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This month

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Wake County courthouse dedication

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It's Fair time again. This month's cover courtesy of N. C. State Fair. Photo by Hugh Cashion.

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By David G. Warren and C. Frank Goldsmith

HOSPITAL LIABILITY

for emergency room care

It is said that the law generally reflects the expectations and standards of society and when the latter change, look for the law to follow. Therefore, this article discusses both the law and the trends in the law with respect to hospital emergency rooms.

The concept of hospital emergency room has changed drastically in recent years. No longer is it a place solely for the immediate treatment of urgent health problems, but more and more it has come to be regarded, right or wrong, by much of the public as a community medical center. It is looked to as the portal of entry to the best equipment and facilities and at least some professional attention, available every day and night, at any hour, and without appointment. In part, this development is undoubtedly due to the disappearance of the house call and the increasing unavailability of the traditional family doctor. In their place are the clinic, regular office hours, and doctors' days off. Other factors include broader and more widely held insurance coverage for hospital care and increased mobility of the population, all of which promotes more public dependence on the hospital.

There are two conflicting views of the proper scope of emergency room care. Some physicians and administrators would yield to the public's demand for more accessible medical services and are therefore reluctant to turn anyone away from the emergency room door—whether or not his problem is "urgent" by medical standards. Others would retain the strictly "emergency" nature of the emergency room and educate the public to accept the limited function of the emergency room and to seek their nonessential medical services elsewhere. The law has not yet settled this question of scope of emergency room services.

Despite this division on the matter of expectations, however, there seems to be some agreement about desirable emergency room standards. First, whenever there is reasonable doubt whether treatment beyond first aid is required, this judgment should be made by a licensed physician and never by a nurse, orderly, aide, or clerk. Second, a patient presenting himself in the emergency room for treatment should not be dismissed, discharged, or transferred without the approval of a licensed physician. Obviously, physicians must be available to the emergency room for these standards to be met. As these standards become more widely met, the law will become more definitive on this question.

The changing concept of the role of the emergency room has had a profound effect. The North Carolina Medical Care Commission's recent study of emergency services states that "[t]he tremendous increase in volume of patients, many of whom are nonemergencies, coupled with the severe shortage of health manpower, presents a massive problem threatening to overwhelm existing emergency resources." Each day more than three thousand persons seek medical attention in hospital emergency rooms in North Carolina; over half of these visits, it was estimated, are nonemergency in nature.

The study concluded that merely informing the public of the proper use of the emergency room, although essential, is not enough, and that a more efficient statewide system of emergency care is needed. In lieu of requiring all hospitals to have emergency rooms, a new scheme has been proposed which classifies hospitals according to the scope of emergency care they are capable of providing and requires that only a described level of care be provided at that hospital. The intent of such a system is that patients be assured of receiving the care their condition merits at a facility adequate for that purpose, and that hospitals be relieved of the dilemma of being held responsible for providing services not permitted by their resources. Proper screening of cases and prompt transfer of patients to appropriate facilities would be expected to reduce demands on physicians and should increase their effectiveness. The question as to the effect of such a plan on legal liability of hospitals is a pertinent one.

Liability of Hospitals: Two Bases

With present trends a consequent problem of the emergency room's changing role is the potential liability of hospitals and physicians, either for negligent or inadequate emergency room treatment or for refusing to accept one who seeks emergency aid. The greater demand for emergency room services poses a particular problem of potential liability for the smaller hospitals, since the increased drain on their resources may mean that less than adequate care will be rendered.

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The legal liability of the hospital that turns patients away from its emergency room door is changing across the country. Clearly, however, once the hospital accepts a person as a patient, it will be liable if its personnel are negligent in treating him. Put another way, malpractice can occur in the emergency room just as it can in any other department of the hospital. The charitable immunity doctrine is dead in most states, including North Carolina. Neither is there a "Good Samaritan" statute exempting hospitals from liability for negligent treatment in their emergency rooms. The confusion of some medical personnel about this matter stems from misinformation about North Carolina's highway accident assistance statute, G.S. 20-166(d), enacted in 1965. It provides only that any individuals rendering first aid at the scene of a motor vehicle accident are not liable for any acts, or omissions in acting, other than wanton or intentional wrongdoing. The act would clearly not apply to hospital emergency rooms.

Refusal to Admit Patients

A more difficult question is the duty of a hospital to admit a patient to its emergency room in the first place. Here, the law is less clear. The North Carolina statutes do not expressly grant potential patients the right to be admitted. The statutory mandate given some boards of trustees of public hospitals may, however, create a right to admission by implication. For example, G.S. 131-19 provides that

> Every hospital established under this article shall be for the benefit of the inhabitants of such county, township, or town, and of any person falling sick or being injured or maimed within its limits; . . . in order to render the use of the hospital of the greatest benefit to the greatest number.

Similar provisions are contained in G.S. 131-28.17. And G.S. 131-28.11 gives another admonishment:

> The board of hospital trustees . . . shall in general carry out the spirit and intent of this article in establishing and maintaining a county hospital or hospitals, with equal rights to all and special privileges to none.

Certainly in light of the apparent intent of these provisions, no administrator should refuse *arbitrarily* to admit a person in need of emergency treatment, and perhaps not even for nonemergency care.

Even without clear statutory direction, today it is much less certain, on the basis of court cases, that either private or public hospitals may refuse emergency care to those who need it. The old common law rule is simple: there is generally no duty to render aid to another person in distress, even when the potential rescuer is in a position to save a life with little or no expenditure of effort on his part. Hospitals operating emergency rooms were long thought to fall under the rule as announced in cases such as *Childers v. Frye*[1] and *Hurley v. Edenfield*,[2] both of which exonerated family physicians from liability where they allegedly failed without reason to render aid to a patient.

The *Childers* case is often cited as the expression of the common law rule in North Carolina. There a physician looked over the injured person who had been brought into the hospital. When he discovered that the man had been drinking, the doctor sent him home, where he died of a brain concussion. The physician (who was also the lessee and operator of the hospital) sustained no liability, since the court found that no physician-patient relationship had been established and "the law did not compel him to accept the injured man as a patient."

Recent cases in other states, however, point to a change in the common law rule. In nine out of eleven emergency room cases examined by one author,[3] the hospital was found liable. Obviously, the common law rule of no duty to render aid will not always shield hospitals from civil liability today. Indeed, the only way to avoid liability may be to accept any person in distress who appears at the emergency room and render with due care an evaluation and whatever emergency treatment is indicated, regardless of his state of sobriety, ability to pay, or any other condition. Much depends upon which cases from other states

1. 201 N.C. 42, 158 S.E. 744 (1931).
2. 156 Ind. 416, 59 N.E. 1058 (1901).
3. Powers, *Hospital Emergency Service and the Open Door*, 66 MICH. L. REV. 1455 (1968).

that the North Carolina courts are inclined to follow when they rule on the point.

The Trend in Recent Cases

Case law in other jurisdictions is conflicting, but some trends are becoming apparent. A review of some of these cases is instructive for purposes of developing an emergency room policy in North Carolina.

A thirty-six-year-old Alabama case, *Birmingham Baptist Hospital v. Crews*,[4] is often cited for the proposition that there is no duty to admit for emergency treatment (the case involved a private hospital), but cursory examination of its facts reveals that it should not be relied on for this conclusion. In that case, emergency treatment was actually given and the patient was then discharged. The issue did not involve the duty to admit to an emergency room at all, but rather the duty to admit for further non-emergency care, and no such duty was found. Another more recent case[5] also held that when a patient is given proper emergency treatment after an accident and his condition is such that immediate admittance to the hospital is not necessary, a hospital may refuse admittance if the patient has nothing to offer for the purpose of assuring payment of hospital bills.

Courts in two other southern jurisdictions imposed liability where the hospital kept the victim for some length of time in the emergency room without rendering any aid and then discharged him. In one,[6] an accident victim was not treated because another person, considered to be more in need of immediate attention, was given the only available bed in the hospital. After forty-five minutes at the defendant hospital, the young victim was taken to another hospital where he died shortly from a ruptured liver and internal bleeding. In another case,[7] the patient, bleeding profusely from a gunshot wound in the arm, was seen by three nurses and a doctor in the emergency room, none of whom did anything to stop the bleeding. Upon learning that the patient was a veteran, the doctor made arrangements for his transfer to a veterans' hospital. After two hours in the emergency room, he was transferred to the veterans' hospital, where he died within a half-hour from hemorrhage and shock. In both cases, the courts found actual acceptance as a patient, and hence avoided the question of whether there was a duty to accept as a patient. The following language from the latter opinion may be illustrative of the emerging judicial attitude.

> In an emergency, the victim should be permitted to leave the hospital only after he has been seen, examined, and offered reasonable first aid. A hospital rendering emergency treatment is obligated to do that which is immediately and reasonably necessary for the preservation of the life, limb, or health of the patient. It should not discharge a patient in critical condition without furnishing or procuring suitable medical attention.

Mere delay in admitting a patient may be the basis for liability, as when the emergency room physician wrongly decides that the patient's condition is not so critical as to require hospitalization. In a New York case[8] the patient's condition deteriorated after she was first refused admission; she was admitted on her second visit and died several hours later. The physician who saw her on the second occasion asked her parents, "Why didn't you bring her sooner? I might have been able to save her."

