. This means that a councilman will have a shifting rather than a constant constituency over a period of time.

Finally, the argument is advanced that various electoral systems based on at-large elections will more effectively guarantee representation for minorities, especially geographically dispersed minorities. The reference, of course, is to cumulative voting, limited voting, and proportional representation, which we will discuss later.

Many large cities and counties have adopted a combination of at-large and district elections. The usual situation involves the election of a majority of the councilmen at large to ensure that city-wide needs receive priority and the use of district representatives to ensure that the needs of individual geographical areas are not neglected. The Metropolitan Government of Nashville and Davidson County, however, has a 40-member council, with five councilmen elected at large and 35 elected by districts.[6] And the new City of Jacksonville has a 19-member council, with five councilmen elected at large and 14 elected by districts.[7]

The original charter of Metropolitan Dade County contained a standard provision for the at-large election of all commissioners. On November 3, 1963, the voters approved a charter amendment providing for the election for a four-year term of one commissioner from each of eight districts by the voters of the county at large and the at-large election of a ninth member, the mayor.[8] The proposed charter merging Charlottesville and Albemarle County (Virginia) stipulates that five councilmen "shall be residents of Charlottesville Borough and one shall be a resident of each of the other boroughs, but all shall be voted upon by all qualified voters of the entire consolidated city."[9] The advantages alleged for this electoral system is that it ensures that councilmen will have a city-wide constituency and orientation at the same time that representation is provided for distinct geographical areas.

One-Man, One-Vote

In a decision whether to elect members of the governing body of the consolidated government by districts or wards, careful consideration must be given to the reapportionment decisions of the United States Supreme Court. Until 1962, it refused to hear malapportionment cases involving state legislatures. In that year, however, the Court ruled that federal courts had jurisdiction in such cases, but did not mandate population as the basis for apportionment.[10] The following year the Court for the first time used the term "one-man, one-vote" and ruled unconstitutional Georgia's county-unit system for electing state officials.[11] In a 1964 case, the Court rejected the federal analogy of one house apportioned on the basis of area as violating the equal protection clause of the Fourteenth Amendment to the United States Constitution, and ruled that both houses of a state legislature must be apportioned on the basis of one-man, one-vote.[12]

In a case involving a Michigan school board, the Supreme Court refused to extend its one-man, one-vote principle to all local governments, and held that the board's membership was "basically appointive rather than elective," and that the board's functions were "essentially administrative."[13] This case was unusual in that local district school boards, elected at large, each sent one delegate to a biennial meeting of the county board.

Since the Fourteenth Amendment to the United States Constitution applies to local governments as well as to state governments, it was inevitable that the Court would extend its one-man, one-vote principle to local governments. In April, 1968, the Court, in a five-to-three decision, held that the apportionment of the board of commissioners of Midland County, Texas, was violative of the federal Constitution.[14] The Court ruled that population equality must be the basis for

6. Charter of the Metropolitan Government of Nashville and Davidson County, art. 3, sec. 3.01.
7. Charter of the Consolidated Government of the City of Jacksonville, Florida, art. 5, sec. 5.01.
8. Metropolitan Dade County Charter, art. 1, sec. 1.04.
9. Charter for the Consolidated City (Charlottesville, Va.: 1969), Chap. 4, sec. 4.01.
10. Baker v. Carr, 369 U.S. 186 (1962).
11. Sanders v. Gray, 372 U.S. 368 (1963).
12. Reynolds v. Sims, 377 U.S. 533 (1964).
13. Sailors v. Kent Board of Education, 387 U.S. 105 (1967).
14. Avery v. Midland County, Texas *et al.*, 390 U.S. 474 (1968).

precinct equality in view of the fact the commissioners perform legislative functions, including setting a tax rate, equalizing assessments, issuing bonds, adopting budgets, and levying taxes.

How Equal Is Equal?

The Supreme Court has moved in the direction of near population equality as its standard for determining whether the apportionment plan of a state legislature violates the Court's one-man, one-vote doctrine. Emphasis is placed on whether an electoral system debases or dilutes the vote of one citizen in relation to the votes of the other citizens voting for the same office.

Although the Court has not defined what is a *de minimus* deviation from pure population equality, it did provide in 1967 rough guidelines as to what constitutes "substantial" population equality by noting that "variations of thirty per cent among senate districts and forty per cent among house districts can hardly be deemed *de minimus*."[15] In this case involving the Florida legislature, the maximum district deviations from average for the Senate and House were 15.09 per cent and 18.3 per cent respectively. In a simultaneously issued decision, the Court upheld a federal district court ruling nullifying a Missouri plan for the apportionment of seats in the United States House of Representatives which would have allowed a 9.9 per cent maximum deviation in population between districts.[16]

With respect to local governments, the Court appears to be willing to allow larger deviations from pure population equality than with respect to state legislatures. The Court has ruled that "variations from a pure population standard might be justified by such state policy considerations as the integrity of political subdivisions, the maintenance of compactness and contiguity in legislative districts or the recognition of natural or historical boundary lines."[17] Should the Court require near population equality for districts, gerrymandering may become an increasingly serious problem, since traditional political boundaries will have to be ignored.

At-Large Elections

There are hints that at-large elections may be held unconstitutional on the ground that such elections disenfranchise minority groups. In a case involving the Texas legislature, Justice William O. Douglas stated that he reserved ". . . decision on one aspect of the problem concerning multi-member districts. Under the present regime each voter in a district has one vote for each office to be filled. This allows the majority to defeat the minority on all fronts. . . . I am not sure in my own mind how this problem should be resolved."[18]

Are at-large elections with district residence requirements constitutional? In the Virginia Beach consolidation case (the City of Virginia Beach and Princess Anne County had been consolidated) the Court upheld a plan providing for an eleven-member council elected at large, but stipulating that seven members must be residents of specified boroughs.[19] The boroughs ranged in population from 733 to 29,048. The Court held that the plan made "no distinction on the basis of race, creed, or economic status or location," as all councilmen were elected by all voters of the municipality. The Court also has ruled that it will allow experimentation unless it cancels out "the voting strength of racial or political elements."[20]

The District Court for the Northern District of Georgia has upheld an apportionment plan dividing a county into four districts and stipulating that except for the chairman, no two commissioners could be residents of the same district. "The residence requirement in effect diffused the representation over the county while giving each elector of the county by virtue of county at-large elections a voice in the selection process."[21]

Extra-Majority Requirements

Do charter provisions, state laws, and constitutional provisions requiring an extra-majority affirmative vote in referenda violate the one-man, one-vote doctrine? The United States Supreme Court has not yet ruled on this question, but the extension of the one-man, one-vote doctrine to its logical conclusion would indicate that requirements of an extra-majority for passage of referred matters are unconstitutional. The Supreme Court of West Virginia reached such a conclusion in July, 1969.[22] This case deals with the failure of a tax levy and a bond issue to receive a required 60 per cent affirmative majority in a Roane County referendum. Each measure, however, did receive a majority affirmative vote. The Court agreed with the plaintiffs that their affirmative votes were debased and diluted "when considered in relation to the negative votes" because each negative vote was the equivalent of 1½ positive votes.

In a similar case, Idaho District Judge Gus Carr Anderson ruled that "there is no question that the one-third, two-thirds requirement gives the one in the one-third class two votes as compared to the one in the two-thirds class."[23]

15. Swann v. Adams, 385 U.S. 440 (1967).
16. Kirkpatrick v. Preisler, 385 U.S. 450 (1967).
17. Swann v. Adams, 385 U.S. 440 (1967).
18. Kilgarlin v. Hill, 386 U.S. 120 (1967).
19. Dusch v. Davis, 387 U.S. 112 (1967).
20. Fortson v. Dorsey, 379 U.S. 433 (1965).
21. Reed v. Mann, 237 F. Supp. 22 (N.D. Ga., 1964).
22. Lance v. Board of Education , 170 S.E.2d 783 (1969)
23. Bogert v. Kinzer, unpublished decision, summer, 1969.

Minority Representation

Concern with the failure of the electoral system in the nineteenth century to provide representation for minority groups led to the development of three new electoral systems—limited voting, cumulative voting, and proportional representation.

Limited Voting

Limited voting—used by Boston, Philadelphia, and New York City in the nineteenth century—is designed to prevent the dominant group or party from gaining a disproportionate share of the seats on a legislative body. Under this plan, each voter is not allowed to vote for the same number of candidates as there are seats on the legislative body to be filled. If a city council is a nine-member body, the voter may be restricted to a maximum of six votes. The 1893 Boston charter, for example, allowed each elector to cast only seven votes for candidates for the twelve-member board of aldermen.

Currently, limited voting is used to elect part of the New York City council. No party is allowed to nominate more than one candidate for councilman at large in each of the five boroughs, and a voter may not vote for more than one candidate for councilman at large.[24] This assures that the minority party will elect one councilman at large in each borough.

Limited voting has been upheld by the New York State Court of Appeals, which has ruled that the New York City charter provision limiting each voter to one vote for councilman at large from his borough violates neither the state constitution's provision relative to qualifications of citizens to vote nor the Fourteenth Amendment to the United States Constitution.[25] An appeal of this decision to the United States Supreme Court was dismissed "for want of a substantial federal question."[26]

The 1951 Philadelphia charter stipulates that a voter may cast a ballot for only five of the seven councilmen at large to be elected, and no party may nominate more than five candidates for councilman at large.[27] Limited voting also is used in thirty-two Connecticut cities and towns. The number of candidates a citizen may vote for is limited in all thirty-two communities, and the number of candidates that can be nominated by a party usually is limited in the towns. The charter of Hartford, for example, stipulates that no voter may vote for more than six candidates for the nine-member city council. Furthermore, a party is not allowed to nominate more than six candidates.

Limited voting generally will ensure that the largest minority group or party will be able to elect one or more candidates to the city council. However, it does not guarantee that each group or party will be represented in direct proportion to its voting strength.

Cumulative Voting

Cumulative voting is designed to ensure that the largest minority group or party will be able to elect one or more members of a city council. Under this system, each voter has the same number of votes as there are seats on the city council and may give all the votes to one candidate or apportion them among two or more candidates. In an election to fill the seats on a nine-member city council, each voter could give one vote to each of the nine candidates, or give nine votes to one candidate, or apportion the nine votes among two or more candidates in any manner that he desires.

Illinois adopted a constitutional amendment in 1870 providing for the use of cumulative voting for the election of members of the House of Representatives by three-member districts.[28] Each voter may give three votes to one candidate, or one vote to each of three candidates, or one and one-half votes to each of two candidates, or two votes for one candidate and one vote for a second candidate. Experience demonstrates that the majority party usually will be unable to elect three candidates unless it has received more than 75 per cent of the votes cast.

Illinois adopted cumulative voting to overcome sectionalism under which the Republicans won most of the seats in the northern half of the state and the Democrats won most of the seats in the southern half of the state, with the result that a sizable minority in each section of the state was unrepresented.

In Illinois, cumulative voting was not designed to give proportional representation, but rather to ensure that there would be a strong two-party system. It is possible under this system for the minority party to elect a majority of the members of the legislative body. Such an event occurs occasionally in Illinois when the majority party miscalculates its strength and nominates three candidates instead of two, thereby splitting its vote among three candidates and allowing the minority party to elect its two nominees.[29] Such an event also can happen if the majority party nominates only one candidate and the minority party nominates two candidates. On eight occasions in Illinois the majority party nominated only one candidate. There also have been twenty elections in which the majority party voters gave a substantially larger

24. New York City Charter, chap. 2, sec. 22 (1963).
25. Blaikie v. Power, 243 N.Y.S. 2d 185, 193 N.E. 2d 55.
26. Blaikie v. Power, 375 U.S. 439 (1964).
27. Philadelphia Home Rule Charter, sec. 2-100 and 101 (1951).
28. Constitution of the State of Illinois, art. 4, sec. 7.
29. George S. Blair, *Cumulative Voting: An Effective Electoral Device in Illinois Politics* (Urbana: The University of Illinois Press, 1960), pp. 103-4.

number of votes to one of its two candidates, thereby allowing the minority party to elect two candidates.