A hospital has also been held liable where the doctor signed a release of the patient into the custody of relatives without ever having seen or treated him.[9] The same result was reached where an intern, after a superficial examination, released a patient to the police as a drunk.[10]

In a Florida case[11] a mother took her son to the hospital for an appendicitis operation. The boy was examined, given medication, and dressed in a hospital gown. After waiting two hours, the boy and his mother were required to leave because the mother could not produce $200 in cash. Although there was evidence that the boy was violently ill at the time of leaving the hospital, they were obliged to go to another hospital, where the operation was performed. The first hospital was found liable.

In another transfer situation,[12] the patient had suffered an abdominal stab wound; after examining her and cleaning and dressing the wound, an emergency room intern arranged for her transfer from the charitable hospital to a city hospital for further treatment. She died there during an exploratory operation. The first hospital was held liable on the theory that the deceased was denied necessary treatment at the emergency stage and that the transfer contributed to her death. The court did not find that the deceased was legally a patient; rather, it seemed concerned that the hospital, having once exercised some control, attempted to shift its duty of care to another hospital.

4. Birmingham Baptist Hospital v. Crews, 229 Ala. 398, 157 So. 224 (1934).

5. Joyner v. Alton Ochsner Medical Foundation, 230 So. 2d 913 (La. Ct. App. 1970).

6. Methodist Hospital v. Ball, 50 Tenn. App. 460, 362 S.W. 2d 475 (1961).

7. New Biloxi Hospital v. Frazier, 245 Miss. 185, 146 So. 2d 882 (1962).

8. Barcia v. Society of New York Hospital, 39 Misc. 2d 526, 241 N. Y. S. 2d 373 (Sup. Ct. 1963).

9. Reeves v. North Broward Hospital District, 191 So. 2d 307 (4th Dist. Ct. App. Fla. 1966).

10. Bourgeois v. Dade County, 99 So. 2d 575 (Fla. 1957). See also Tuch v. Karnfield (Calif. 1969). Cited in 21 *Citations* 5 (April 15, 1970).

11. LeJeune Road Hospital v. Watson, 171 So.2d 202 (3d Dist. Ct. App. Fla. 1965).

12. Jones v. City of New York, 134 N. Y. S. 2d 779 (Sup. Ct. 1954).

More significant are the cases finding liability when the hospital refuses to exercise any control over the patient or give him aid and turns him away at the door. At least three jurisdictions have found a duty to treat. In a New York case,[13] the decedent was refused emergency treatment because he was not a member of a medical insurance plan group. In a Delaware case, *Wilmington General Hosp. v. Manlove*,[14] plaintiff's child had been under the care of a family physician for three days; on the fourth, since plaintiff knew her doctor was not in his office on that day, she took her child to the hospital emergency room. The nurse refused emergency admittance because of the danger of conflict with the attending physician's medication. She suggested they return the next day when the pediatric clinic opened. The child died from bronchial pneumonia that afternoon at home. The court in *Manlove* held clearly that a hospital cannot refuse aid in a medical emergency.

Most recently, Missouri recognized an exception[15] to the no-duty-to-admit rule when an emergency room is involved. Here, plaintiff's feet had been frozen when he was stranded in his car overnight. A physician he consulted told him he would try to get him admitted to the hospital; the hospital told the physician that it would not admit the man unless he paid in advance a $25 admission fee. The man did not have $25. The next day, others offered to pay the $25 on the man's behalf, but the hospital still refused him admission. When several days later the man was finally admitted to a hospital in an adjoining state, his condition had deteriorated to such an extent that both feet had to be amputated. The Missouri court stated:

> The general rule is that a private hospital owes the public no duty to accept any patient not desired by it and does not have to give a reason for refusing to accept any person for hospital service. However, an exception is recognized where the hospital maintains an emergency ward and refuses to accept a person who applies for services. Such a situation is analogous to the case of the negligent termination of gratuitous services, which usually creates legal liability.

And in a recent Georgia case,[16] the court held that a public hospital supported by public tax funds that assumes the duty of furnishing emergency first aid facilities to injured persons cannot arbitrarily refuse its facilities to a member of the public obviously in need of such treatment.

13. O'Neill v. Montefiore Hospital, 11 App. Div. 132, 202 N. Y. S. 2d 436 (1960).

14. Wilmington General Hospital v. Manlove, 53 Del. 338, 169 A.2d 18 (1961).

15. Stanturf v. Snipes, 447 S. W. 2d 558 (Mo. 1969).

16. Williams v. Hospital Authority, 119 Ga. App. 626, 168 S. E. 2d 337 (1969).

Solutions to Legal Liability Questions

What solutions may be found to make the hospital's duty clearer? One potential solution was disclosed in another recent Georgia case.[17] The hospital employed a partnership of physicians as "independent contractors" in providing emergency room services. Said the court:

> A hospital is not liable for the negligence of a physician employed by it where the negligence relates to a matter of the physician's professional judgment when the hospital does not exercise and has no right to exercise control over the physician in his diagnosis and treatment of patients.

Here, the agreement between the partnership and the hospital specifically designated the partnership as an independent contractor. The agreement specified in detail the duties assumed by the partnership and the patients to be treated by its members. This merely identified the work to be performed and did not amount to a reservation of control over the manner in which the work was to be done. The agreement provided that the services were to be performed to the hospital's satisfaction, subject to surveillance by its medical staff, and in accordance with good medical practice. The agreement also provided an administrative liaison between the partnership and the hospital, and for termination of the agreement on six months' written notice. These provisions made it possible for the hospital to see that the partnership performed its duties in accordance with the agreement. However, they did not give the hospital the right to direct specific medical techniques used in performing the services, and thus did not change the partnership's status from that of an independent contractor.

In considering the applicability of such an approach in North Carolina, one must keep in mind the finding of the Medical Care Commission that 92 per cent of the hospitals in this state provide emergency room services wholly or in part by rotation of staff physicians. Further, it is doubtful whether in many counties in this state, unlike DeKalb County (Atlanta), there are enough physicians who want to hire themselves out exclusively as emergency room specialists.

Another type of solution is found in the emergency treatment statute adopted by Illinois:[18]

> No hospital either public or private, where surgical operations are performed, operating in this State shall refuse to give emergency medical treatment or first aid to any applicant who applies for the same in case of injury or acute medi-

(continued on page 15)

17. Pogue v. Hospital Authority of DeKalb County, 170 S. E. 2d 53 (Ga. App. 1969).

18. Ill. Rev. Stat., ch. 111½, §86-87 (1966).

John Doe Through the Looking Glass; or

A JOURNEY THROUGH THE DISTRICT COURT SYSTEM

By J. Phil Carlton

COME WITH ME, if you will, on a hypothetical trip. Let's accompany John Doe, a fine North Carolina citizen in his mid-forties, a reputable businessman whose duties require that he operate an automobile on the streets and highways of several North Carolina counties. He drives some 20,000 to 30,000 miles per year, has been driving for 30 years, and has never in his life received a traffic citation; nor indeed has he ever set foot in any county courthouse in this state. He has never met a justice of the peace or a magistrate. He knows the clerk of superior court in his home county because the clerk drops by for a visit once every four years. He knows nothing, however, about the responsibilities of that office. He doesn't know any judges or prosecutors, but he knows that such animals exist and by being at home every night and an avid Perry Mason fan, knows generally what they get paid for. He knows just casually a few law enforcement officers. The sheriff drops by every four years too.

John Doe and his family leave home one summer afternoon for their annual vacation. About 150 miles from home on an interstate highway, our friend hears the wail of the siren, looks in his rearview mirror and realizes that the officer is beckoning him to pull off the road and stop. He does so immediately. The officer invites John to sit in his car, and while they have a nice chat about the weather and heavy traffic, the officer begins to write. John Doe, as you guessed several minutes ago, is about to receive a little pink ticket. The citation reads, "State vs. John Doe." The charge: speeding 70 in a 55 mph zone. John Doe is bewildered. First of all, he tells the officer, he is sure this is a 60 mph zone. The officer assures him this is not so. Second, he insists that he couldn't have been exceeding 65 mph because his little buzzer was set to go off at that speed. The officer assures him he is mistaken. Third, he says that even if he had been going at such a speed, the officer could not possible know because he had not been following him. The officer points to his Vascar device and says his machine is never wrong. Mr. Doe asks the officer to come look at where his buzzer is set or either follow him for a short distance to check his speedometer. The officer refuses and then tells Mr. Doe that he should go to the magistrate's office in city hall, just 15 minutes away, and "get everything straight there." On that note of firmness and finality, John Doe leaves the officer's car, pink ticket in hand, and rejoins his family in his car, where they had been waiting 20 minutes. John Doe has just had his first encounter with a real live law enforcement officer.

"WE'VE GOT TO GO INTO TOWN and get this straight," he says to his family. And off John Doe goes to another encounter, this time with a magistrate of the General Court of Justice.

It is late in the afternoon when everyone is getting off work and, since he is not familiar with this town, it takes him 30 minutes, not 15 minutes, to find City Hall.

Finding a parking place takes another 10 minutes. Finally he sees the sign, "Magistrate's Office," and right under that sign is another: "Out for Dinner—Back at 7:00 p.m." It is now 6:30.

In spite of his family's insistence that they go on and come back later, John Doe waits. After all, the officer had told him to go to the magistrate's office to get things straight. He is sure he wasn't speeding, and he silently rehearses the speech he hopes soon to make.

At 7:10 p.m., John Doe sees the door to the magistrate's office being opened. He and two others who jump in front of him follow the magistrate into the office. "Have a seat," states the magistrate. "Be with you in a minute." The magistrate then flips on the television, picks up the telephone on his desk, dials a number, and says, "Okay, Sergeant, I'm back now, send your criminals on around. Just got three waiting now." John Doe has just been called a criminal by a magistrate of the General Court of Justice.

John Doe waits 15 more minutes while the other two are waited on. Then he sits down in front of the desk to get things straight with the magistrate.

"What can I do for you, Bud? Take a little nip on the interstate?" "No, sir," replies John, "I'm charged with speeding but I'm not guilty." And he proceeds to explain why he felt he isn't. "Well, that's what they all say, but it don't make no difference anyway. Since this new court thing started, I can't do anything but collect the fine and costs. What speed you charged with, Bud?"

John then gives the pink ticket to our friendly magistrate, who finally gets around to explaining that he is not authorized to hear pleas of not guilty. He then reads on the ticket that his case is set for trial two weeks later. After receiving directions on where he should be on that day, he rejoins his family—two hours after being stopped on the highway by the officer.

IT IS NOW two weeks later, and John Doe once again walks into the county courthouse in a city 150 miles from his home. This time it is 9:00 a.m. and his destination is the district courtroom of the General Court of Justice. He stops by the office of the clerk of superior court, where several uniformed officers are having coffee with the ladies behind the counter. He shows a deputy clerk his pink citation and asks where he should go. The deputy clerk promptly replies that he won't even have to go, he can just give her $25 and she will handle everything. John Doe repeats his insistence that he is not guilty. "Oh," she replies, "then go on to the courtroom." "But where is the courtroom?" "Down the hall." And, with that bit of attention to John Doe, Madame Clerk goes back to her coffee.

An address by Chief District Judge J. Phil Carlton of the Seventh District to the Annual Conference of Clerks of Superior Court, Wrightsville Beach, North Carolina, August 4, 1970.

At 9:30 a.m., John Doe sits in the district courtroom with another 75 or so defendants. His pink citation says court convenes at 9:30 a.m. At 9:45 a young man comes into the courtroom and announces that everyone who wants to plead guilty should come on up and give his name. Some 20 or 30 approach the front. John Doe keeps his seat. At 10:00 a.m., the judge walks in, the deputy sheriff shouts court to order, and the prosecutor starts calling defendants before the judge.

The 20 or 30 who had gone forward earlier were tried first. Then others began to plead not guilty. John Doe hasn't heard his name called yet. At 12:30, the judge tells the sheriff to adjourn court until 2:30, and after a two-hour lunch break John Doe is back in his seat at promptly 2:30 p.m. At 2:45 p.m., the judge comes back in and begins hearing other cases. At 4:00 p.m. the judge tells the sheriff to take a 15-minute recess. John Doe by now has learned that the young man called the prosecutor is the one who decides which case is called for trial. So he goes up to see the prosecutor to see whether he can get his case called next, explaining that he lives 150 miles away and was missing a day's work. The prosecutor checks the calendar and John Doe's name isn't on it. He tells John to take his seat and he'll check to see what the trouble is. The prosecutor then disappears. The courtroom clerk disappears, along with the bailiff and the judge, who have already disappeared. At 4:35 p.m. the 15-minute recess is apparently over, for everyone reappears. The prosecutor and judge continue the trial of the case that was in progress when the recess began.

Finally, at 4:45 p.m., the prosecutor walks back to John Doe and says the clerk was able to find his case jacket during the recess and that the officer who had issued the citation for him is on vacation this week and therefore all of his cases were continued for two weeks. "We're sorry you weren't notified, but you'll have to come back in two weeks," the prosecutor says, "unless you want to enter a guilty plea. In that case, we can handle it now." John Doe explains that he is not guilty and will be back in two weeks. As John Doe leaves the county courthouse he is sure of one thing—he can enter a plea of guilty to 'most anyone he runs into 'most anytime he wants to.

THERE IS REALLY NO NEED to follow the case of **State v. John Doe** any further. You know as well as I that he could make several more trips to the courthouse and leave without having his case tried for many different reasons. Nor is it important for our purposes either to decide whether he was really guilty of speeding or what the ultimate result was. The point is that this tax-paying citizen thought he was not guilty. And even if our friend John knew full well that he was guilty, somewhere along the line the rule was established that the burden is on the State to prove his guilt beyond a reasonable doubt. John Doe had the right to a speedy and reasonably convenient trial. Even if he wanted to plead guilty, as was suggested to him time after time, he still had the right to go before the judge to explain circumstances which he might deem to be mitigating.

Yes, John Doe had the right, in this little drama, to have the roles of the police, the clerk, the prosecutor, and the magistrate played by competent people—people with some degree of intelligence and, at the very least, a fair amount of concern and courtesy. John Doe had the statutory right to be a participant in a system of justice designed to (and I quote from G.S. 7A-2) "promote the just and prompt disposition of litigation."

Now let us examine in more detail the roles of the characters in our drama—the roles of the clerk, the police, the prosecutor, and the magistrate.

The Police

Our speeding defendant's first encounter was with the officer who apprehended him—the only one of our characters who does not work directly for the General Court of Justice. In the courtroom, of course, a law enforcement officer is subject to the orders of the court. But in considering the role of the police in the administration of the District Court, we need to keep in mind that officers generally are not employees of the court system.

You may have noticed that I referred in each instance to an "officer" in telling the story of John Doe. That officer would most likely have been a State Highway Patrol trooper or a city policeman. The point is that when we use the term "police" in this consideration, we are talking about law enforcement agencies generally and not any particular agency. What applies to the city policeman would apply equally to the ABC officer, the Wildlife protector, and so on—all law enforcement personnel who do business with the courts.

WHAT, THEN, IS THE ROLE of the police, in the context of the administration of the District Court? After he has fulfilled his primary duty of finding the law's offenders, what responsibility does he have to the court? Or, perhaps we are jumping the gun: Does he have any responsibility to the court other than testifying as to the facts of the case? I submit that the police do have a responsibility, a responsibility far greater than merely appearing as a witness, to the administration of justice in the District Court (or any court for that matter) and that it is incumbent on your group and mine—the Clerks and the Judges—to do at least two things in this regard: (1) to strive continuously to help make the police aware of that responsibility, and (2) to assist them in fulfilling that responsibility by helping to make their job easier.

The first responsibility of the police in playing their role properly in the administration of the new court system is to educate. The officer who apprehended John Doe should have promptly and courteously explained to him that if he wished to plead guilty he could submit to either the clerk or the magistrate and that the fine for that particular offense is $10 plus $15 for court costs. He should also have given him the location of these offices and the hours when the offices are open for business. He then should have explained that if John Doe did not feel he was guilty, he need not go to the magistrate or clerk because they were only authorized to take submissions when guilt is admitted; that he would have to be in court on the designated day and be prepared to present his case to the judge. The officer certainly should never say that he could "get things straight" by going to a

closed magistrate's office when this defendant obviously had no intention of pleading guilty. The defendant was entitled to this minimum amount of courtesy and information. Besides being given an abrupt statement obviously designed to get rid of him, this citizen of North Carolina was sent on a wild goose chase and caused to literally waste two hours of his own and his family's time. If law enforcement officers do not have the information referred to, it is the responsibility of clerks of court and district court judges to educate them about it and then encourage them to use it. The uniform system under which we now operate, including uniform fines and costs, should make this an easy task. The police need to know what the new system of courts is all about, what the new procedures are, and what changes they need to make in their way of doing things.

The police also play a major role in helping a day's session of District Court run smoothly and efficiently. If I had to single out any one major complaint with the police, it would be the failure of many to be present in court on the day they cited their defendant to be there. Except in emergency, it is simply inexcusable for an officer not to be present when his case is called. The cardinal sin in this regard is for an officer to change the date for trial after the defendant has been given his citation or served with a warrant. This happens. And when a clerk of court sees it about to happen, he ought to try and prevent it—even if he must go to that officer's superior.

A frequent occurrence along these lines is for a case to be continued and the officer not notified. A procedure ought to be worked out in every court seat between the clerk's office and law enforcement which provides to the latter group a list of all continued cases, what date they were continued to, and who the officer was. Police also ought to anticipate such times as vacations and holidays and never cite a defendant to court for those days in the first place. Surely John Doe's arresting officer knew that he would be on vacation just two weeks away. And when emergencies do arise and an officer cannot be in court on a day when he knows he has cited defendants to appear, those defendants should be notified. This would be a function of the clerk's office but he must know about it first. In our little story, the clerk obviously knew about that officer's vacation because the case was purposely left off the calendar. It was time to crank up the mimeograph machine to get those notices out.

The next major role to be played by the police in our present context, a role in which the clerk may need to participate, is to have the defendant's record in court. Some police departments are most diligent about this, having a member of the department in court all day with the record of every defendant ready to hand up to the judge at the appropriate time. Other agencies are pitifully ignorant of this responsibility. Clerks need to work out a system with the law enforcement agencies so the agencies—at a time and in a manner convenient to both them and the clerk—can compile this information and keep it current. Law enforcement people need to know the importance of having the records in court. Many an officer has seen his defendant receive a light sentence because the judge had no way of knowing that the defendant was a habitual criminal with a record several pages long.

Law enforcement officers have another responsibility in court decorum. I find that most of the talking, whispering, and snickering that sometimes disrupts a session of court comes from a group of officers not involved in the case being tried. This is inexcusable. Sometimes this occurs where a few congregate around the courtroom clerk. Both clerks and judges need to lay down the law about that kind of conduct if it occurs in their seats of court.