Cumulative voting in Illinois has been criticized on the grounds that it prevents either party from obtaining a working majority in the House and that the House is apt to be controlled by the party in opposition to the Governor. George S. Blair made a study of the Illinois system between 1872 and 1954 and concluded that the evidence does not support these criticisms.[30]

Proportional Representation

Several early municipal reformers were concerned about the quality of representation that would be produced by plurality voting in at-large elections and urged that the at-large city council be elected by proportional representation (P.R.), a system of preferential voting designed to ensure that various groups are represented in proportion to their voting strength. P.R. was adopted by a number of American cities between 1915—when it was adopted in Ashtabula, Ohio—and the late 1940s, including New York City between 1937 and 1945. The system has been abandoned by all of these cities except Cambridge, Massachusetts. But it is used by a number of foreign countries, including the Republic of Ireland and the Federal Republic of Germany. The election of thirty-two community school boards in New York City by P.R. in January, 1970, no doubt will renew interest in this system in other cities.

P.R. has been used exclusively with the council-manager plan in the United States. It has also generally been used as an at-large electoral system, although it can be used with a multi-member district system. The California and Michigan supreme courts have declared the system unconstitutional, but it has been upheld as constitutional by other courts.[31]

In a P.R. election, voters indicate their preferences for the various candidates by placing a number after each candidate's name. A voter marks "1" after the candidate of his first choice, a "2" after his second choice candidate, and so on. He may mark only a "1" on his ballot ("bullet voting"), or he may indicate his preference for each candidate.

To be elected to the city council under P.R. a candidate must receive a number of votes equal to the quota which differs in each election, since it is based upon the number of valid ballots cast.

The quota is determined by dividing the total number of valid ballots by the number of councilmen to be elected plus one, plus one ballot. The result is the smallest number of votes that will elect a full council with insufficient votes remaining to elect another member. For example, let us assume that 100,000 valid ballots are cast in a city to elect a nine-member council. The quota would be equal to

$$\frac{100{,}000}{9 + 1} + 1 = 10{,}001$$

After the determination of the quota, the ballots are sorted by the first choice indicated on them. If any candidate receives a total of number 1 ballots equal to or exceeding the quota, he is declared elected. Should a candidate receive more than the quota, his surplus is divided among the other candidates according to second choices. The critical question is which ballots are to be transferred. Two methods have been used for determining which ballots will be transferred, and I will describe them later.

The next step in the count is to declare defeated the candidate with the fewest number 1 votes and the distribution of his ballots to the other candidates according to the second choices marked on them. If the second choice already has been elected or defeated, the ballot is distributed according to the third choice. A new count is conducted, and any candidate who has a total of number 1 and number 2 ballots equal to or exceeding the quota is declared elected. His surplus, if any, is distributed to the remaining candidates. This process of declaring the lowest candidate defeated and transferring his ballots to the remaining candidates according to the preferences indicated on the ballots is continued until nine candidates are declared elected.

During the counting and transferring of ballots, each ballot is marked as it is transferred from one candidate to another so that the entire process of counting the ballots can be retraced. At the end of each count, the running total of ballots and those transferred is checked against the original count of valid ballots to ensure that no ballots have been lost or mislaid.

To govern the distribution of surplus ballots, either the Toledo or Boulder system is used. As soon as a candidate receives enough number 1 votes to reach the quota under the Toledo system, these ballots are

30. *Ibid.*, pp. 67-68.

31. People v. Elkins, 59 Calif. App. 396 (1922); Wattles v. Upjohn, 211 Mich. 514 (1920).

locked up, and any subsequent number 1 votes for this candidate automatically are transferred to the number 2 choice on the ballots.

The Boulder system distributes surplus number 1 votes according to a formula. All ballots of a candidate who received more number 1 votes than the quota are re-examined to determine the distribution of number 2 votes. The surplus ballots are distributed to second choices proportionally. For example, if candidate A received 12,000 number 1 votes and the quota is 10,000, he has a surplus of 2,000 votes. Assuming that candidate B was the number 2 choice on 6,000 of candidate's A's number 1 ballots, candidate B would receive one-half of the surplus of 1,000 ballots.

● *Arguments in Favor.* The principal argument in favor of P.R. is that it assures majority rule while guaranteeing minority representation. The council is a more representative body because P.R. makes it impossible for any political party or faction which has a slight electoral majority to elect all members of the council. A minority group, on the other hand, cannot benefit from a split among opposition groups, as under limited voting and cumulative voting, and elect a majority of the members of the council. P.R. therefore helps to ensure a viable two-party system in communities that use partisan elections. A related argument is that a popular name at the head of a party column under a plurality system can carry weak candidates into office, but this cannot happen under P.R. If nonpartisan elections are used, P.R. will facilitate the election of independent candidates who otherwise would not seek election.

An active opposition is guaranteed if P.R. is the electoral system used by a community, since minority groups will be assured of representation in proportion to their voting strength. The minority groups afforded representation will be of various types, including minority parties, groups within a party, ethnic groups, liberals, conservatives, and other groups. This means, among other things, that the services of an able councilman will not necessarily be lost if his party fails to win a plurality or a majority in an election, as P.R. will enable him to win re-election.

P.R. eliminates the cost of a primary election since a primary is no longer needed. In addition, P.R. guarantees that councilmen will be chosen in an election in which there is a relatively large turn-out of the eligible voters compared to a primary election in which usually relatively few voters participate. A small voter turn-out facilitates control of nomination of candidates by a machine or small clique, particularly if the opposition can be divided.

A related argument is that P.R. generates voter interest, especially among unrepresented minority groups, and results in a higher turn-out of eligible voters on election day. Therefore, P.R. will encourage a popular individual to run for the council even if he lacks the endorsement of a major political party.

Nearly every valid ballot in a P.R. election, through the transfer process, helps to elect a candidate. Often in a plurality election, nearly half of the ballots do not elect a candidate.

Professors Belle Zeller and Hugh A. Bone analyzed the use of P.R. in New York City elections and concluded that it "forced higher caliber candidates on both the majority and minority political organizations."[32] In a similar vein, supporters of P.R. maintain that the caliber of election campaigns is raised and "mud-slinging" is eliminated, since each candidate seeks to be the second preference of the supporters of the other candidates.

Finally, it is argued that P.R. on an at-large basis is a solution for the reapportionment problem and also makes gerrymandering impossible, as there are no district lines to be gerrymandered.

● *Arguments Against.* Campaigns to adopt P.R. have been marked by strong emotional opposition. Among other things, it has been charged that P.R. is un-American because it is of foreign origin.

One of the principal charges against P.R. in the United States is that it permitted the election in 1945 of two Communists and two American Labor Party candidates to the New York City council. These two parties accounted for 18 percent of the first-choice votes and received 17.5 percent of the council seats. This election occurred, one must remember, at a time when the Soviet Union was still a friendly ally that recently had helped to defeat Nazi Germany. Most observers are convinced that it is unrealistic to believe that a Communist could be elected to a city council in the United States under any democratic electoral system today.

Opponents argue that P.R. promotes civic disunity and strife because it fosters splinter groups and emphasizes ethnic, racial, and religious politics. Such a system, it is argued, is to be contrasted with a good electoral system that plays down divisive prejudices.

An admitted weakness of P.R. is "bullet-voting"; marking only the number 1 preference on the ballot. An ethnic or other minority group that wishes to be assured of electing a candidate to the city council may persuade its members to cast only a number 1 vote and not mark other choices on the ballot.

A number of opponents of P.R. admit that it gives representation to minority groups but object to P.R. on the ground that it does not guarantee that all geographical areas will be represented. It is theoretically possible under P.R., as under plurality at-large elec-

32. Belle Zeller and Hugh A. Bone, "The Repeal of P.R. in New York City—Ten Years in Retrospect," *The American Political Science Review* (December, 1948), 1127.

tions, that all councilmen might live in the same neighborhood.

The time required to count the ballots in a P.R. election is considered to be a disadvantage by some citizens and politicians. The first P.R. election in New York City required twenty-eight days to count the ballots, but the count was reduced to nine days in the 1939 election. In an area the size of Mecklenburg County, approximately 2½ days would be required to count the ballots if paper ballots are used. The use of voting machines and computer cards can overcome this objection to P.R.

The expense of conducting a P.R. election using paper ballots is a frequent charge against the system. If P.R. eliminates a primary election, the cost of a P.R. election will be less than the cost of a primary and general election but more than the cost of a general election. The cost of the first P.R. election in New York City was $701,633, but the cost was reduced in the next election to $256,739 or four cents for each resident.

Perhaps the principal argument advanced against P.R. is that it is a complicated system understood by relatively few voters. The system has been labeled a "lottery" and a "roulette wheel" because of the transfer of ballots.

The devising of an electoral system to guarantee that minority groups will be represented with mathematical precision and yet be understood by the average voter appears to be an impossible task. While the preferential marking of the ballot is not confusing to voters, the method of counting the ballots appears mysterious to most of them. For example, in 1920 the Michigan Supreme Court declared that "an actuary . . . might work with confidence with this system, but to the non-expert . . . it appears too intricate and tedious to be adopted for popular elections by the people. To the average voter the destiny of his vote is a mystery, however easy it may be for him to follow instructions in marking his ballot."[33]

Mr. P.R.—George H. Hallett, Jr.—dismisses the charge that P.R. is a complicated and little-understood system:

> The comparative complexity of the Hare system count is a matter of trifling concern to the intelligent voter. He does not have to count the ballot any more than he has to make his own watch or repair his own car. The watch is more complicated than the sun dial and the car than the stage coach, but they give better results. All we ask of a modern improvement is that it shall be easy for the user and that it shall give the required results.[34]

33. Wattles v. Upjohn, 211 Mich. 514 (1920).
34. George H. Hallett, Jr., *Proportional Representation: The Key to Democracy* (New York: National Municipal League, 1940), p. 57.

Direct Legislation

Direct legislation, a product of the progressive movement at the turn of the twentieth century, permits voters to supplement the actions of a city council. Through the initiative they may enact measures which the council has refused to consider or to pass; through the referendum, they may veto ordinances enacted by the council. Both devices supplement the work of the city council and are not intended to supplant it.

The initiative and referendum as instruments of direct legislation are commonly found together; however, they are separate instruments, and one may be used independently of the other.

The Referendum

The referendum is a type of direct legislation that is negative in character and permits the voters to pass upon ordinances enacted by the city council. If a city charter contains a *mandatory* or *compulsory referendum* provision, certain measures—such as proposed charter amendments and issuance of bonds—must be submitted to the voters. The *optional* or *advisory referendum*, on the other hand, permits a city council, at its discretion, to submit an issue to the voters.

The *protest referendum* permits the voters to delay and possibly prevent an ordinance enacted by the city council from going into effect. A waiting period, usually of 60 to 90 days, is provided before an ordinance is effective. Within this period, objectors to the ordinance may circulate petitions for a popular referendum on the ordinance. If the required number of voters—5 to 10 percent most commonly—sign the petitions, the measure must be submitted to the voters at a special or general election.

The Initiative

The initiative is a type of direct legislation that is positive in character; it is a means by which voters may enact ordinances without action by the city council.

The *direct initiative* allows voters by means of a petition containing the signatures of a specified number or percentage of the voters to place a proposed ordinance on the ballot at the ensuing general or special election. If adopted, it becomes a city ordinance. The mayor is not permitted to veto initiative measures, and these measures generally cannot be amended or repealed by the city council.