The last role of the police I want to mention is as bailiff for the sessions of court. The bailiff usually is a deputy sheriff, and how he plays his role can do much to add respect for and decorum to the court. He should call the court to order with dignity and firmly maintain discipline throughout the session. And there is more that he can do to help give the right kind of impression to those who observe. When a witness is to be sworn, he should be right there to hand him the Bible. In jury sessions, he should be at the door of the jury box to help guide jurors to their proper seats. All of this is plain old courtesy rather than statutory duty, but it is important.

I always insist, in criminal sessions, that at least two deputies be on duty. The reason for this is that one frequently has to leave, and a courtroom during a criminal session should never be left without protection.

BY NO MEANS am I making a wholesale indictment of law enforcement personnel. They do a good job. But, like the rest of us, they can do better. As with the weather, everybody complains about the police.

But how many of us ever make an effort to learn about the real needs of police and the depths of the enormous problems they face? Such knowledge is an essential ingredient in the process of court modernization and reform. Policemen do not operate in a vacuum. They are just like you and me, except that they do not make as much money, and many of them put their lives on the line every day. Those of us who work for the court system can be invaluable conduits for meaningful transmission of police needs to government officials and the public—and for the reverse flow as well. The role of the police in the administration of justice is an important one. Commensurate with that role is the burden that rests with all of us who work for the General Court of Justice to fire them with that conviction and help educate them to what their role in the context of the courts really is.

The Magistrate

The first sentence of G.S. 7A-170 reads: "A Magistrate is an officer of the District Court." In the case of **State v. John Doe,** therefore, the first officer of the General Court of Justice with whom John Doe dealt was the magistrate. Let us turn our attention to that office. What is the role of the magistrate in the administration of justice in North Carolina?

Statutorily, his duties and responsibilities are many and varied. In criminal cases he may accept guilty pleas and enter judgment in "$50—30 Day" offenses and in those traffic offenses specified by the schedule promulgated by the chief district judges. He may issue arrest and search warrants and set bail in certain cases. He has trial jurisdiction in certain civil matters if designated by his chief district judge, and he has miscellaneous other powers. His is an important office.

I have harped on the matter of courtesy before, will do so again, and especially want to do so now. It is more than axiomatic that it's the first impression that counts. This is a simple statement of fact. And just as with our friend John Doe, literally hundreds of thousands of people have gained their first impression of our new system of courts when they appeared before a magistrate. Often, it is their only impression, because they go no higher on the judicial ladder. In the Seventh District alone in 1969, over 15,000 defendants submitted to magistrates. Whatever impression those 15,000 people have of North Carolina's system of justice was formed in the magistrate's office. Frankly, that nearly scares me to death.

JOHN DOE'S FIRST EXPERIENCE isn't likely to make him a great proponent of court reform. He dealt with a magistrate who was either late for, or just plain absent, from work. He was referred to as a criminal and then had to carry on a conversation that insulted his integrity. This magistrate also put down the new system by insinuating that he could handle things better if his authority were not limited to accepting fines and costs.

If a man in private business wants to be rude, arrogant, and insulting, that is his business. But when he works for the tax-paying citizens of North Carolina, it is our business as well. Magistrates must learn that their role is far greater than going through the statutory motions. As **the** officer of the court of first impression, they must learn the common rules of courtesy and display an attitude of helpfulness. They can help educate the public to the benefits of the new system of courts. They ought to explain that costs and fines are uniform throughout the state, and they ought never to try to force a defendant to submit when he wants his day in court. Most people who do submit are not happy about it, and the magistrate's office ought not to be a place where their unhappiness is compounded.

Another problem with magistrates is their availability. In the larger towns and cities where definite office hours are posted, the problem may not be so great. However, chief district judges ought to be informed if the magistrate's office is not being manned properly. Magistrates in the rural communities usually do not keep regular office hours but are more or less on call all the time. You really have to watch this magistrate. If he can't be found when he's needed, he doesn't earn his salary. Magistrates simply must be made to understand this. The chief district judge needs help here. I have 21 magistrates who work under my supervision, and I can tell you from personal experience that one man cannot possibly keep up with all of them all the time.

The appearance of the magistrate's office is important also. It should be clean, convenient, and well organized. This all goes back to the business of making the right impression. The magistrate's office should never be located in a police

station or sheriff's office. To borrow a phrase, that simply smells like "cash register justice."

I HAVE ALREADY MENTIONED the statutory roles of the magistrate. Most magistrates are not lawyers, and I am convinced that they cannot handle their job properly unless we give them adequate training and schooling. The Institute of Government and the Administrative Office of the Courts do a good job in this regard. But we must supplement this on the local level. In our district, we have periodic meetings with our magistrates, usually lasting an entire afternoon. Most of this time is spent in teaching the fundamentals of warrant preparation. If the State is to prevail in the trial of any criminal action, it must have a properly worded warrant. By statute, the chief district judge is responsible for general supervision of the magistrates, which would include their training. But he needs help. Obviously, the best man to lecture on warrant-writing is the fellow who must go to trial with the warrant, the prosecutor. In our district, the prosecutor handles this important work, and I believe that he is the proper person to do so everywhere. These meetings are also used to brief the magistrates on other administrative matters such as office hours, reports, etc. Most of this is handled by me. I want to call your attention to one statute which some clerks have not read. G.S. 7A-175 gives the clerks supervisory power over the magistrates with regard to dockets, accounts, and other records. Clerks ought not to put up with messy and illegible bookkeeping and reporting. These meetings give them a good forum to go over your complaints. My point here is that periodic meetings with magistrates are absolutely essential to help them become educated and keep them on the ball. The three people who should lead these meetings are the chief district judge, the district prosecutor, and the clerk.

The magistrate may be the lowest man on the judicial totem pole, but this group, if not made properly aware of their responsibilities, can do more to turn the public sour on the new system of courts than any other. When court reform was placed before the people of North Carolina in 1962, one of the first arguments of its proponents was that it would be rid of that judicial office about which so many had complained for so long, the J.P., and that he would be replaced by a different kind of man who "would have no pocketbook interest in the outcome of any matter before him." The magistrate was to bring a breath of fresh air into North Carolina's system of justice. This creature of the new legislation can do just that. But just passing the law and making the appointments will not make it happen. Clerks' and judges' responsibility is to work with these people, train them as best they can, and impress on them the kind of image they are expected to live up to.

WHAT I AM SAYING is that the role of the magistrate is such that we must eradicate the notion that this position can be filled simply by finding someone who hangs around the courthouse or the police station with nothing to do. I am afraid that the impression was created at the outset that this would be a good job for some nice old fellow who had nothing else to do. We must recognize that the quality of administration of justice on the lower level will be commensurate with the quality of magisterial personnel.

This is an area in which clerks can have a very decided influence, and the time to start thinking about it is now. G.S. 7A-171 prescribes that on the first Monday in October clerks shall submit the nominations for magistrates' positions to their senior superior court judge. For those of us already under the new system, now is the time to weed out the dead wood. If a magistrate is not doing the job, a clerk ought not to be bashful about replacing him. He has that responsibility to his county and the people of North Carolina. Those clerks who will come under the new system for the first time should be especially mindful of this. A bad recommendation that results in an appointment will be a specter at least two years. Chief district judges have no statutory duty with regard to appointments. We have to take what clerks give us. I personally intend to write my clerks and give my opinion as to the ability of each of our magistrates. After all, the clerk, the chief district judge, and the resident superior court judge should form a team to provide the best possible operation of the magistrates' courts.

Except for the legislation passed by the last General Assembly allowing magistrates to determine guilt or innocence in worthless-check cases under $50, the legislative framework of our court system for this lower level of courts is as basically sound and fine as any in the country. We have a good system. All we need do now is find the right people to fill the positions. (Incidentally, with regard to that last piece of legislation, I do not allow the magistrates in our district to exercise that authority. They are instructed to send defendants who wish to plead not guilty on to the district court.)

The Prosecutor

The office of prosecutor will be abolished on January 1, 1971, and the duties will be assumed by the superior court solicitor. At that time the solicitor becomes responsible for prosecuting all crimes in both the Superior and the District Court Divisions. But for our purposes the change is a technical one; it will not change the role of the prosecution. Nor am I going to talk about the competence of the prosecutor as a lawyer. Obviously, the State needs the best legal minds it can get to prosecute the criminal dockets.

While many people get their only impression of our system of justice at the magistrate's level, the vast majority of the rest of the citizens who deal with the courts never go higher than the district court. The only impression they get of our system for administering justice is in the district court. Except perhaps for the presiding judge, the person in the courtroom who has the most active role in creating that impression is the prosecutor.

This is a good place to mention courtesy again. It is inexcusable for a prosecutor to be plain discourteous to witnesses, lawyers, and even defendants. His conduct reflects not only upon himself but also on all of us who work for the court system, and indeed the system itself. The prosecutor should watch himself in cases where the defendant is without counsel. He should not let his zeal for a conviction be so overpowering that he is discourteous to the defendant. The case may be just routine for the prosecutor, but it is mighty important to the defendant, and he is entitled to fair and courteous treatment.

FIRST OF ALL, the prosecutor ought to be on time for work. Unlike John Doe's prosecutor, he ought to be in the courtroom 15 minutes early, not 15 minutes late. He can line up the guilty pleas and confer with defendants and witnesses so that the court can get right down to business at the appointed hour. I believe that he should call for guilty pleas first before beginning the trial of contested cases. Besides clearing away a lot of work early, he gives a little reward to the defendant who is willing to take his medicine by not making him sit there all day. If the calendar is not called at the beginning of court, it certainly should be when the guilty pleas are disposed of. By then he knows how much business is left, how many lawyers are involved, and how to plan the rest of the day. He can give his officers and the lawyers some idea of when their cases will be tried, which can save them a great deal of time. If some cases obviously cannot possibly be reached, they should be continued then so that people need not sit in court all day unnecessarily. In John Doe's case, if this had been done, he would have learned much earlier that his case would not be tried and he would have saved several hours of time. John Doe's prosecutor was not even considerate enough to let him know his case would not be called when he did learn of the officer's absence. He waited until after the recess and then until he had tried another case. Why did he wait? Was this his subtle way of saying to John Doe that if you don't plead guilty, you're just likely to do a lot more waiting?

I said that guilty pleas should be disposed of first. The next priority in the disposition of cases should go to police officers, especially third-shift officers who have been up all night. We get into a sensitive area here because everyone thinks his case should be heard first. Lawyers cry for consideration, and certainly the prosecutor should cooperate to help a busy lawyer get on to his other important work. One of the biggest mistakes a young prosecutor can make is to antagonize the Bar. One lawyer can "get even" simply by dragging out a 15-minute case for two or three hours. I still think the police, who frequently are not paid for their time in court, should come first. But the prosecutor can at least tell the lawyer early that he will not reach his case until some later hour, which will free him for several hours. Another consideration the prosecutor ought to give is to an out-of-town defendant who has traveled a long distance and ought not to be required to make the trip again. And, of course, he must make certain that the jail cases are disposed of.

IN THIS AREA of priority in calling cases for trial, the prosecutor has a thankless job. Obviously, he cannot satisfy everyone. But he will go a long way in solving the problem by doing at least these three things: (1) recognize the problem and appreciate the position of all concerned; (2) get to court early enough to line up the cases for trial before court actually convenes, and (3) after determining his policy on priorities, make it known to all concerned so that they will at least know where they stand.

Prosecutors also have a tough time when it comes to continuances. I know of no magic formula here for handling them. I suppose it boils down to the matter of courtesy again and the exercise of common sense. Certainly the prosecutor should

consider conflicts of lawyers between courts. He should also grant continuances to defendants or witnesses when there are reasonable grounds for the request. Any prosecutor will soon learn who will try to take advantage of and abuse the continuance.

We have always had the problem of prosecutors' not having time to prepare for court. Most prosecutors never talk to their witnesses until the day of trial. The new system gives us an opportunity to improve in this area. As long as the clerk's office prints the criminal calendar far enough ahead, the least the prosecutor can do is to go over it to determine whether any unusual cases are calendared. He can also check with the law enforcement agencies to make sure that their witnesses will be present.

I have already mentioned that the prosecutor is the man who should work with the magistrates in the art of warrant-writing. Since the statute does not require that he do so, the chief district judge should ask for this help and insist on it if necessary. I have also issued a standing rule to the magistrates in our district that they are not to issue warrants in certain types of cases until the prosecutor has had time to investigate the matter. An example of this is a warrant against a law enforcement officer for assault. Often this kind of warrant is sought in the heat of passion and with no real basis in fact. Police also often consult with the prosecutor before seeking a warrant in difficult cases. This kind of close working relationship between the prosecutor's office, the magistrates, and the police is most desirable and beneficial, and I recommend the concept very highly.

The Clerk

We now turn to the office of the clerk of superior court. What is the role of the clerk in the administration of a district court district? (The term clerk in this context is all inclusive, i.e., it refers also to a deputy or assistant clerk). G.S. 7A-180 provides simply that the clerk of superior court shall possess and exercise all judicial and clerical powers and duties with respect to district court matters as are conferred on him by law with respect to matters pending in the superior court of his county. The advent of the new system of courts brought a whole new ballgame to this office. Just as the new system abolished J.P.'s and all judges inferior to the superior court, so it abolished all the inferior courts, each with its own clerk. The clerk of superior court is now **the** clerk in his county, for every court that exists there. He may have had to adapt and to struggle, and may still have to. His office now has more responsibilities than it has ever had before, and he determines, to a large degree, the success or failure of the administration of justice under North Carolina's unique new system of justice.

I suppose the biggest change in the clerk's role has involved office management. Those clerks that are now working under the new court system saw truckloads of new equipment arriving daily. The size of their staff grew substantially—though many thought not fast enough. Many clerks had never seen such an elaborate apparatus as a bookkeeping machine, much less knew how to operate it. Suddenly they found themselves in an executive's world. Besides being a competent probate judge and handling the many duties of this office, they found that they were expected to be knowledgeable in elaborate bookkeeping machinery and an expert in personal relations. As the old concept gave way to the new, they began to wonder whether the change was worth it. I submit that it was worth it, that it still is, and that clerks must continue to work a little harder every day to iron out the wrinkles and come up with a polished operation worthy of their high office with one of the most modern and efficient systems for the administration of justice in this country. To do less would be to admit failure, which is unacceptable.

THE ROLE THAT CLERKS play in administering a district court district is as an office of coordination. As the keeper of the records, they are the clearinghouse for all those who work for our system of courts. They must be responsive to the needs of those other participants in the court system whose roles we have already discussed. And, just as important, they must be responsive to the needs of the public. They are the clerical arm of the court, and every judicial matter that arises brings clerical burdens with it. Their office is where the action is. And I suggest that if the role is to be played completely, that office must be operated with precision and dedication.

I want to add a note of caution to this business of modernizing and streamlining. In our ever increasing concern for greater efficiency in office management, in our constant pressure upon the staff for almost computer-like accountability for every hour of the day, we must not unconsciously permit the office of clerk of court to acquire the

raiment of a business whose responsibility is solely to a mechanical monster instead of to the main clients, the tax-paying citizens of the county whom the clerk is elected to serve. The clerk of court must be diligent in following the administrative and accounting procedures prescribed for him by law, but not so that his first loyalty is not to the public whose servant he must be.

I said that the clerk's office was the clearinghouse for all those who work for the court system. It is also the clearinghouse for the public. It is the information center, the place where people go when they don't know where else to go. The statutes do not provide for this, but the duty is there all the same. It is a part of this matter of loyalty and service to the public. And the way this office handles its role is important—it counts a lot in helping people form their impression of our system for administering justice.

REMEMBER JOHN DOE? What kind of impression did he get on his first visit to a clerk's office? John Doe ran into the kind of so-called public servant who ought not to exist—the cold-hearted, indifferent kind of person who displays no concern, compassion or interest in the people he is supposed to serve. Once the deputy clerk learned that John Doe didn't want to pay the fine and costs, she curtly told him the courtroom was down the hall and went rushing back to the coffee pot. If it sounds as if I am back on the matter of courtesy again, that's because I am. A polite and obliging atmosphere ought to exist in the clerk's office at all times because he is handling the public's business and they are entitled to that kind of respect.

Have you ever been in a doctor's office or hospital and met a sour-faced receptionist who had little to say beyond asking your name? You were already apprehensive enough over the reason you were there, and now you were being treated like a piece of misplaced furniture. Wouldn't you have felt a little better if you had been greeted with cordiality and warmth—if the person who greeted you gave you the sense of caring about your problem? Most people who come to the clerk's office are in the same frame of mind—apprehensive and dismayed—and they deserve an extra effort on the part of the clerk to be friendly and helpful.

We talked about decorum in the courtroom. Decorum in the clerk's office is important, too. His office is no place for a lot of giggling and flippancy. You wouldn't put up with it if you were running your own business, and the public's business deserves no less than the best.

The physical arrangement of the office has a lot to do with decorum. The county commissioners may not have provided new facilities or even adequate space (most haven't) but the space and equipment that are available can be arranged in a neat and orderly fashion. In our clerks' offices we have had real success in separating the civil and criminal divisions. Widows qualifying as personal representatives ought not to have to stand beside some defendant griping about the amount of his fine and costs. As a matter of fact, the more the offices can be separated, the better the operation will be. There may not be a geometrical theorem to support that statement, but it is true nevertheless. The point is that the clerk's physical plant should be as appealing as possible—certainly at least clean and orderly.

I MENTIONED EARLIER that a clerk of court who plays his new role in the new system properly must be proficient in the field of personnel relations. I have worked large staffs of clerical help both in private business and state government; unquestionably the productivity of any group of people very much depends on how those people get along with one another. What can be more important to productivity than morale, and what can affect morale more than dissention and bickering? This problem seems to be inevitable whenever a staff numbers more than one person. The problem is compounded by the necessity of bringing in new help to work with people who had been in the office for years and often the new help receives more compensation than the old. I have no magic formula here, either. The problem requires common sense and a lot of tact. There can be no favorites, or soon the favorites will be the only ones that are loyal and diligent in their work. Every member of the staff needs to know that his particular job is important. Everybody also likes to be thanked once in a while for the job he is doing. People look for this, and they deserve it if their work is good. If they are all treated equally and fairly, they will probably get along and their productivity will reflect it. If some personnel simply do not get along with one another, they might be separated, physically and in the nature of their work, for a while at least. If neither this nor other strategies works, then there is no choice but to get rid of them. The point is that if the clerk's office is to be a polished operation, and the public is entitled to that, it must have real teamwork from the staff—not dissension and bickering.