The *indirect initiative* allows voters by means of petitions to propose measures that must be considered by the city council. If the council fails to enact a

proposed measure within a specified period of time, the proposal is submitted to the voters. If approved by a majority, the measure becomes a city ordinance.

Evaluation of Direct Legislation

Direct legislation has been the subject of considerable controversy, especially in the early decades of this century. The validity of several of the arguments for and against direct legislation is questionable. It has neither lived up to the high expectations of its proponents nor resulted in the dire consequences predicted by its opponents. In fact, the number of unwise ordinances adopted by direct legislation has been small.

● *Advantages.* Proponents of direct legislation believe it has four major advantages. (1) Direct legislation is the purest form of democracy, for the people have an opportunity to reverse the actions of their representatives. Through it, citizens are able to initiate and adopt ordinances that pressure groups have blocked in the city council and to veto ordinances that are not in the public interest. (2) Direct legislation stimulates the councilmen to action. They become more responsive to public opinion because they know that if they fail to act the voters have the power to initiate action. (3) Campaigns associated with the use of the initiative and the referendum generate public enthusiasm and interest in governmental affairs. (4) Direct legislation fosters the movement for shorter city charters, for it obviates the need for detailed restrictions on legislative power.

● *Disadvantages.* The validity of the arguments claimed for direct legislation is challenged by its opponents, who believe that it has seven principal disadvantages. (1) The voters may lack the necessary information and training to pass intelligently on proposals of a highly technical nature which appear on the ballot. (2) Initiated measures are often incompletely considered and poorly drafted. Voters are limited to a choice of yes or no. Furthermore, once the petitions are signed, the direct initiative provides no opportunity for amendment or for the reconciliation of conflicting interests, which are important advantages of legislative procedures. (3) Direct legislation adds to the length of a ballot that is already generally too long. (4) The proposals that appear on the ballot may be adopted or rejected by a small minority because many voters may be unwilling to give thorough consideration to measures and prefer to abstain from voting on them. To prevent legislation by a small minority, a provision can be included in the charter specifying that proposed measures shall not become effective unless approved by a specified percentage of those voting in the election. (5) Special or sinister interests may utilize direct legislation for their own advantage. They have greater financial resources than citizens' groups and can better afford the expense of collecting signatures on petitions and conducting campaigns for the adoption or rejection of measures. Thus, direct legislation may permit pressure groups to secure legislation that they could not secure from the city council. (6) Governmental costs are increased by the necessity of printing and distributing the texts of proposals and arguments for and against their adoption, and also when direct legislation necessitates special elections. (7) Ordinances passed by direct legislation tend to be inflexible because they generally cannot be amended or repealed by the city council. Once on the books, the ordinances remain there until repealed or amended by the electorate through the long and difficult process of amendment by initiative or repeal by referendum.

The Recall

Until Los Angeles adopted the recall in 1903 there was no provision contained in city charters to enforce a continuing political responsibility of municipal officials to the electorate. The recall is a means by which citizens may petition for a special election to determine whether a public official should be removed from office before his term expires. It differs from other methods of removal in two important respects: (1) the decision to remove a public official is made directly by the voters, and (2) unlike impeachment, removal may be made for reasons other than a crime or misdemeanor—the reasons may be inefficiency or popular disappointment with the official's conduct or program.

Provisions for the recall are similar wherever it exists. Public officials generally cannot be removed from office by the recall during the first few months of their terms of office; they are given the opportunity to prove themselves during this period. Furthermore, in several cities an official may not be subjected to a vote for recall twice during his term of office.

Procedure

The first step in the recall procedure is the circulation of a petition stating the reasons why the official should be removed. The official commonly is allowed to place a statement of defense on the petition or on the ballot. The petition must contain the signatures of a specified percentage of the eligible voters—25 percent is the most common requirement. If the required number of signatures is obtained, the petition is filed with a specified official who checks to see whether all requirements of the recall provision have been met.

If the official subject to the recall petition does not resign within a specified period of time, the question of removing him is placed upon the ballot. Unless a

general election is scheduled for the near future, a special recall election is held. In certain cities the voters merely decide whether the official shall be recalled from office. If he is recalled, an election is subsequently held to select a successor. In other cities, the question of whether an official shall be removed from office and the choice of his successor, if he is removed from office, are placed on the same ballot. This arrangement permits an official to be removed from office and returned to office simultaneously, for the majority who removed the official may not have united on one candidate to succeed the removed official. Hence, the removed official may be returned to office by a plurality vote. To prevent this occurrence, some cities do not permit the name of the official involved to be included in the list of candidates to fill the office in the event of removal.

Evaluation of the Recall

Although the recall was hailed as introducing a new era of governmental responsibility, it has not lived up to its promise. On the other hand, it has not disrupted government as its opponents predicted. It has been rarely used. When it has been used, officials have been removed for both major and minor reasons.

● *Advantages.* Proponents cite five arguments for it. (1) The recall provides a means by which voters may remove officials simply because they have lost confidence in them. (2) The recall improves the performance of public officials by constantly reminding them that corruption and inefficiency will be punished by removal from office. The theory of the recall is that public officials must be responsive to popular opinion at all times rather than only at election time. This is the "gun behind the door" theory. (3). The recall increases popular interest in public affairs because it permits citizens to participate more directly in them. Citizens are better informed when public officials take pains to explain the reasons for an important governmental action before it is initiated. (4) Political scientists agree that the terms of office of public officials generally are too short and should be lengthened. Voters, who traditionally have been in favor of frequent elections, are inclined to agree to longer and staggered terms if they are able to recall officials. (5) Voters are more willing to grant increased power to the mayor or city manager if they know that he can be removed by the recall. For example, the council in some cities cannot vote an appropriation unless the mayor or city manager has made a recommendation, and the council cannot increase the amount recommended.

● *Disadvantages.* Opponents of the recall advance five principal arguments against it. (1) The recall imposes an additional burden upon the voters and lengthens a ballot that already is too long, and also increases the number of elections. (2) Dynamic public officials may be unduly restrained and their independence weakened. The recall forces them to consider the immediate public reaction to a program rather than its long-term effect. An official, for example, may hesitate to initiate an action that is in the public interest for fear that the action may be misunderstood by the voters. Furthermore, competent individuals may refuse to run for public office because they dislike having the recall held over their heads like the sword of Damocles. (3) Governmental expense is increased if special elections are held. (4) The recall is superfluous, since other constitutional provisions and laws permit the removal of public officials for cause by less expensive and less fickle methods. (5) The recall may be utilized for partisan purposes: a party that has lost an election by a close margin may be tempted to invoke the recall at the first opportunity in order to win an office.

No outsider should presume to tell a community what type of electoral system it should adopt. I hope, however, that my comments have acquainted you with various alternatives that you might not otherwise have considered.

PRIMARY AND GENERAL ELECTION LAW AND PROCEDURE—1970

This biennially published guidebook by Henry W. Lewis will be distributed during the spring. Chairmen of county boards of election have been notified that they may obtain copies without charge for themselves, other board members, registrars, judges of election, and other election officials by completing the order form given them. Others interested in having a complimentary copy should write to the author's colleague **H. R. Turnbull, Institute of Government, Chapel Hill, N. C. 27514.**

ON LITTERING THE ENVIRONMENT

By Robert Morgan

I was invited here to talk about "anti-litter laws," and that really is very easy to do because North Carolina has only one anti-litter law on the books. That's the one that you see signs about as you drive down the highway: "$50 maximum fine to litter." We have had that law for a long time; it refers to the right of way of public highways, and it needs little or no explanation.

You are familiar with this law—familiar enough, in fact, to know that it is impossible to enforce and alone can do little to save the landscape from the accumulated discard of the persons who use our roadways. It is ironic that we North Carolinians, who value so highly our tourist trade and boast of our natural beauty, at the same time litter our highways. It is ironic that visitors from other states, attracted here by the same beauty we brag of, also leave their mark upon the countryside.

Nevertheless I believe that our children are growing up with a consciousness which perhaps the older generation did not have—an awareness that we must use some self-restraint if we are "to keep North Carolina as beautiful as it really is."

If we have been successful at all in our anti-litter efforts—and I believe we have—it is because public opinion has been mustered on the side of beauty and orderliness and not because we have enacted strict laws and enforced them. It is because people like you have made the rest of us aware that our state has become, in a very real way, a community in which each must respect the rights of others, where each must consider the natural right of his neighbor to enjoy the pleasures of unblemished nature and order.

You have made your point well, though much still needs to be done in the traditional area of anti-litter. But I believe that the greatest challenge of our day and of the future will be in areas of concern which are now just emerging. It appears to me that we have been winning a minor skirmish, relatively speaking, in the antilitter battle but losing the war. While we have been teaching our children and our neighbors not to litter the highways, we have failed to notice the litter that has been accumulating elsewhere—in the air, in the water, in the bodies of birds and animals.

Yes, we have kept the roadways clean to a substantial degree, but have allowed the environment—air, water, essentials of life—to be littered with the waste of human existence, and thus have come to the day when such litter actually threatens human existence. The sad story is just beginning to be told. You have seen the television special on the Great Lakes which were once centers of recreation—great natural playgrounds—but are now referred to as "dead." Fish no longer swim there, wildlife cannot live there, and people who once flocked to settle there beside the waters now find themselves bounded by a cesspool. Rivers and streams that once were made immortal by romantic poems and sentimental songs no longer roll merrily along—they flow at a sluggish pace,

The Attorney General Addressed the Governor's Beautification Committee in Charlotte.

clogged by the litter of industrial waste, human sewage and garbage, soil erosion, and torrid injections of thermal pollution. And we need not kid ourselves into believing it can't happen in North Carolina, for we all know that it *is* happening in North Carolina.

We here in the sunny South like to believe that air pollution is the sole concern of the industrial Northeast, of Southern California, of big cities like Chicago and Detroit. Again we are fooling ourselves. I can see the smog hanging over the capital city of Raleigh when I arrive in the early morning. I can see it as I travel through the Piedmont to this great city, and the people of Charlotte can talk of smog first hand.

We are polluting the air of the Tar Heel state. We are littering the atmosphere of North Carolina and we'd better wake up and do something about it.

Professor James C. Wallace of North Carolina State University pointed this fact out very graphically in the June, 1967, issue of *Wildlife* magazine.

> We are dumping over 140,000,000 tons of pollutants into the American atmosphere each year. We dump 2.5 billion pounds of garbage in the United States each year—1,600 pounds per person. The garbage includes at least 48 billion cans, or 250 per person. 26 billion bottles and 25 million tons of waste paper are piled up every year.
>
> About 1,940 cities in the United States have combined sewers, carrying both rainwater and raw sewage, which serve about 59,000,000 people. These sewers flush about 65 billion gallons of raw sewage annually into the nation's watercourses.
>
> The great bald eagle, symbol of this nation itself, is becoming sterile, a victim of eating fish and game which contain traces of DDT. The blue shell crab might well become extinct because of similar contamination.

And Professor Wallace goes on for several pages, hitting close to home when he talks of the damage done to coastal marine industries by pollution, dredging, channelization, and spraying—when he talks of the waste of our precious ground water in the Coastal Plain and the littering of our streams.

What we are doing is waging active biological and chemical warfare *against ourselves*—because we are a prosperous people we have enough to waste, to litter, and we have abused our surroundings. We have reached the point where writers refer to our situation as environmental decay, of "man's inhumanity to man." We have so long reveled in our bounty that we have talked ourselves into believing that it has no limitations. Nothing could be further from the truth. And no notion could be more dangerous to a people who are daily becoming more numerous and more urbanized.

The residents of our large population centers need not be reminded of environmental litter. They have learned what we are just discovering: environmental quality is a human need and not simply a luxury. We in North Carolina have taken it for granted, and our lack of consciousness is beginning to have its toll.