NOW LET ME TOUCH on some miscellaneous matters relating to the administration of a district court district. I mentioned earlier that in our district magistrates are frequently called together for training sessions in warrant-writing. A clerk's office that writes many arrest or search warrants needs to have some of its staff thoroughly trained in this area. That could no doubt be worked out with the chief district judge. Perhaps these people can attend the sessions with the magistrates.

Another area of the law, juvenile law, has recently undergone substantial change and will need one or more members of the clerk's staff as specialists. The Administrative Office of the Courts has recently issued a booklet of rules pertaining to the juvenile laws. These rules impose many responsibilities on the clerk, and one or two impose a judgment burden on the juvenile clerk. The delinquency portion of the rules requires that petitions be prepared with the same particularity in wording as is used in criminal warrants. This means that the juvenile clerk also needs to learn the art of warrant-writing. All chief district judges are being asked to hold district-wide meetings to explain the rules in detail to those who come in contact with juvenile court. We had such a meeting in our district several months ago, and it was most productive. I recommend it very highly.

Another important responsibility of the clerk's office is notifying parties and witnesses when cases are continued. In our hypothetical case, John Doe should not have had to make his first trip to court because the clerk should have notified him that the officer was on vacation and his cases were continued. When both the prosecuting witness and the defendant fail to show, in addition to the capias for the defendant, the prosecuting witness also should be notified of the continuance date. Cases can be continued for all kinds of reasons. The point is that every effort should be made to give notice.

THE COURTROOM CLERK plays an important role in determining whether a session of court is run efficiently. The cardinal sin for the clerk in the courtroom is to become personally involved in a case being tried. It ought not to be tolerated. If the physical facilities permit, fines and costs should not be collected in the courtroom. Courtroom collection demeans the dignity of the court and distracts those involved in another case. In jury sessions, the courtroom clerk and the bailiff should go out of their way to assist jurors. Small courtesies like guiding them to their proper seats in the jury box go a long way.

THE FINAL ROLE of the clerk that I want to mention relates to the new Supplemental Rules of Civil Procedure effective July 1 of this year. These rules are not mere suggestions. They were prescribed by the North Carolina Supreme Court pursuant to statute and must be implemented. The clerk's important role here is to serve as chairman of the calendar committee for both superior and district courts. Suffice it to say that the clerk needs to master these rules. I suggest a meeting between the clerk, the presiding superior court judge, and the chief district judge in which the mechanics for operating under the new rules can be agreed on for both superior and district courts. A statement on this matter can then be sent to the members of the Bar. This is the best method I know to implement the rules and let everyone know what is going on. These rules were adopted to improve our system of calendaring cases and to increase the efficiency of civil sessions of court. They are good and workable and not difficult to understand or implement. The manner by which the clerk plays his role will determine to a large degree whether they are successful.

General

When I hear a complaint about the new court system or some particular part of it, I am usually pretty sure that the trouble is not the system but the way that someone is handling his role in it. Let me hasten to add that there is another group who must play their role with competence and dedication as much as anybody else in the court system—the district judges. No chain is stronger than its weakest link, and those of us on the bench form a link in that chain along with the police, the prosecutor, the magistrate, and the clerk. The chief district judge is a real key to the success or failure, administratively, of the new system. If the chief district judge is weak, others, especially clerks, must take up the slack. Otherwise the system will suffer. I try to stay wide open for suggestions, because an exchange of ideas very often brings good results. From time to time we have district-wide meetings in our district for all of the people who play a part in the judicial system. We let each group meet separately and then bring them all together for further exchanges. I frequently send out memorandums concerning our court schedules and new

policies. All of this is done to let everyone know what is going on. Each group needs to understand the role of the other in order to have a smoothly operating machine. If a clerk learns of a program that is working well in another district, his chief district judge ought to know about it.

We have come a long way since the first group of six districts was activated in the new system on the first Monday of December in 1966. The whole idea of gradual activation was to give time to work out the problems. We have been at it long enough now to benefit from our past mistakes. We ought to be settling down and the system ought to be running smoothly. Is it working? Are we improving? The answers will depend on who is talking and on his point of view.

Make no mistake about it—some people would like to go back to the old system in a minute. There will probably be bills in the next General Assembly designed to gut the system just as there were in 1969. Those with selfish interests will be around a long time and try to take us back into the past. It is therefore imperative that the main day-to-day participants in the system not give them any legitimate grounds for dissatisfaction. That is what I mean in saying that the caliber of the personnel employed in the system, from top to bottom, must be of absolutely the highest quality. Whenever any facet of our system becomes inefficient, illogical, or insufficient, challengers will come forward with alternative solutions. If we keep our system operating well, the challengers will be beaten off. If we do not, it will be in for trouble. We have the best system in the country for the efficient administration of justice. Our responsibility is to make it work.

Ultimately it is to the public that we turn for support. And it is the public whose servants we must first be. When jurors and witnesses spent 80 per cent of their time waiting and other inefficiencies occurred, we used to accept it all philosophically and blame it on "the system." The public will no longer accept this explanation. Instead of giving excuses, we must solve the problems.

All of us who work for the court system must be agents in the preservation of the great Anglo-Saxon heritage of an impartial administration of justice. The need to preserve our system of justice is greater than ever before. We need to improve our image, and the place to start is in our own hearts and minds. We need to stimulate those who work with us to recognize the obligation inherent in public service and to rededicate ourselves to providing the most efficient system possible for the administration of justice.

Hospital Liability *(continued from page 4)*

cal condition where the same is liable to cause death or severe injury or serious illness.

Note that the emergency services requirement applies only to hospitals with surgical facilities. This in effect provides a rough classification of hospitals for purposes of emergency rooms, since other hospitals would seem to have the option of not offering emergency services.

Much clearer, however, is the proposed direct classification of hospital emergency services in the North Carolina Medical Care Commission's study. Under such a classification scheme a hospital would be required for licensure purposes to maintain a designated range of facilities, level of staffing, and scope of care or no emergency department at all. Since the legal basis for hospital liability in many of the cases reviewed was public reliance on the voluntary undertaking of the hospital in providing an emergency room, the new classification scheme should also have a direct effect on the potential liability of the hospital. A hospital with an emergency room would be expected to accept all emergency patients while a hospital without an emergency room could refuse patients. Once a patient was accepted, the hospital would be expected to render the extent of care required commensurate with the facilities, staffing, and scope of care that it would be required to maintain. The standard for negligence liability would presumably be that emergency aid which ordinary reasonable and prudent employees in a hospital of similar classification would provide. If a patient's condition requires care beyond the capabilities of the hospital's emergency department, arrangements for prompt transfer to an appropriate facility would be necessary.

The classification of the emergency services at a hospital should be well publicized to the public so that public reliance would be appropriately adjusted.

Classification would therefore clarify an otherwise uneasy situation by providing answers to both the question of whom and when to admit and the question of what care is expected.

"A DECLARATION OF RIGHTS"

Wake County Courthouse Dedicated To Tradition of the Law

By Albert Coates

When Johann Sebastian Bach was complimented on his music, he responded: "There is nothing remarkable about it. All you have to do is hit the right notes at the right time and the instrument plays itself." That is what I am going to try to do this afternoon: Hit the right notes at the right time, and let the themesong of this occasion play itself.

The land on which this courthouse is located came from Johnston County. Another part of this county's land came from Orange County. Since I lived and worked in Johnston County for the early years of my life and have lived and worked in Orange County for the latter years of my life, I look upon myself as a native son of Wake County, once removed, and I feel at home in this gathering. That is why in talking to you I feel that I am talking to my own people.

1 *Let us begin by looking at county government in its setting.* The first unit of government on the soil of this state was located in the northeastern corner of the Province of Carolina, under a grant from Charles the II, King of England, to seven of his political friends and allies, known to history as the Lords Proprietors. It was sometimes called the Plantation of Albemarle, because people were planted there; and sometimes the County of Albemarle, because the government was located there. As a matter of fact, it was more than a plantation and more than a county—it was the state—with its governor, council, and assembly as the governing body, with its chief justice, attorney general, surveyor general, and other province-wide officials.

There was another seat of government under the grant to the Lords Proprietors. It was planted far to the south, at the point where it was said the Ashley and Cooper rivers came together at Charleston and formed the Atlantic Ocean. In 1729, a line was drawn between these two plantations—the territory to the south of this line was called South Carolina and the territory to the north of it was called North Carolina.

In 1670, the Colonial Assembly divided the territory of Albemarle into four precincts, and called them: Chowan, Currituck, Perquimans, and Pasquotank. In the 1730s it turned these precincts into counties. By 1776 the Colonial Assembly had created thirty-five counties and from 1776 to 1911 the General Assembly had created sixty-five more counties.

"For the better government, and management of the whole," said the Supreme Court of North Carolina, "the Sovereign chooses [to divide the state into counties] in the same way that a farmer divides his plantation off into fields and makes cross fences where he chooses. The Sovereign has the same right to change the limits of the counties and make them smaller or larger by putting two into one, or one into two, as the farmer has to change his fields."

In 1770 the General Assembly cut off parts of the existing counties of Johnston, Cumberland, and Orange and joined them together in a new county in 1771. This new county took its name from Margaret Wake, the wife of the Governor of North Carolina.

Albert Coates, founder of the Institute of Government, spoke at the dedication of the new Wake County courthouse on September 13.