I think that as a result citizens groups concerned with the environment will increase. Strong conserva-

tion forces who would speak in the public interest in this state will emerge. You will see legislators move to pass significant legislation to protect the environment of this state and insure that North Carolinians will never so abuse their environment that it becomes a hostile force rather than an attribute of this region. The people will demand it.

> Government must provide a framework for this new conservation emphasis; but in the final analysis it must be done by the people themselves. The American People are not by [their] nature wasteful. They are not unappreciative of our inheritance. But unless we—with the support, and sometimes the direction, of government, working with state leaders, working with all of our citizens [act to preserve it], we are going to leave an entirely different heritage in the next twenty-five years than the one we found. [John F. Kennedy]

And who among us will deny that there is much to be cherished in this state, that there is much to be treasured and preserved? Who among us will refute that this is in fact the "goodliest land under the sun," and that we must muster our resources to guarantee that our children and their children will be able to speak with this same pride and confidence?

I often ask myself how we can really expect our young people to be disciples of law and order, to seek peace and harmony, when the environment about them is becoming increasingly disordered, when litter abounds and quiet and tranquility are the exception rather than the rule. We ask them to act contrary to their environment, and this is no mean task. Perhaps as we move to bring order to the environment we shall also be successful in bringing more order to this generation of Americans. Perhaps renewed harmony in the environment will help bring harmony among men.

We in North Carolina have one great resource that many of our sister states do not share and consequently we have one more resource that we must be especially careful not to destroy. We have the ocean—a natural playground, the source of a great industry, an area for gracious residential living. Thus far we have been fairly resourceful with the seas but I am afraid that we have reached an important point in their use, in their enjoyment. We have reached the point where there is growing conflict between private ownership and development and the interest of the people in preserving natural spawning grounds for fish, in preserving areas which are the natural habitat of the many varieties of seafood which our state produces.

We have reached the point where the State of North Carolina must become increasingly active in order to make sure that the seafood industry does not perish and that food from the seas continues to be in good supply. It is just as easy to litter the ocean and to destroy its life as to pollute an inland stream or lake. This is difficult for many of us to grasp, but it is a glaring reality to the oyster fisherman who sees areas declared off-limits because the waters are polluted—or to the scallop fisher or shrimper who is now forced to steer clear of former fishing grounds because the seafood there is contaminated.

Your legislators will have to move to protect these coastal areas and they will need your support. I hope you will volunteer your assistance, for the beauty of the seas will fade in the wake of destruction of the life within it. Certainly a portion of its beauty stems from the knowledge of the bounty within.

To sum up, as an elected officer of this state, I am disturbed because it appears that North Carolina may be following the lead of many other states that have developed rapidly industrially but have forgotten to preserve that which is good and wholesome in their environment. North Carolina is and has been all through its history a progressive state, and I want it to continue to deserve that reputation. I want North Carolina to have conservation *and* development, but both together and not one alone.

We want our economy to grow and our people to prosper in an environment that conserves our countryside, streams, rivers, ocean and air. We want our citizens to realize now and our children to learn early that "The earth can be an abundant mother . . . if we learn to use her with skill and wisdom, to heal her wounds, replenish her vitality and utilize her potentialities [JFK]." We want our people to understand that we are interdependent, that we share the same air, the same water, the same environment—that one cannot abuse the environment without abusing the rights of his neighbors. We want our people to understand that beauty is a requisite of the good life, that man amidst dismal surroundings becomes a dismal creature himself.

We want our people to take renewed pride in a common heritage and to recognize one and all that this nation cannot survive as a great nation, strong and proud, unless her natural resources are used with wisdom and discretion and unless her beauty is preserved for all to enjoy and draw strength from.

By WILLIAM C. FRIDAY

The Trustee and the Administration . . . .

AT THE OUTSET, I believe it is clear that unless there are fundamental understandings set forth in clear language in the basic documents of the institution establishing the role of the trustee as policy-maker and the administration as the agency for carrying out those policies, the campus will indeed experience a crisis.

By this I mean that issues that arise when a campus is in a crisis situation stand a better chance of being resolved with promptness if basic lines of authority and responsibility are clear. And these lines of authority and responsibility should be established before the crisis situation arises. Neither the trustee nor the administration should have the added burden of trying to evolve working relationships while seeking solutions to campus issues.

Let me be specific. It is the trustee's responsibility to establish institutional policy on disruptive activity.

The administration, let us hope, would be prepared to offer its own ideas as to what such a policy should be. Students and faculty members must have a participating role in shaping the proposals that come from within the campus. However, the final decisions rest with trustees, and they should be made at a time free of conflict.

In shaping institutional policy, attention should be paid to controlling statutory requirements, to existing judicial decisions and, of great importance, to the established traditions of the institution relating to academic freedom, peaceful picketing, the exercise of constitutional rights, and the safeguards of due process. It is the administrator's duty to present these concerns to the trustees before action establishing institutional policy and to offer the trustees sound guidance in making sure that fundamental rights and requirements, both to the individual and the institution, are not abridged.

Experience teaches us that once policies are established, it is important that lines of authority be kept clear and that lines of communication between trustees and the administration be kept open in order that full information be provided.

In other words, the application of policy is the task of the administrator, and there should be sufficient flexibility within the delegation of authority to enable the administration to deal effectively with the crisis, keeping trustees advised of administrative actions as they occur. This will keep the trustees informed and build support and strength for the ultimate resolution of the problem.

Trustees may disagree with a particular decision or course of action being used by the administrator; when such disagreement occurs, obviously it should first be communicated to the administrator. To insure against such conflict, the administrator should consult with trustees, or a representative group of their number, when serious questions of policy interpretation arise.

I state these principles of administration as guidelines because a crisis cannot be handled through a committee. While widespread consultation and involvement are essential, there must be a focal point for discussion and action under established policy. That is the role of the administrator working with representative leadership of campus constituencies.

AMONG STATE institutions there are considerations that apply in a crisis that do not present themselves to private institutions and their trustees and advisers. For example: relationships with the officers and staff of several state agencies should be clear to permit prompt assistance, if needed, and to insure the essential communication from the start. For example, if the Office of the Attorney General is to be involved in securing injunctive relief or as counsel in litigation, the administrator needs to know that he may act and under what conditions he may pursue these legal remedies. The decision to use legal action requires detailed information, documentation that is legally admissible and supported by evidence, identification of individuals, among other things. Unnecessary or burdensome delay in the decision process in these instances is costly.

My advice for any institution that so far has escaped what may be called a campus crisis, would be that the following steps be taken to achieve a sound procedure to follow when crisis comes:

1. Consult with trustees and administrators of institutions similar in size and program where a crisis has occurred to review that experience and learn the cause-and-effect relationships as well as the judgment and wisdom gained by those who have experienced disruption.

2. Measure the experience and methods used by others against your own present thinking and competence. For example, is your campus security staff adequate? What role should faculty and students play? Do you have due process procedures established? Do you have an established grievance procedure? Is legal counsel available for guidance?

3. Resolve to handle a crisis as best you can through procedures you establish within your institution.

4. Devise means of securing against physical violence. It must be clear to all that physical violence is not to be tolerated and that the institution will, to the best of its ability, see that acts of violence are not committed. It must be equally clear, ideally before a crisis occurs, that violators of institutional policy will receive a prompt trial under established requirements of due process.

5. Keep all lines of communication open so that grievances and criticisms will be heard and, when merited, acted on promptly. The best way to prevent unrest is to seek out its true causes and deal with them as promptly and effectively as possible. The identity of those who seek disturbance for its own sake becomes clear in such a process. This category contains comparatively few persons, but to assume they do not exist is an error. Obviously, your methods of dealing with these persons (real disruptors) will vary from the responses you give to highly motivated, active students.

I ENUMERATE these points to illustrate the complexity of dealing with unrest in a modern college or university. But deal with it you must—now and for some months to come.

Knowledgeable trustees understand the great importance of freeing the administrator to act, being available to consult with him, and acting as interpreters and advocates of their own policies. They should support the administration as it executes trustee policy. They should listen to responsible criticism and advise the administration of their best judgments as the crisis moves on to resolution.

Wise trustees understand that the social revolution taking place in America, with all its involvements and deep ramifications, has chosen as its major battleground the campus of the college or university. Its fundamental force is *change*. You are in error if you assume that all student activity is bad or uninformed. Neither should we assume that only "foreigners" are involved, for a casual look will tell you that many of the young people in leadership roles of those forces working for change are from our own communities. If we are candid with ourselves, we know that in many instances their expressed concerns are right, and we should give these young people the wisest guidance of which we are capable. The University of North Carolina is fortunate in having trustees who know and understand these problems and provide support for administrative activity.

To the administrators here assembled, you know that these are days of real concern to an academic community, and that you are where the action is. If we understand that there are short-range objectives to be achieved in dealing with an immediate crisis and that these objectives must be realized in the context of longer-ranged concerns for the continued vitality and health of the institutions, then our chances of survival are better. In any event, I doubt that many of us would really choose to be anywhere else, and this will remain true for as long as we maintain good working relationships with the constituencies of the university, first among them being the trustees.

This article is adapted from the address made by the President of the University of North Carolina before the Conference on Trustee Responsibility for a Campus in Crisis *called by Governor Scott and held at the Institute of Government on December 10-11, 1969. The proceedings of the conference will soon be published.*

Book Review

Sorry, No Government Today: Unions v. City Hall. Robert E. Walsh (ed.) Boston: Beacon Press, 1969. 325 pp. $5.95.

No local government official in North Carolina needs to be told that public employee unionism is a problem; the General Assembly already has affirmed as much (G.S. 95-98), and experience has confirmed the fact. Accordingly, many of those officials would do well to read portions of this anthology.

Several points come across loud and clear in these collected essays. One is that—as difficult as matters have been in the past between public employee unions and local governments—things are going to get worse unless officials face up to and understand why their employees become intransigent in their demands, what methods are available to avoid hardening of negotiable positions, how and when to use impasse procedures, and what the true nature and value of strike sanctions are. Another is that, even if the most enlightened public officials comprehend such matters, their understanding will be of no avail if state and local legislative bodies continue to prohibit local governments from dealing with organized employees. The final point is that, in the many jurisdictions which have not yet allowed local governments to deal with organized employees, there are opportunities to set the stage and tone for harmonious employee-employer relations—for such relations as might head off (at least, temper) a growing sense of employee militancy.

• The essays are not, however, wholly didactic. They contain some useful analyses. (In contrast to the recent plethora of law review articles and comments about public employees, their "rights," and the "public's rights," the policy papers of the American Federation of State, County and Municipal Employees and the speeches of its president, Jerry Wurf, were refreshing, if not alarming, to read.)

One of the analytical mainstreams in these essays establishes a nexus between public employee unionism and the civil rights movement. On the one hand, unionism seeks to capitalize (no irony intended) on the civil rights movement by allying itself with participants in the movement. This is not difficult, as many of the employees who have been active in the movement also have been union militants, and the goals of the civil rights movement quite often are the goals of employee unionism. Not always, however, have the movement and unionism been allies; the recent breach in the alliance (in such cities as New York) has come over issues of community control, where the union's demands for a voice in policy matters (governance of the schools) has not evoked a sympathetic echo among some civil rights groups.

The divergence of the civil rights movement and unionism has occurred in connection with one of the very issues underlying the militancy of the union movement itself—the issue over who has what and how much say in determining policy of local governments. Employee groups view themselves as expert in matters touching on the terms and conditions of their employment; more than that, however, they claim expertise and the right to be heard on matters of government policy, arguing not only that policy will affect their terms and conditions of employment but also that they have a very keen sense concerning the direction policy ought to take (precisely because they have been the employees). Government administrators rarely have perceived employee groups in the same way the groups see themselves; the administrators are loath to relinquish their authority to set the terms and conditions of employment, much less their right to set policy. Over these matters, for example, have teachers and school boards frequently quarreled.

• Many of the essays point to the inevitable conflict (at least, tension) between the merit system and unionism. Civil service commissions are viewed as "management" oriented and inherently untrustworthy, and accordingly employee groups believe that more benefits can be gained through union activity than by petition to such commissions. Finally, collective bargaining has the potential to undermine merit systems by taking away from local government's civil service commissions the ability to set terms and conditions of employment.

Closely related to such a threat to the merit system is the frequently made demand of employee groups that their members be free to engage in political activity. Pressure is being exerted for repeal of Little Hatch Acts. On the other hand, assumptions that the political trade-offs arguably present in the democratic process will protect the "public" and its "interest" are being questioned.

Some of the essays draw careful distinctions between unionism in

the private and public sectors of the economy, indicating that although the gap between the terms and conditions in the two sectors has been an impetus behind public employee unionism, the analogy to terms and conditions in the two sectors should not be extended so as to suggest that there is an analogy on matters concerning recognition of public employee groups, grants of collective bargaining privileges, resolution of impasses, and penalties for disobedience of law (as in striking in the face of court injunctions).

• Naturally, it is the strike issue that is the most glamorous, and a number of the essays focus on many aspects of this issue. Strikes have involved firefighters, policemen, nurses, tax department employees, teachers, transit employees, workers in sanitation and public works, and even zoo attendants. In some cases, the employees have been allied with civil rights movements; their race and assumed social position (they have perceived that they are thought of as necessary evils—the police—or as somehow stigmatized on account of their jobs—assistants in state mental hospitals) have conjoined with their demands as employees; clearly, attitudinal and behavioral factors have not been as susceptible of negotiation and cure as have issues of pay and hours of work; equally clearly, it is argued, disrespect for law and inclination toward civil disobedience are apparent products of societal attitudes and the alliance of the civil rights movement with unionism. (None of the essays carry this analysis to its ultimate and unfortunate conclusion: that such disrespect has bred the breakdown and paralysis of the legal process, as evidenced by at least the New York City teachers' strikes of 1967-69.)

Some of the essays turn from analyzing and deploring this perceived alliance to attempting distinctions between the types of employees who strike. The effort here is to single out the "essential" and "nonessential" employees, to suggest that it is never permissible (or at least rarely so) for the essential employees to strike, but that it may be permissible under some circumstances for nonessential employees to strike. The lines of distinction rest upon concepts of public health, welfare, and safety; too frequently, the essays posit these as absolute concepts, and only one of them argues that the public's health, welfare, and safety are relative concepts, changeable according to the variables of the circumstances. Thus, while a strike by policemen generally is seen as a strike by essential employees and never permissible, a strike by some policemen under some circumstances in some communities arguably may be allowable.

One of the circumstances that may make strikes less reprehensible is that of impasse in all other conflict-resolving attempts. Mediation, conciliation, fact-finding (with or without recommendations), voluntary arbitration, compulsory arbitration, and resort to judicial and executive arms of the government, it is argued, must have been exhausted before strikes may be even thinkable, much less tolerable.

Many of the essays focus on the strike-sanction problem. Some sanctions are enforceable, but at a very high price (imprisonment, followed closely by martyrdom); others simply are not enforceable because they demand such a high price that government officials will not invoke them (dismissal of all striking employees, without subsequent amnesty); and some are ineffective because they partake of tokenism (minimum fines). Selective enforcement of sanctions sometimes is not possible; singling out union leaders from union rank-and-file is neither legally permitted under some statutes nor tactically intelligent in view of political repercussions and martyrdom. Often the imposition of sanctions will trigger legal union action sufficient to require the sanction to be lifted (for example, a teachers' union "blacklisting" of a school system, or concerted political activity at a higher level of government directed at influencing the lower level). Escalation of the extent of work stoppage and the level of sanctions go hand in hand in some cases; sometimes the only solution to prevent hardening of positions and to encourage conflict-resolution is to refrain from sanctions. Finally, the imposition of sanctions can sometimes provoke the confrontation that employee groups seek; confrontation politics as a method to achieve political ends is not unknown (or wholly disapproved of) nowadays, and the strategy of provoking confrontation (through action which, though illegal, should be overlooked but results in sanctions, in turn escalating the activity and providing a confrontation) is a well-studied and frequently practiced art in some employee groups.

• Finally, the anthology highlights the militant mood of the union that may dominate the future of public employee unionism. The policy statement of AFSCME in 1966 and subsequent speeches of its president are, to say the least, evocative and, to say the most, provocative. They deny the validity of the legal argument of sovereign immunity; they contend that the refusal of government administrators to bargain with government employees is a form of denial of equal protection (in a political, if not legal, sense); they insist on employees' rights to bargain collectively and strike, for, without the opportunity (for which some may read "threat") to bargain collectively and strike, the negotiation process is a sham, a "unilateral" exercise in which the employees have no real power; they reject compulsory arbitration out of hand because it too smacks of unilateralism; they acknowledge the incompatibility of unionism and civil service merit systems; and they insist that distinctions between the public and private sectors of the

(Continued on page 23)

The American Throwaway of Life

By CAMPBELL E. MILLER

WE HAVE MADE a lot of progress in this country in the last 500 years. That cannot be denied. Our forebears brought us to the promised land and with prodigious energy we have made it pay—and pay—and pay, so that we now put out the world's greatest Gross National Product. From seemingly unlimited land and natural resources, our country's great natural endowment, we have created an economic system that provides our people with more airplanes, cars, telephones, food, clothing, education, and amusement than any other in the world. From our country's great natural endowment, we have created the Great American Way of Life. It is something, and let me emphasize that I say it sincerely, that we as Americans should be proud of. It has been a great national achievement.

We have not developed a similar yardstick for measuring it, but probably we also put out the world's greatest Gross National Effluent.

Every day, each one of us discards about 5½ pounds of solid waste. That's about a billion pounds for all of us, every day.

Every day, we scrap over 15,000 automobiles.

Every day, our mines discard over 90,000,000 tons of waste rock and tailings and countless acres of land on which it is spread.

Every day, our urban centers discharge 1,000 pounds of sewage per person—a lot of it undertreated, or untreated.

Every day, our urban centers discharge two pounds of dust, sulfur dioxide, nitrogen, oxides, hydrocarbons and carbon dioxide per person into the air.

Every year we manufacture 48 billion cans, 26 billion bottles and jars, 65 billion metal and plastic caps, and we throw virtually all of them away. In fact, they are designed and sold to be thrown away. No deposit, no return.

Every year, we throw away 7 billion pounds of plastics and about 1½ million tons of rubber.

And every year, we see the deterioration past use of thousands of homes and buildings—they turn into urban renewal areas—and we are beginning to see the appearance of mobile homes on the scrap heap.

Amid the vastness of our land, the abundance of our water, and the riches of our resources, it is easier, cheaper, and more convenient to throw away the can, the bottle, the car, the house, the land, and make or acquire a new one than to re-use, reclaim, preserve, or conserve the one we have. And so, from that same bountiful natural endowment that made us great we have created the Great American Throwaway of Life. It is something we as Americans should be ashamed of. It has all the makings of a great national disaster, which is manifest in the environmental crisis we face today.

THIS IS SOMETHING new in our experience. The story of the first centuries of our country deals

with man's struggle to subdue nature and master his environment. Now we, in our generation, are witnessing nature in the throes of struggle for survival.

Every informed person in this country today must be aware of the mounting environmental crisis, of nature's revolt against our Throwaway of Life. Our news media carry the daily deadly casualty lists of the environmental struggle:

NEWS ITEMS

Lake Erie is dying. The daily dose of 19,000 gallons of oil, 50 tons of iron, 100 tons of acid and 1,000 tons of chemical salts and 3,000 tons of sewage it receives from the Detroit River is not helping. The Cuyahoga River, as you know, was badly burned this summer when fire consumed the oil coating its mouth.

Lake Erie's friends among the Great Lakes are all suffering from the same malady. [Gene Marine, **America the Raped** (New York: Simon and Schuster, 1969).]

* * *

The Everglades received a suspended sentence last month with President Nixon's delay of jet airport construction, but they have already been severely undermined by the Central and Southern Florida Flood Control District which controls the water flow from Lake Okeechobee. [**Sports Illustrated.**]

* * *

The Nixon administration has delayed for nearly a month sending Congress a government report titled "Acid Mine Drainage in Appalachia" indicating a need for increased spending to correct water pollution by the coal mining industry. The report set forth in detail the damage to environmental values and economic development of stream water containing sulfuric acid formed in coal beds opened to the elements.

The administration recently lost an attempt on the House floor to limit new federal spending for pollution control water treatment facilities to $214 million in the current fiscal year. Instead, the House voted 148-146 to appropriate $600 million, a compromise figure reluctantly agreed to by Democrats, who had hoped to get $1 billion.

* * *

The average Beta Radioactivity Concentrations in the air in North Carolina is higher than in any other state in the Union. In microcuries per cubic meter before 1960, the measure was less than 0.17. By 1962, it had jumped to the startling figure of 5.8. By the last count it was down to 2.0. But only nine states have a count over 1.0, and only two have counts over 1.5—Arizona at 1.8 and South Dakota at 1.6. [**Statistical Abstract of the United States, 1969.**]

SOMETIMES I WONDER how did it all happen? Many of our early leaders were men who cared about the natural environment. One need only see how Washington and Jefferson shaped their own environments to realize they were deeply interested in it and appreciated its significance in their lives. Our pleasant early towns like those of New England and Williamsburg and Edenton and Savannah and the stately buildings of the eighteenth and early nineteenth centuries seem to reflect a real concern for the quality of the environment.

And then, in the nineteenth century, things began to happen to us. We turned expansionist. The Indians, who lived in and revered the natural environment, were hostile to the changes we were bringing to their life system. So, of course, it was necessary to eliminate them, and we accomplished this with fine zest and ruthlessness. In less than 100 years, we reduced the Indian population by more than two-thirds. About 850,000 were here when Columbus arrived, but less than 250,000 were left in the latter part of the nineteenth century. We drove them from the green and fertile riverine country they loved into ever tightening circles of windswept and arid land that would not sustain them. Hard as it was on the Indians, it must have been a hardening experience for our people.

Then we engaged in a great Civil War. War violates the order of nature, said Sophocles. War is waste of blood and flesh and resource, and inures people to the waste of all that is precious in life. And so, in the latter 1800s, with war-born indifference to waste, with burgeoning industrial power, and with the seemingly endless riches of this continent at our disposal, we began the plunder of the world's most magnificent natural endowment.

I remember reading an obscure little book called *Across the Cimarron*, the account of a man named George Bolds, who went to the West in 1879. He wrote:

The author, who is president of the American Society of Landscape Architects, spoke to the Governor's Committee on Beautification.

• • •

> Dodge City was a bitter disappointment. It looked dirty, makeshift. Near the depot, towering piles of sun bleached bones were as high as the top of freight cars. Don't they even have a cemetery in this town? I thought. I didn't know they were buffalo bones. The dreary collection of clapboard houses, low and flat, under a gray and cheerless sky, and the grisly pile of bones gave me an overpowering feeling of loneliness.

Elsewhere, he recalls his shock at the waste of the buffalo meat when the animals were being slaughtered and destroyed on the plains for the hides. This has always seemed to me a portrait of the changing attitudes of the time, attitudes that somehow became deeply ingrained in our nation.

There were, of course, those who cared—men like Olmsted and Emerson and Muir and Pinchot, and they saved some of our natural monuments for later generations, but they were swimming against the currents of pragmatic materialism that continued to sweep the country along in a stream of waste and neglect until now, two great wars later, we have brought our cities to their knees; our rivers and lakes to degradation; and whole valleys and fertile farms to impotence.