2 *Let us look at this Wake County courthouse in its setting.* The "court house" *name,* comes from the County Courts of Pleas and Quarter Sessions, which began in England and came to the Province of Carolina with the Lords Proprietors in 1663. These courts were the governing bodies of the counties. They were made up of justices of the peace, who were recommended by the legislators from particular counties and appointed by the governor. They met every three months, at some central spot, to act as the administrative agencies of the legislature in handling the over-all business of county government.

In 1722 the Colonial Assembly noted that the meetings of the county governing bodies "have always hitherto been held at private houses," and that the county records "have been and are liable to be removed at the pleasure of people owning such houses, to the great annoyance of the magistrates." It also noted that public records have "frequently been lost, or destroyed," and it enacted a law requiring county governing bodies "to purchase the quantity of one acre of land . . . for erecting courthouses."

Your Wake County historian, Elizabeth Reid, tells us that the first meeting of the Wake County Court of Pleas and Quarter Sessions "was held at Wake

Cross Roads, near the center of the county, where two major colonial roads crossed—at or near the present intersection of South Boylan Avenue and West Hargett Street," and that it was probably held in the home of one of the justices, Colonel Joel Lane.

A few months later, pursuant to the 1722 law of the Assembly, "a simple courthouse of logs was constructed near by, along with prison, stocks and whipping post." This little cluster of buildings was called *Wake Court House* throughout the Revolution, and for a decade thereafter.

In 1792, continues Mrs. Reid, it was decided to move the seat of county government to the capital city being built nearby, where land given by Theophilus Hunter and James Bloodworth was "deeded to the county of Wake for the location of the courthouse forever!"

The new courthouse was completed in 1795—with a cupola and bell added later to "unite some degree of elegance to its present convenience." Your historian relates that John Marshall, the first Chief Justice of the United States, presided over federal court in this courthouse for thirty years—from 1802 to 1833. The County Court of Pleas and Quarter Sessions gave way to the Board of County Commissioners as the county governing body under the Constitution of 1868.

Wake County's business has grown steadily through the years. Like a boy outgrowing one suit of clothes after another, Wake County has outgrown one courthouse after another. It outgrew the private home and log courthouse of 1771. It outgrew the new courthouse of 1795 on the present site. It outgrew the brick courthouse of 1837 and its enlargement in the 1880s. It outgrew the courthouse we have all seen on this site built in 1915. And in 1970 it has moved into this twelve-story building we dedicate today.

3 *Let us look at what goes on in this courthouse.* It is Wake County's household. Its headquarters. Its working center. The starting point of all its varied services to its people.

It is the place where every deed to every piece of land in the county is recorded, its value stated, and its ownership traced. Where every lien, mortgage, security transaction, and zoning ordinance is registered—along with federal tax liens, leases, and other contracts affecting land. Where the ownership and value of personal property holdings are listed. Where tax, finance, and accounting records are kept.

It is the place where wills are probated and estates administered. Where courts are held for the trial of civil and criminal cases—to settle disputes and to keep the peace. Where the records of all civil and criminal proceedings and related processes are filed.

It is the place where births and deaths are recorded. The center for the control of communicable diseases, sanitation, immunization, and the sanitary inspection of public facilities.

It is the center for aid to dependent children, old age assistance, medicaid, aid to the disabled, services in child welfare, family counseling, and the juvenile district court.

It is the center for the county farm agent, the home demonstration agent, the veterans' service officer, and the civil defense officer.

It is the clearinghouse of citizen complaints to their officials, and the county's place for the redress of grievances. The place where the chips are down and the chickens come home to roost.

In short, this courthouse is *Wake County in action:* Always in the spotlight. Always on the spot. Always living in that fierce light which beats upon a courthouse and blackens every blot.

4 *This courthouse is more than Wake County in action—it is a symbol of popular government in action.* The current county tax bill illustrates my meaning. It shows that around eighty-five cents of every taxpayer's dollar goes for the education, health, welfare, and safety of the people of Wake County, and that the remaining fifteen cents goes for the work done in getting these county services to the people. It shows that *the people* of Wake County are what *the government* of Wake County is all about—the strength of their minds, the health of their bodies, the well-being of their homes, the future of their children. Study this tax bill and you will catch the scent of sweat and toil in a people working to make a living and, out of what they have left, paying a citizen's part in sustaining the services that are no less personal in their destination because they are public in their inception.

We must not forget that the public services of today were the private enterprises of yesterday: When every citizen took his turn at the night watch to keep the peace. When every citizen worked on the roads in his neighborhood and removed the snow and ice from the sidewalk in front of his home. When every citizen dug his own well, disposed of his own sewage, fought his own fires. When every parent hired the school teacher for his own children, if they had a teacher at all.

It is a matter of convenience, necessity, and grace that public officials are standing in the shoes of citizens—serving them in more, better, and cheaper ways than citizens working separately ever served themselves. Officials forfeit the right to stand in these shoes whenever they lapse into the fatally inverted philosophy that everybody's business is nobody's business.

Let it be said for the citizens of Wake County that far from losing interest in the private enterprises

that have become public enterprises, they are going farther than they have ever gone before in supplementing these enterprises with new activities of their own, wherever they see another need to fill.

In recent months I have studied the records of the voluntary associations of Wake County citizens—in women's clubs, civic clubs, and the United Fund. With my own eyes I have seen records showing: That beyond the payment of their taxes, these men and women have been giving hundreds of thousands of dollars every year, and hundreds of thousands of hours of their time every year, to work with each other and their officials in piecing out and supplementing their county and city budgets. I am talking out of my head, and not out of my hat, when I say that any public accountant, putting a fair value on these personal contributions of time and money by private citizens in this county, would certify to the fact that this value runs into the millions of dollars every year.

Let me emphasize my meaning to officials and citizens alike, by quoting the words of Hugh McQueen of Chatham County on the floor of the North Carolina Constitutional Convention—held in Wake County, in the City of Raleigh, in the year 1835:

> It may be very true, that a vast proportion of the . . . [people] which constitute the . . . population of this state, pay but very little in silver, gold, or in paper, towards the support of your government, but in war, they pay their contribution in blood, and in peace, they pay that contribution in the cultivation of your dominion, in rearing a hardy yeomanry to circle around your liberties and free institutions hereafter, and in their generous affections for the government which presides over their destinies. The perpetuity of your government must find its abode in the hearts of your own people; for if you alienate their affections from it, it will, sooner or later, topple into ruins.

5 *We must not forget that popular government, for which this courthouse stands, is on trial for its life in every hour of every working day*—in every action and reaction of public officials and private citizens to each other in tending to the public business.

It is in the keeping of Wake County officials working on the job from day to day. It is a challenge to every one of them to stand up to his full height in the service of the people who have given him the stamp of their approval. It means that every dollar lost by honest inefficiency is as great a burden to the taxpayer as every dollar lost by conscious fraud. It means that every unwitting leakage in the service lines reaching from the county coffers to the point of need weakens by just that much the quality of the services that the people have a right to expect.

It is in the keeping of Wake County citizens as they go about their business from day to day. It is a challenge to every one of them to pull his own weight, list his property in full and at fair value, pay his fair share of the taxes he has voted to levy, observe the laws of the land he has helped to make, support the officers he has elected to enforce these laws, back up the civil and criminal courts and the administrative agencies he has authorized. It means that when he is violating these citizen responsibilities, he is cutting off his own nose to spite his own face, and marring the image of popular government as badly as any official falling down on the job.

It is in the keeping of the teachers in the schools of Wake County who are trusted with the task of developing the seed corn of the future. In a burst of enthusiasm on discovering the principle of the lever, Archimedes is said to have exclaimed: "Give me where to stand and a place to rest my fulcrum, and I will lift the world." No combination of people in Wake County has a better place to rest its fulcrum than the teachers in the classroom. And there never was a better lever for lifting the level of life in this county or in any other than the boys and girls coming to the classroom at the classroom hour.

Education, said Charles B. Aycock at the turn of the century, is getting out of boys and girls everything that God Almighty put into them. This is what he meant when he wrote in a speech prepared for delivery in the City of Raleigh in the spring of 1912:

> Equal! That is the word. On that word I plant myself and my party. The equal right of every child that is born on earth to have the opportunity to bourgeon out all that there is within him.

When Aycock made that statement he was not calling on *anybody* to bourgeon out of *any child* everything there was within him. He was calling on *everybody* to give every child *the opportunity to bourgeon it out of himself.* Let it be said that while the people of Wake County may not have done all that they wanted to do, no one can say that they are not today giving the children of this generation a better opportunity to get out of themselves everything there is within them than any other generation of children in Wake County has had in the 200 years from its beginning in 1771.

If we, the people of Wake County and North Carolina, in and out of office, fail to live up to our responsibilities and popular government fails to meet the challenge of these times, if we give up the middle of the road to extremist groups of the left or right and allow ourselves to be maneuvered into the ditch on either side, we will fall into the plight of the American eagle, wounded and brought down to earth, who

saw too late that the arrow that had brought him to his dying moment was guided to his heart by a feather drawn from the tip of his own wing.

I am not saying that popular government is *going* to fall by the wayside, or that it is *likely* to fall by the wayside. I am simply saying that it *could* fall by the wayside if we are not willing to follow the example of an unlettered farmer in Orange County who was complimented on his initiative and resourcefulness not long ago, and responded by saying: "Let me tell you, when you ain't got no education, you got to use your head."

6 *This courthouse is more than a symbol of popular government—it is a symbol of the great tradition of the law.* Let us look in on a scene in a meadow not far out of London—called Runnymede from a little stream flowing through it. It happened 755 years ago, and that happening is working at the heart and center of life in Wake County today.

King John and a party of his followers rode up to the banks of this stream from one side, a party of barons and prelates rode up from the other, and representatives of the two groups got together and started talking. King John had come to the throne of England a few years before and started ignoring the laws and customs of the realm to the injury of his subjects, and the barons and prelates had come to state their grievances and demand redress. As King John listened to these demands, he shouted with an oath that he would "never grant them liberties that would make me a slave." The barons and prelates swore to fight for their liberties if it were needed, even unto death.

For five days the opposing parties bluffed and threatened and haggled, then compromised their differences in an agreement spelled out in sixty-three paragraphs. It stated grievances which King John promised to redress and granted "liberties" to the "freemen of England and their heirs forever." This document is known to history as the Magna Carta—the Great Charter of the Liberties of England.

Here is the thirty-ninth Article of this document:

> No freeman shall be arrested, or detained in prison, or deprived of his freehold, or outlawed, or banished, or in any way molested; and we will not set forth against him nor search against him, unless by the lawful judgement of his peers, and by the law of the land.

Let us look in on another scene happening 561 years later, in the Town and County of Halifax, North Carolina, on the 17th day of December, 1776. Delegates had assembled from all parts of the state to write a constitution for the "free and independent state" of North Carolina. They put "A Declaration of Rights" at the threshold of this Constitution, and in section 12 of that Declaration they wrote these words:

> That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the law of the land.

These are the words of the 39th Article of Magna Carta, written 561 years before at Runnymeade. It was symbolic of other provisions in Magna Carta—describing things which King John had promised the barons and prelates, in the year 1215, that *he* would not do. Which King Charles promised the English Parliament in the Petition of Right, in the year 1628, that *he* would not do. Which King William and Queen Mary promised the Lords and Commons in the English Bill of Rights, in the year 1688, that *they* would not do. Now, in 1776, in the Town and County of Halifax, the sovereign people of North Carolina were describing things that their own officials could not do, and saying that the people themselves could go so far and no farther.

Let us look in on another scene—eleven years later, in the courthouse in Orange County, thirty miles from this spot, in the year 1788. Delegates had come from all over North Carolina to discuss the Constitution of the United States of America which had been written in Philadelphia the year before. Spencer Adams is on the floor, refusing to vote to ratify the new Constitution because it did not contain a Bill of Rights. Here is what he said:

> Our rights are not safeguarded. There is no declaration of rights, to secure every member of society those unalienable rights, which ought not to be given up to any government. . . . I know it is said that what [power] is not given up to the United States will be retained by the individual states. I know it ought to be so, and should be understood; but, sir, it is not declared to be so . . . . The expression "We the people of the United States" shows that this government is intended for individuals. There ought therefore to be a bill of rights.

Three years later these rights—which successive generations of men and women in England and the thirteen colonies along the Atlantic Seaboard had dreamed of, fought for, died for, but scarcely dared to hope for—were written into the first ten amendments to the Constitution of the United States as the American Bill of Rights, to carry forward the purpose set forth in the preamble to the Constitution:

> We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

These documents are the joints in the backbone of our liberties. The fluid in their spinal column. The marrow in their bones. The spark of life in the customs, laws, and Constitutions of North Carolina and the United States. Let the spark of life go out of the human body, and the human body goes to rot. Let that spark of life go out of our customs, laws and constitutions, and the body politic goes to rot. Flowing through the centuries like some magic gulf stream, these documents have changed the climate and tempered the habits, customs, and manners of men—wherever the current went.

They are recorded as the law of the land in this Wake County Courthouse today. Spelled out in terms as definite, specific, and precise as the title deeds to your lands. The sum and substance of the role of government and the rule of law in the cities, the counties, and the State of North Carolina.

7 *Let me illustrate the meaning of this rule of law with an incident that happened in the City of London on Sunday morning, the 10th of June in the year 1612.* The judges of England had been summoned before King James I upon complaint of the Archbishop of Canterbury, who argued that the King appointed the judges and could take away from them at any time any case that the King wanted to decide for himself.

Chief Justice Coke maintained that all cases, civil and criminal, had to be tried in some court of justice "according to the law and custom of the realm." At this point King James broke in: "But I thought the law was founded upon reason, and I and others have reason as well as the judges." That was true, Chief Justice Coke answered, but his Majesty was not learned in the laws of his realm of England, and "causes which concern the life or inheritance or goods or fortunes of his subjects . . . are to be decided by . . . the reason and judgement of the law, which requires long study and experience. . . ." "If that is true," replied the King, "I would be *under the law*, which it is treason to affirm." To which the Chief Justice answered: "The King ought to be under no man, but under God and the Law."

That is why William Pitt could say on the floor of the English Parliament in the 1760s:

> The poorest man in his cottage may bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through; the storms may enter, the rain may enter—but the King of England may not enter; all his forces dare not cross the threshold of the ruined tenement.

That is why the President of the United States in the 1960s spent $5,000,000, called out 3,000 soldiers, and used the full weight of the United States government to put one lone Negro student into the University of Mississippi when the law of the land said that he had a right to be there.

That is why the President of the United States in 1970 swallowed his unguarded pronouncement of the guilt of a man on trial—before all the evidence was in, before the verdict of the jury, and before the judgment of the court, and in the presence of the American people bowed to due process of law—according to the law of the land.

That is why extremists of the left and the right, in the ghetto and on the campus, have got to be taught that what is denied to the King of England and to the President of the United States is denied also to them—that they, too, are "under God and the Law."

For 200 years the people of Wake County have been coming to successive courthouses on this spot—to claim, insist on, and vindicate their historic rights according to the laws of the land. Your county commissioners are putting symbols of these rights into the cornerstone this afternoon. That is what I mean when I say that this courthouse is a symbol of the great tradition of the law.

8 *With this background of history, let it be said of those of us who have come here this afternoon that we do not need to be told that the dedication of this courthouse began a long time ago.* It began with the pioneering men and women who moved on to this ground where we are standing and put the strength of their bodies into every swing of the axe, felling the trees that went into the building of their cabins—men and women who put foresight and planning into clearing their lands, planting their crops, cultivating their fields. It has continued with the labor of interlocking generations, reaching back through the successive buildings that have occupied this plot of ground to the little log house that was Wake County's first official home. It has continued to this day in the labor of the *county commissioners* who authorized this building, *the architects* who designed it, *the workmen* who built it, *the officials* who work in it, *the people* who are paying for it. We are not stepping on the toes of the men and women who have gone before us when we recognize the transcending qualities of the courthouse we are gathered in this afternoon—we are standing on their shoulders, and we know it.

STATE OF NORTH CAROLINA
LOCAL GOVERNMENT COMMISSION

The Bond Buyer Index[1]

Date	20 Bonds	11 Bonds
10-1-70	6.39	6.23
9-24-70	6.28	6.13
9-3-70	6.16	5.99
10-2-69	6.19	6.08

National Volume Outlook, October 1, 1970

Blue List Supply	$ 574 Million
30-day visible	1,327 Million
Total Supply	1,901 Million
Total Supply last week	1,714 Million

YIELDS CURRENTLY AVAILABLE ON North Carolina Issues (%)

	Aaa	Aa	A
10 Year	4.90	5.00	5.10
20 Year	5.90	6.00	6.20

RECENT BOND SALES IN NORTH CAROLINA

ISSUER	DATE OF SALE	PURPOSE	AMOUNT	NO. OF BIDDERS	YRS. AVERAGE LIFE	FIRST, SECOND & LAST BIDS	WINNING MANAGER	MOODY'S RATING	NCMC RATING
County of Rockingham	9-1-1970	Courthouse Building	$ 270,000	10	7.09	4.8833,4.9386,5.2402	United Va./State Pl.	A-1	91
Town of Matthews	9-1-1970	Sanitary Sewer	80,000	9	6.50	5.9969,6.1076,6.7884	Interstate Sec.	NR	75
County of Chatham	9-15-1970	School Building	3,600,000	3	11.48	5.6478,5.6972,5.8765	Wachovia	A	86
Town of Kernersville	9-15-1970	Water and Sewer	1,650,000	2	12.13	6.5680,6.7211	Wachovia	Baa	70
City of Lenoir	9-22-1970	Various	2,680,000	3	11.50	5.8271,5.9648,5.9726	NCNB	Baa	78
City of Greenville	9-22-1970	Various	2,250,000	5	12.22	5.5732,5.5874,5.7292	NCNB	A-1	87
Town of Hillsborough	9-29-1970	Water and Sewer	700,000	1	15.24	6	NCNB	A	72
County of Gaston	9-29-1970	County Hospital	8,500,000	3	13.64	5.8740,5.9153,6.0111	Wachovia	A	89
City of High Point	10-6-1970	Various	6,055,000	7	10.72	5.6999,5.7067,5.7997	NCNB-Chemical	Aa	83
County of Mecklenburg	10-6-1970	School Building	8,000,000	6	14.84	5.9515,6.0108,6.0685	NCNB	Aa	89

VISIBLE BOND ISSUES, OCTOBER 1970

City of Salisbury	10-20-1970	Water & Sewer	2,500,000					A	
City of Washington	10-20-1970	Various	625,000					A	
County of Hertford	10-20-1970	School Building	2,000,000					NR	
Town of Edenton	10-27-1970	Water and Sewer	600,000					NR	
County of Watauga	10-27-1970	School Building	1,400,000					Baa	

1 Weekly Bond Buyer, October 5, 1970

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