Our country seems to be at the brink of a yawning abyss of ugliness; of human suffering and deprivation; of final erosion of its natural endowment. But at last we are becoming aware of what is happening. Now is time to see what can be done, to look for real solutions.

We have a great faculty in this country for the simple, direct solutions. One problem, one solution, we call it. If we need more water for irrigation somewhere, we build a dam; if a marsh stands in the path of development, we drain it; if we see a city's center in decay, we tear it down. Our ability to plunge in and do things this way has been a strength. In today's situation, it is a weakness, for the natural environment is an enormously complex system, and alteration of a part alters the whole. We must learn now to work with the whole system and to manage a large number of complex relationships within it.

THE BURDEN of my comment thus far has been to point out what you already know. But now that people are becoming aware of the situation, it is important to look in the directions where solutions may lie. I believe we must restore *order* in the environment. This does not refer to civil law and order, but rather to the order of nature that evolves from interacting natural processes. There is a vast and profound order in nature. Trouble starts when people begin to interfere with the operation of natural processes and so destroy the balance of the system. This usually results from the "one problem, one solution" approach I spoke of earlier.

Let me cite an example: There is probably no principle of physics that people understand better than that water runs downhill. For years this has been the cardinal point of development engineering, and we have done all that we could to facilitate and accelerate the process—to the point that we made the water run off so much faster and accumulate in the lower ends of our river systems so quickly that repeated floods endangered all our other works along the rivers. So we embarked on a great dam-building program to impound and retard the accelerated flow. Now the building of large impoundments has become almost an end in itself, and various governmental agencies are vying with each other to complete the politically popular task of damming up almost every river and stream in the country, even though it is beginning to dawn on some people that it is possible to inundate too much of our fertile valley land, and that the free-flowing stream makes its own vital contribution to water quality. Meanwhile, other arms of government such as municipalities and highway departments continue to be guided by the principle that storm-water flow should be collected from the areas where it falls and removed as rapidly as possible to the nearest convenient discharge into a river or stream, where it will necessitate some more dam building. The water table falls, trees die, ground water and aquifer recharge diminishes, and our cities turn arid. While we have firmly grasped and utilized one natural process—gravity flow—we have largely overlooked the complicated systems that nature creates to retard water drainage and retain precipitation in the ground water and aquifer systems. We tend to turn every water course in our urban areas into pipe or unsightly open conduit which usually proves in the end to be too small. Wouldn't it be better to work with nature's processes, retain our streams in a natural condition in open spaces adequate to accommodate overflows and designed to retain as much moisture as possible in the ground water? It would almost surely require less capital investment and would provide needed green space and recreational land, all within an aesthetically satisfactory setting.

Clearly, what is needed is a broad overview of the whole environment to provide the policy framework for management and manipulation of the manifold mission-oriented programs and agencies of government that today play such single-minded but important roles in shaping the environment. President Nixon last summer created a Council on Environmental Quality, which he himself will chair. Senators Jackson and Muskie both have bills before Congress which are similarly directed. I suppose we may take these as hopeful signs that our national leadership now views environmental quality as having charming

political virtue. Shouldn't every state have its own Council on Environmental Quality? And, may I ask, is your orientation to "Beautification" too limited? I believe, as Dr. Hugh Iltis of the University of Wisconsin has written, that "It is evident that nature in our daily lives must be thought of, not as a luxury to be made available if possible, but as part of our inherent biological need."

ANOTHER ASPECT OF ORDER in the environment turns on the problems of land use. The necessity of planning, directing, and controlling land use has long been accepted and most of our cities and towns have created planning commissions and adopted zoning ordinances. But planning has fallen short for lack of sufficient environmental overview, and zoning is blunted by lack of quality control.

Let me illustrate with another example: In my own city, when the original land-use plans were made, a large area in the southwesterly part of the county, where an industrial complex had already developed, was designated for industrial use. Several thousand acres of undeveloped land were zoned accordingly. Unfortunately the plan failed to take into account the agglomerative effect of such a concentration on the transportation, sewerage, and drainage systems of the community. It also placed the industrial zone squarely in the path of the prevailing southwesterly winds. It created an industrial ghetto. In the 25 years since the plan was adopted, two new major industrial plants have come to town. Neither was willing to locate in the environment of the planned industrial area. Both sought and obtained zoning of large sites surrounded by agricultural use. I am not disposed to think that they chose badly, or that their zoning should not have been granted. But the question remains as to whether they will create new industrial ghettos. It is hard to be optimistic, because virtually all quality controls were eviscerated from the zoning ordinance in the process.

If we are to preserve a viable environment for ourselves and future generations, we shall have to plan land use on an ecological basis. We cannot afford to use our best soils for non-agricultural uses; nor to develop areas that are better suited to forestation; nor to place large capital investments in the flood plain; nor to pollute aquifer recharge; nor to release pollution into air drainage patterns that deliver it over our cities. But here again, the overview is required. At the present time, highway officials have far more influence on future land use than do planning officials, for land use tends to follow the transportation network. It would be better if the transportation network followed ecologically balanced land-use patterns, but this will require new and broader planning techniques, employing the knowledge and skills of ecologists, natural scientists, and sociologists as well as those of engineers and economists. Because planning begins and ends in the legislative process, the direction must come from the people. Here is an avenue for effective action by citizens' groups.

IT IS NOT MERELY the use to which the land is put, however, that determines environmental viability, but also the way it is used. And so we shall have to develop performance standards. Our cities today average 5 degrees warmer year around than the rural areas around them, not only because of the heat energy they waste but also because of the heat retained and radiated by roofs and pavements. Shouldn't we require those who build and benefit from a parking area, for example, to contribute to environment balance by creating lawn areas and planting trees? Shouldn't those who increase the runoff of rainfall help provide the grassy areas to absorb and store it as ground water? Shouldn't those who produce air pollutants help provide the green belts to reduce them? Shouldn't those who have to make noise help provide the earthen barriers and baffles to reduce its level? Science today is beginning to produce the information on which these and other quality standards can be based. It is time to use this information in the interest of environmental quality.

Again, quality is not merely a "luxury to be made available if possible." It is an economic necessity for the preservation and stabilization of our urban centers. If industrialization causes pollution, pollution in turn causes reduction of industrial growth. Look at the experience of the City of Pittsburgh, as recounted by Gene Marine in his book *America the Raped:* "In Pittsburgh, one of the few cities to have made genuine strides in fighting pollution, a beginning was made in 1945 because 40 industrial firms had decided to leave; the smoke and rotten air, plus threats from floods and contaminated water, were driving them out. In that same year, Pittsburgh led the cities of the United States in deaths from pneumonia. In 1952, a saving of $26,000 was estimated for the citizens of Pittsburgh—in cleaning bills alone! Household laundry bills dropped another $5.5 million. And visibility, which has no monetary value, was up 77% over 1945."

Or consider the study of Philadelphia by Professor Ian McHarg [*Design with Nature* (American Museum of Natural History, 1969)], who by mapping the incidence of physical, social, and mental disease demonstrated that "the heart of the city (of Philadelphia) is the heart of pathology and there is a great concentration of all types of pathology encircling it." Can we ignore the implied human and economic costs of sacrificing quality in our environment?

PERHAPS THE MOST NEGLECTED factor in environmental order in today's society, it seems to me, is maintenance. I believe Eric Hoffer has said that the measure of a civilization is the attention it

gives to maintenance. Yet it is a syndrome of the American Throwaway of Life that we have come to the point where higher status is attached to buying or building anew than to conserving and caring for what we already have; higher status is attached to being a construction worker or bulldozer operator than to being a maintenance worker or gardener. We have made maintenance menial, demeaning work. And we have even built this attitude into our tax system. It is now more rewarding to depreciate an apartment building on the Double Declining Balance Method over a seven-year period and then sell it in a depreciated condition to someone else who can repeat the process than to own and maintain a building for the long pull. Federal aid in vast sums is available to our cities for urban renewal, yet the same cities are desperately pressed for funds to clean and repair their streets or carry out the routine maintenance of parks and open space that would prevent the necessity of still more urban renewal. And there is no federal aid for that. There are federal programs to assist industry in training people for industrial jobs, but our cities are desperately short of trained maintenance people—and there is no federal aid for that.

Yet every person in this room knows from personal experience that deterioration breeds disrespect. Any good park superintendent will tell you that vandalism and littering increase as maintenance declines.

It is hard to calculate the cost of declining maintenance. But I am convinced that it is costly—not just in terms of Cost Capital Investment, but also in lost heritage of connection with the past; in lost identity in the enveloping tide of squalid environment; and, if you please, in the ultimate loss of civil law and order. And if these things are true, as they must be, then the cost must be reckoned high both in dollars and in human values.

If we are indeed to restore order to our environment we shall have to bring about some radical changes in popular attitudes and public policy. There is a tremendous job to be done in educating our people, our industry, and our government to environmental responsibility. Concerned citizens must set themselves to this task now. It may be hard to get across, but the message is simple: If you have a part in making the mess, then you have a responsibility to help clean it up. It is time to stop the Throwaway of Life in America.

Book Review *(Continued from page 18)*

economy (and thus distinctions between the rights of workers in those sectors and the methods by which employers may set terms and conditions of employment and enforce their will, as by denying the "right" to strike) are meaningless because government has increasingly engaged in proprietary activities, has immense influence on activities in the private sector, and has a not inconsiderable investment (by subsidy or contract) in the private sector. Accordingly, it is argued, government employees should be treated in the same way as private-industry employees.

These essays are recommended reading. They do not provide the deepest analytical insights or most thought-provoking suggestions for avenues to keep inevitable difficulties at their minimums, and many of them have a pro-employee flavor. On the other hand, the positions of many of the actors in those foreseeable events are clearly voiced, and the major sources of past, present, and future conflict are identified.—H.R.T., III.

This is a feature story on juvenile justice that appeared in the Raleigh **News and Observer** on November 2, 1969. It is reprinted here, with editorial revision to update the material, with the permission of the **News and Observer.**

the state's juvenile justice system is delinquent

By KERRY GRUSON

— America's best hope for reducing crime is to reduce juvenile delinquency and youth crime.

So begins the report on youth crime of the 1967 Presidential Commission on Law Enforcement and the Administration of Justice. But there is strong reason to believe that attempts in North Carolina and in the nation at large to prevent youthful crime and straighten out young offenders are at best pitifully inadequate, and at worst a dramatic failure.

Although little public attention has been focused on the North Carolina system for dealing with juvenile offenders, both the General Assembly and Governor Bob Scott have recently concerned themselves with this issue.

Speaking recently before the North Carolina Council of the National Council on Crime and Delinquency in Greensboro, the governor said:

I am being kind when I say the juvenile justice system in North Carolina is fragmented. . . . We need a statewide administrative program to offer uniform coordinated services in the juvenile system.

He promised a "comprehensive review" of services now provided for delinquent youths.

Concentrating on legal issues rather than organizational problems, the 1969 General Assembly enacted legislation to make important changes in legal procedures for the juvenile courts. The new law became effective on January 1, 1970. While new legislation and possible reorganization will certainly spell improvement in the present system, it tackles only a part of the issue.

The magnitude of the problem is in itself overwhelming. Commission statistics indicate that 90 percent of all young people have committed at least one act for which they could have been brought to juvenile court. Fewer are actually referred to the court, though the number is still startlingly high: One in every nine youths, or if only males are considered, one in every six, according to the Children's Bureau of the Department of Health, Education, and Welfare. And arrest rates are highest for those between the ages of 15 and 17. These figures give some idea of the extent of the problem, but little of its nature.

Who are the children behind these statistics, what happens to

them, and why? An illustration can be found in the stories of two Raleigh boys, one black, one white, both 15, and both in trouble with the law. (Fictional names have been substituted to protect the youths.)

The story of Ray began with a stolen car which he drove several hundred miles to another town. Interrupting Ray at lunch, an officer identified the stolen car, arrested him, and brought him back to the Wake County Detention Home for juveniles. Notified by a Wake County probation officer, Ray's worried parents spent no time getting down to the detention home to pick up their son. And on the appointed day, father and mother both appeared in court with him. The judge found that he had committed the offense and put him on six-month probation, on the probation officer's recommendation. Ray saw the probation officer six times, once every month. He reported that he was doing his chores on his father's 200-acre tobacco and chicken farm and that since the incident he was able to talk more freely with his father, whom he had resented as overly authoritarian. The probation period passed without incident. Ray has not been in trouble since. He is now in college.

The story of Mike, also 15 but black, ends differently.

Mike was arrested for stealing $90 and the judge found him to be "delinquent." Mike was committed to the Cameron Morrison School at Hoffman, a training institution for juvenile delinquents. There was no certain release date. He would be free when the school's officials decided he was "rehabilitated."

Circumstances of the case did not leave the judge much choice: A runaway from home because he couldn't get on with his stepfather, Mike had gone to his grandfather in Durham. The grandfather, unable and unwilling to take care of the boy, brought him back to Raleigh. Once again Mike left home, this time living off his wits until he turned up at the Raleigh Rescue Mission. There he told officials he was 18. Six foot three, weighing 180 pounds, he looked older than his age, so he was admitted.

A few days later, an elderly man looking for help to move his sister's furniture came by the mission and hired Mike. Left alone in the house while moving the furniture, Mike spotted $90 lying on a dresser and pocketed the money. Later, he told the probation officer, he had had a change of heart, deciding to return the money, but couldn't find it.

When Mike was first brought in, the probation officer called his home to inform his parents. Mike's mother refused to come pick him up, explaining she had no way of getting there. "You can put him away," she told the probation officer. At the trial, only his grandfather appeared, again refusing to take the boy.

Mike was not too upset about being sent to Morrison. His first love was basketball—he wanted to become a professional—and was satisfied when he learned he would be able to play there.

What will happen to him is highly uncertain. He may fit in easily at Morrison, become a fine basketball player or learn a trade, and slip back into the community when released.

On the other hand, he may be haunted by the fact that he has been branded a "delinquent," and he may find it hard to get a good job. He may fall in with the small number of "tough" boys at the school and spend his life in and out of institutions. There are no certain answers.

Statistics show that while delinquents come from both rich and poor families, a disproportionate number are poor, many black, from slum homes with numerous children and without a father. For many reasons, the young Negro is more likely to get into trouble than his white middle-class counterpart. And once in trouble, he is more likely to be judged delinquent by the courts, more likely to be confined to an institution, and more likely to repeat his offense, ending up in an adult prison as a hardened criminal.

POLICE: An Introduction to the Corrections System

The young troublemaker's first contact with the system society has set up to straighten him out will probably be the neighborhood police officer. Here again the middle-class white youth will probably get a better deal than the Negro slum child or the poor white.

The black youth, contemptuous of the restrictions of a society that has offered him little, is less likely to treat the officer with respect. He may taunt and jibe at him. The officer is not unlikely to reply in kind and end up hauling him to the station.

The white middle-class youth is an easier case for the officer, who decides to take the boy home, where he knows the parents will chew him out and at least try to keep him from getting into trouble in the future. Intimidated by the policeman he has been taught to respect, the boy usually obeys him.

The policeman's decision to arrest or not to arrest the offender is a very important one. Once arrested, the youth will have a record, he will go to court, and he may be sent to an institution. Furthermore, the manner in which the law enforcement officer handles the delinquent may determine the way he or she will feel about the juvenile system as a whole.

"Ninety eight per cent of the children who come to us are as mad as can be, and they transfer that onto us," explained Blaine M. Madison, commissioner of the North Carolina Board of Juvenile Correction, whose department is in

charge of the training schools to which juveniles are committed. "Of course, that makes our job a great deal more difficult."

And the children's attitude: "They [the police] were pretty rough," one white 15-year-old at the Cameron Morrison Training School in Hoffman admitted.

Ideally, Madison and other experts on juvenile delinquency would like to see police departments establish youth bureaus and train officers specially to deal with young people.

"Young people do not have this image of law enforcement as a helping agency. Police could be taught the psychology of these people, to deal with negative reactions and absorb vile language. They could be trained to deal constructively and helpfully with young people," Madison said.

Such forces have been set up in a small number of cities throughout the country, including Charlotte in North Carolina.

According to Bill D. Noland, director of the C. A. Dillon School at Butner, where aggressive youths are confined, his students who have come in contact with special police youth services have "a more favorable attitude" toward both the police and the school. "Better trained officers would have a positive effect," Noland said.

Raleigh has two police officers attached to the Community Relations Unit who do nothing but work with young people. This is not nearly enough, admitted Lieutenant Robert Bunn, personnel and training director for the Raleigh Police. The local police have asked the city council for funds to hire three more such officers.

All Raleigh policemen get some kind of instruction on dealing with youths during their training period. St. Augustine's College presently offers an intensive three-day, eight-hour-a-day course in sociology and psychology. The course is a requirement for Raleigh police trainees, and the department also arranges seminars on the attitudes, home environment, and school environment of youthful offenders.

How adequate this is is not clear. "They had a bad thing going with police officers," said District Judge Edwin S. Preston, Jr., who served as juvenile judge for 13 months. "Now the pay is beginning to be appropriate and they can get fine men," Preston added.

Once an officer has made the arrest, either the child is released again into his parents' custody until the trial or, if he has no home, he may be kept in a juvenile detention home. Until recent years, the law in North Carolina did not allow juveniles, persons under 16, to be put in adult jails. Now, if there are no other facilities available and if the behavior of the child requires that he be detained, he can be placed in an adult jail as long as he does not "come in contact at any time or in any way with an adult convicted of a crime . . . or under arrest and charged with crime."

In practice, children have been jailed in North Carolina for at least the last 60 years, and few if any jails have the special facilities to keep them isolated from adult prisoners. Last year 660 children were held in North Carolina jails, and statistics show that the number of children held in jails has increased over the last 20 years.

Detention before a court hearing was intended to be temporary. But with no precise restrictions on the length of time a youth could be held, he could often remain cooped up for a considerable period before his case was heard.

The new juvenile court revisions passed by the 1969 General Assembly changes these procedures. Under the new law a child may not be held for longer than five days without a juvenile hearing; his parents or guardian must be notified of his detention; and a court order requiring the detention of the child after the hearing must be in writing.

COURTS: The Worst of Two Worlds?

". . . there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children."

This is perhaps the most widely quoted passage from the *Kent* case, the first juvenile court case ever reviewed by the United States Supreme Court.

In 1965 with *Kent* and then in 1967 in *In the Matter of Gault*, the Supreme Court made fundamental changes in court procedures for juveniles and in the judicial philosophy which underlies court room procedure.

This year the North Carolina General Assembly approved juvenile court revisions which codify the *Kent* and *Gault* rulings. The new legislation became effective on January 1.

The first juvenile court in the world was created in Chicago in 1899 on the theory that the "philosophy of punishment" of the adult courts was inappropriate for children. Juvenile offenders should be "treated" rather than "punished." As the early juvenile court reformers put it, young people should "be dealt with by the State as a wise parent would deal with a wayward child."

To put this ideal into practice would require a judge specialized in children's cases. As Mason P. Thomas, Jr., a North Carolina expert on juvenile justice, points out, to function as expected the judge would have to have the following qualities: "Sensitivity, wisdom, skill in human relations, understanding of children, capacity to communicate, knowledge of the law, and many others."

Since the power of the judge was unchecked, the court hearing was seen as an occasion on which the

child would be "treated" rather than "punished" to change his attitudes and his behavior; due process, such as the right to counsel and criminal procedures, were seen as cumbersome formalities.

Reality has not stood up to the ideal. Thomas, now assistant director of the Institute of Government at Chapel Hill and formerly a Wake County Domestic Relations and Juvenile Court judge, asserts that "the ideal of a qualified, specialized juvenile court judge has often proved unattainable."

To prove his point, Thomas quotes a national survey of juvenile court judges which shows that half have no college degree, a fifth no college education, a fifth are not lawyers, and three-fourths give less than one-quarter of their time to juvenile and family matters. The average time for a juvenile court hearing is about 15 minutes.

The juvenile judgeship is not a high status position. "It has sometimes been a political bone which is thrown to a loyal partisan who can't quite otherwise make a living," Thomas said.

Wake County, which formerly did have a special judge for juvenile and domestic cases, now rotates its three district court judges to fill that position. Judge Edwin S. Preston, Jr., who presided over the Domestic Relations and Juvenile Court for 13 months until last July, admits that "it would be helpful to have a judge permanently on the juvenile court bench."

Preston said that the juvenile cases are perhaps harder to try and much more of a strain for a judge than adult court cases. "The cases are always difficult." There are a lot of problems, and Wake County chief probation officer John Hamilton feels the same way, as do other experts on juvenile delinquency.

Preston was quick to add that he did see some advantages in rotating judges. "One judge can't have all the answers, and rotating judges brings in new ideas."

Another problem facing the juvenile court judge in his attempt to diagnose and then prescribe treatment for the child is lack of knowledge about the needs of the child.

A probation officer is supposed to make a report to the judge based on a pretrial investigation of the home situation, school record, and other factors. From this information, often hastily gathered, the judge must decide what to do with the offender if found guilty.

Wake County has only seven probation officers, each with a case load of 60 to 65 children. Further, each officer has to spend at least one afternoon in court every second week on top of the reports and other paperwork that come with the job. The county has only two cars available to probation officers for their work.

This means a great deal of their work has to be done over the phone or in the office instead of in the child's neighborhood. John Hamilton, chief Wake County probation officer, would like to see a case load of 20 or 30 per worker, along with secretarial help to cut down on the paperwork.

As it is, the judge often has only a very sketchy outline on which to base his decision. Very rarely is he provided with any information concerning the child's mental faculties, although a high percentage of juvenile delinquents have very low IQ's.

Wake County is fortunate in that it can call on the services of the Wake County Mental Health Center. However, the center takes only a very few court referrals, usually five or six a month. Often a youth will have to wait over a month for an examination.

Probation services are perhaps the most important feature of the juvenile justice system, the "cornerstone of an adequate juvenile court program," as Mason Thomas points out.

According to Hamilton, at least 25 to 30 percent of youths on probation in Wake County get into trouble again. (These figures do not take into account the number of young people who run afoul of the law after their sixteenth birthday when they are no longer considered juveniles.) A high rate of recidivism (repeating) is not surprising considering that a case worker can at best see each individual once a week, and usually only in his office, which may make it more difficult for the youth to open up.

These problems recur again in dealing with children who have been released from institutions and are placed on probation. "Aftercare," as it is known in the jargon, is considered by judges, probation officers, and training officers alike as the most crucial period in rehabilitating a delinquent. Again few probation programs have the staff to tackle the very delicate process of helping the child adjust to society.

The new North Carolina legislation that became effective on January 1 will not affect these areas. It deals only with legal procedures, extending many Bill of Rights safeguards to juvenile court proceedings in line with the *Gault* decision. As Judge Fortas wrote in the *Gault* opinion, "Under our Constitution the condition of being a boy does not justify a kangaroo court."

The new North Carolina law provides for:

- *The right to notice:* The court must inform both parents and child of the time of the hearing and of the charges five days in advance of the hearing.
- *The right to a speedy trial:* A child may not be detained for more than five days without a hearing. If the judge orders that the child continue to be detained after the hearing, such an order must be in writing.

● *The right to counsel:* A child may have the help of a lawyer. If there is a likelihood that the child may be committed to an institution, the court must appoint a lawyer for any youth who requests counsel but is unable to pay for it.

● *The privilege against self-incrimination* and the right to *confront and cross-examine witnesses.*

The court order must specify in writing the conditions and the length of time that the child is on probation.

In the past some judges have handed down indefinite terms. This puts too much power in the hands of the probation officer and leaves the child in suspense without motivating him to work to end the probation term, John Hamilton, chief probation officer for Wake County, feels. The child may come to think the officer is keeping him on probation out of spite regardless of his behavior. Hamilton said.

Putting probation conditions in writing should correct another abuse of the system. In some states, including North Carolina, according to both Judge Preston and former Judge Thomas, judges set regular Sunday school and church attendance as probation conditions. Such practices are definitely unconstitutional, legal experts say.

The new North Carolina legislation also narrows the definition of delinquency, perhaps one of the most important changes in juvenile law. Beginning January 1, a "delinquent" child will be one who has committed a criminal offense under state law or local ordinance, including motor vehicle violations, or a child who has violated probation.

Thus, children who have committed no criminal offense can avoid the stigma of the label "delinquent." A youth guilty of a noncriminal offense would be termed an "undisciplined child." This category will include children truant from school, regularly disobedient to parents and beyond their disciplinary control, regularly found in places where it is unlawful for a child to be, or who have run away from home. Up until now, all these children were classified "delinquent."

In the future, only "delinquents" may be committed to state training schools. These new regulations may very well make significant changes in the nature of the training school population. A large proportion of youths committed to these institutions have been truants from school or runaways from home.

SCHOOLS: Retraining, Reform, Rehabilitation

The car turns off U.S. 1 shortly after entering Hoffman's city limits. It rides on a stretch and then turns into a compound of squat red brick houses. The compound is the Cameron Morrison Training School for boys, one of North Carolina's eight training schools for juvenile delinquents.

There is no fence. To the left is a large field of vegetables with a handful of boys in the distance hoeing or harvesting. Beyond that, a field full of cows. A truck crammed with boys drives by to round up the cows for milking. In a converted warehouse another group bends over a battered old car, surrounded with the latest, most sophisticated machinery for diagnosing sick cars.

On this flat 761-acre farm, boys committed for everything from truancy to breaking and entering are learning to drive tractors, take care of farm animals, fix cars, wire a house, fix shoes, and even cut hair, along with academic subjects.

At state training schools for girls, "vocational training" includes print-making, ceramics, jewelry casting, and home economics.

Ranging from ages 8 to 18 with the average age of 14, most of the children sent to the training schools spend about a year there. The majority have been committed for truancy; of the others, boys especially, are committed for larceny, burglary, and motor vehicle theft, and girls for ungovernable behavior, larceny (usually shoplifting), and sex offenses, in that order of frequency.

Many if not most come from poor families, from a background of "deprivation and neglect," as H. W. Parker, superintendent of the Morrison School, put in. About 50 percent of the 2,200 children in training schools in any one year are Negro; little more than 20 percent of the state's population is black.

Technically the schools have been desegrated since the 1950's, but the two traditionally Negro schools are still predominantly black. At Morrison only 15 to 20 of the 350 students and only six of the 105 staff members are white. About the same is true of the State Training School for Girls at Dobbs Farm at Kinston.

Responsibility for integration has rested with the judges who decide where to send a child. The new juvenile law enacted by the last General Assembly transfers this duty to the State Board of Juvenile Correction. R. Vance Robertson, director of social services for the board and the man who makes the assignments in the future, has said he will change the picture.

Children are assigned without reference to the crime they have committed. "Just because he has committed a more serious crime does not necessarily mean that the child is a worse influence than another committed for truancy," explained Mason P. Thomas, Jr., assistant director of Chapel Hill's Institute of Government and an expert on juvenile delinquency.

However, in felony cases the juvenile judge may decide to hear the case himself or send it up to the superior court. A child guilty of a felony may be sent to a training school at the discretion of the presiding judge. If the felony is a

capital offense, the child will be tried as an adult in superior court if he is 14 or 15.

Ideally the training schools will change the delinquent child's attitude to the society he rejected. He will change his behavior and, once released from the institution, fit into his home community.

Bill D. Noland, director of the C. A. Dillon School at Butner for "specially aggressive children," describes the process this way: "The children who come here have generally been neglected and ignored. What happens here is that we try to make them feel like a someone instead of a no one. They see that people do care what becomes of them."

Hosea Brower, head of social services for the Morrison School, said: "Children here have everything to gain and nothing to lose. This is the one school they can't flunk out of. They know this and it gives them the security they needed to develop."

How successful are the schools? Blaine M. Madison, commissioner of the Board of Juvenile Correction, the state agency responsible for the schools, says that 90 percent of their students stay out of trouble after they leave the school.

No one has complete records on children who return to the training school. The juvenile system deals only with youths up to their sixteenth birthday. And there are no figures on how many young people released from training schools "graduate" to adult prisons, though estimates are high.

The training schools have improved greatly over the last 10 years. Three new schools were built during this time, including the C. A. Dillon School at Butner, finished last year.

Perhaps the greatest problem is that the schools are understaffed. Case workers at the Morrison School, for example, have from 104 to 130 boys each, according to Brower.

North Carolina on an average has almost one more pupil per staff member than the national average, though it does better than the other southern states.

Teacher-student ratios are about 1 to 15, compared to a 1-to-30 ratio for the public school classroom. Nevertheless, training school teachers are still carrying a heavier load. Most of their pupils are dropouts from the public schools, uninterested in learning. More than 300 children in these institutions are mentally retarded. And nearly all are slow readers, an average of two-and-a-half grades behind their contemporaries.

This fact, many feel, is one of the most immediate causes of truancy and maybe even delinquency. Unable to keep up with his classmates, the child becomes first depressed and then bored. He attempts to prove himself in other ways, stirring up trouble. Or he begins to stay out of school more and more often until he is hopelessly behind, gets into trouble, and is committed to a training school.

In line with this theory, six of the eight training schools have installed special reading laboratories with mechanized teaching aides. Two more are on order. With this help it is hoped that a child will catch up by at least one grade by the time he leaves the school.

Critics have pointed out that much of the education the children get is not going to be of much help when they leave the training schools. Few go on to finish high school, and an even smaller percentage enter college. When they leave training school, often around their sixteenth birthday, they find themselves ill-equipped to find a job.

To some extent programs at schools like Morrison try to provide a useful education, but only handicapped boys, maybe 10 percent of the enrollment, get "vocational rehabilitation." Under this program the boys are trained for a specific job and then actually placed on the job at the end of their training period. The school has only five teachers in this area, although says Hosea Brower, head of Morrison's social services, "every boy here needs vocational rehabilitation."

The lack of psychiatrists and psychologists in the schools is one of the most important problems juvenile offenders face, according to both school officials and the commissioner of the juvenile board of correction, Blaine M. Madison, in charge of the schools. The juvenile correction system has positions for four to five psychologists, but only two of those are filled. It also has two psychiatrists on a part-time basis.

The difficulties are financial. Madison explained that psychologists are hard to recruit since most can find a higher-paying, more prestigious job with a university. "Ideally, every child in our care would benefit from psychological or psychiatric help," Madison said. "But our budget is very limited."

A visitor to one of these training schools finds few children who say they are glad to be there, but none seem to hate it. Most show ambivalent feelings about their experiences, enjoying the special attention, athletics, vocational programs, the three regular meals, and yet anxious to regain their freedom.

A fourteen-year-old at Morrison School put it best. "When I get out I'll tell my friends like it was. I'll tell them it was pretty nice, but it isn't like home. Nothing is."

STATE OF NORTH CAROLINA
Local Government Commission

The Bond Buyers Index[1]

Date	20 Bonds	11 Bonds
3-12-70	5.95	6.82
3-5-70	6.00	5.88
2-11-70	6.42	6.27
3-6-69	5.19	5.05

National Volume Outlook, March 13, 1970

Blue List Supply	$436 million
30-day visible	$824 million
Total supply	$1,260 million
Total supply last week	$1,203 million

Yields Currently Available on North Carolina Issues (%)

	Aaa	Aa	A
10 year	4.80	4.90	5.10
20 year	5.40	5.50	5.60

Recent Bond Sales in North Carolina

ISSUER	DATE OF SALE	PURPOSE	AMOUNT	NO. of BIDDERS	YEARS AVERAGE LIFE	FIRST, SECOND & LAST BIDS	WINNING MANAGER	MOODY'S RATING	NCMC RATING
Town of Knightdale	1-20-70	Sanitary Sewer	$ 200,000	1	21.55	4.00	DHUD[2]	NR	67
Town of Waxhaw	1-20-70	Water	25,000	5	6.18	6.90-7.155-7.475	American B&T	NR	68
City of Kinston	1-27-70	Electric Light & Power	105,000	10	6.73	5.8424-5.9643-6.3913	FUNB	A	84
County of Beaufort	1-27-70	Co. Courthouse	1,500,000)						
		Technical Institute	500,000)	6	12.21	6.4258-6.4445-66228	Dominick & NCNB	Baa	84
Town of Swansboro	1-27-70	Water	200,000	1	21.32	5.00	FHA[3]	NR	NR
County of Forsyth	2-3-70	Water, Series A	4,000,000	9	14.76	6.1660-6.2266-6.4399	Wachovia B&T	Aa	95
Town of Pink Hill	2-3-70	Sanitary Sewer	290,000	1	23.49	5.00	FHA[3]	NR	68
City of Shelby	2-10-70	Water	1,200,000	11	5.83	5.4099-5.4862-56928	United Va.Bank State Planters	A	85
County of Cumberland	2-17-70	School Bldg, A	3,600,000)						
		Technical Institute	900,000)	5	10.11	6.0927-6.1635-6.3815	Dominick & NCNB	A	79
Town of Mocksville	2-24-70	Sanitary Sewer	495,000	2	9.26	5.9901-6.00	Branch B&T	NR	73
City of Durham	2-24-70	Sanitary Sewer	1,070,000	18	7.14	5.3484-5.3625-5.5649	FUNB & Morgan Guaranty	Aa	85
County of Wayne	3-3-70	Refunding School	220,000)						
		Refunding Hospital	125,000)	8	5.43	5.292-5.2944-5.5840	NCNB	Baa-1	72
Town of Wallace	3-3-70	Water & Sewer Impr.	259,000	1	20.10	4.250	EDA[4]	NR	72
City of Charlotte	3-3-70	Various Purpose	10,000,000	8	12.42	5.3493-5.4416-5.6361	Morgan Guaranty	Aa	85
City of Greensboro	3-10-70	Municipal Office Bldg.	6,650,000	9	7.76	4.8792-4.8879-5.1048	FUNB	Aa	86
City of Lumberton	3-10-70	Sanitary Sewer	3,200,000	4	9.33	5.1407-5.2099-5.3499	FUNB & Morgan G.	A	83

Visible Bond Issues, March and April 1970

Gaston County	3-17-70	School	8,000,000	A	91
Roanoke Rapids Sanitary Dist.	3-17-70	Water and Sewer	250,000	Baa-1	82
Town of Spindale	3-17-70	Sanitary Sewer	150,000	NR	79
N.W. Hospital Dist. in Halifax Co.	3-24-70	Hospital	3,500,000	NR	85
Town of Tarboro	4-7-70	Various Purpose	955,000	A	83
County of Polk	4-7-70	Hospital	1,415,000	NR	73
Town of Canton	4-14-70	Municipal Building	500,000	NR	82

Edwin Gill, Chairman and Director
H. E. Boyles, Secretary
E. T. Barnes, Deputy Secretary

1. Weekly Bond Buyer, March 16, 1970
2. United States Government financing, Department of Housing and Urban Development
3. United States Government financing, Farmers Home Administration
4. United States Government financing, Economic Development Administration