

POPULAR
GOVERNMENT

POPULAR GOVERNMENT

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THE INSTITUTE OF GOVERNMENT

By JUNIUS G. ADAMS

*Chairman Organization Committee,
The Institute of Government*

THE Institute of Government in this journal declares its purpose and sets forth its program to the people of North Carolina. This program is not the product of haste. It is rooted in necessities as old as government itself. It is the work of no one man, of no one group of men. Its form and substance have grown out of seven years of intensive study, numberless suggestions, criticisms and discussions. It embodies the mature thought and the seasoned judgment of more than two thousand men and women representing all groups of public officials and many groups of private citizens in ninety-five counties in North Carolina, all intent upon making some contribution to the welfare of the State. Three hundred of them, from as far west as Asheville and as far east as Elizabeth City, New Bern and Wilmington, came to Chapel Hill at their own expense on Friday evening May the sixth, to give the program their unanimous and enthusiastic approval.

Public officers, private citizens and students of our colleges and public schools are manifesting an interest in their government which is without parallel in our history—a most hopeful sign. Representatives of the various groups of public officials and citizens are laying the foundations of The Institute of Government, designed for the continuous study and constructive improvement of governmental institutions, functions and processes in the cities, the counties and the state, in the light of our own experience and

against the background of experiments in government and its administration throughout America and the world. It is confidently believed that the governmental program outlined in the pages that follow, offers an investment which in terms of dollars and cents, in terms of improved and more economical governmental services, in terms of public knowledge, understanding and confidence in our governmental institutions, will pay higher and surer returns to the citizens and tax payers of this and future generations than any other ever offered to the people of North Carolina, and contribute to the sane solution of many of our problems—present and prospective.

This undertaking is commended to the people of North Carolina for study, thought and constructive criticism.

POPULAR GOVERNMENT

By ALBERT COATES

I

THE TASK OF POPULAR GOVERNMENT

HERE in North Carolina we are committed by two hundred years of political history to the theory and practice of elective offices, short terms of office and rotation of officers. This means that every two or four years hosts of newly elected officers come into the administration of public affairs in the cities, the counties and the state of North Carolina.

These officers are not born with a knowledge of the powers and duties of the offices to which they are elected—the office of Sheriff or Chief of Police, Clerk of Court or Register of Deeds, City Alderman or County Commissioner. Their private occupations and professions do not teach them the powers and duties of public officials. The uncertainties of political life do not offer them incentives to study the responsibilities of a public office before they seek it. The democracy which clothes them with the public trust does not provide them with training to fit them to discharge it.

They go into office to learn by mistakes which might have been avoided, in the school of hard knocks which sometimes knock harder on the public than on the public officer. The learning they acquire in this rough, ready and expensive fashion too often goes out of office with them at the end of their official terms. The mental attitude of a defeated official does not beget a tender solicitude for his

victorious opponent. The successor who will gladly learn does not often find a predecessor who will so gladly teach. Retiring officers have been known to walk out of their office doors as the clock struck the end of their official terms without going to the trouble of saying "Good morning" to incoming officers waiting on the threshold. The only tie binding successive governmental administrations together today is the clerical and stenographic help familiar with the office routine. Sometimes this tie too is broken. There are instances where outgoing officers have secured as good or better jobs elsewhere for their clerical and stenographic help in order to guarantee a start *de novo* to their successors.

Thus, with every rotation of officers in every general election the continuity of governmental experience is broken. Accumulated governmental knowledge goes over the wheel to waste. Incoming officers start, not where their predecessors left off but almost if not quite where they began. Governmental administration like the frog in the well, goes up three feet and slides down two. Government is forever in the hands of beginners—who do not always have beginner's luck.

This is costly training for which the people pay—not in the beginning, but in the end. They are paying for it in North Carolina now. They will keep on paying for many years to come and the price they pay is getting higher every year. Within the past fifty years governmental services have expanded from the simple preservation of the peace to the building of roads, the operation of schools, the promotion of health and the ministrations to increasing multitudes of human needs. Within the past ten years this increasing governmental load has saddled some of our

governmental units with obligations they can safely carry, weighted others to the point they cannot move, and left others with the title of a debtor in default while the hammer of the auctioneer is hanging in the air. With sixty cents of every tax collected dollar going for services and forty cents for debt services, with the obvious wisdom of holding on to the investments for which these forty cents are going, with the consequent necessity of stretching every penny to its limits, governmental administration reaches into complications which untrained and inexperienced governmental officers find it hard and harder to unravel.

Popular government is here to stay—and to grow. The currents of history run in its direction with the momentum of a thousand years. Temporary setbacks it has had, but they have been no more than the fluctuation of the waves on the surface of a rising tide. It has never gone under in the undertow. But the plight of the cities and the counties of the State of North Carolina today points out with all the stinging freshness of demonstrated truth that governmental administration must improve as governmental complexities increase, if popular government is to be made safe for the people.

If governmental administration is to improve within the limits of elective offices and short terms of office, we must find ways and means (1) of eliminating the lost time and lost motion which now accompany the rotation of officers; (2) of transmitting our steadily accumulating governmental experience to successive generations of governmental officers, enabling them to start nearer where their predecessors left off than where they began; (3) of bringing to each governmental officer the methods, practices and techniques rising out of the initiative and re-

sourcefulness of other officers in similar offices in this and other states; (4) of creating a governmental tradition and morale compelling in its encouragement and inspiration to public officers to leave the public service better than they found it.

II

THE INSTITUTE OF GOVERNMENT

Efforts to find these ways and means are under way in North Carolina now. Within the past few years many groups of governmental officers have come together in associations for the interchange of information and ideas: County Commissioners, County Accountants, City Managers, Mayors, Clerks of Court, Sheriffs, Chiefs of Police, Superintendents of Public Welfare.

Other groups are organizing now: City Attorneys, County Attorneys, County Managers, Registers of Deeds, Auditors, Coroners, Health Officers, Engineers, Prison Officials, Prosecuting Officers, Judicial Officers, Legislative Officers, Officers of Local Bar Associations, Student Government Officers, and Teachers of Government in the high schools, colleges and professional schools of North Carolina.

Private citizens are focusing their attention on their governmental structure and its workings today through business organizations, civic clubs, farmer's meetings, taxpayers leagues, through informal gatherings and discussions everywhere with a widespread insistency and directness without parallel in this generation.

Representatives of all these groups of public officers and private citizens are joining together in the Institute of

Government for the continuous study of governmental institutions and processes in the cities, the counties and the state of North Carolina in the light of our own experience and against the background of experiments in government and its administration throughout America and the world today. These studies will take concrete form in:

1. *The preparation of governmental guidebooks* which will bring to every governmental officer a clear and concise statement of (1) the powers and duties of his office, (2) the methods and practices developed by his predecessors in the exercise of these powers and the performance of these duties, (3) the methods and practices developed by other officers in similar offices in this and other states.

2. *The building of governmental laboratory offices* which will collect, compare and demonstrate for the benefit of every governmental officer (1) the different methods and practices in use in similar offices in this and other states, (2) the different systems of organization, equipment and records in use in similar offices in this and other states, and thus (3) in one place provide him with information and guidance he would now have to go to hundreds of places to find and might not even then find available.

3. *The operation of county, district and statewide schools of governmental officers*—in special session between the day on which officials are elected and the day on which they go into office, in regular sessions every year—which will bring to every participating officer a better understanding of the governmental machinery of which he is a part as well as of his part of it, a better understanding of his governmental responsibility together with an information and a training which will better fit him to discharge it.

4. *The publication of a governmental journal* which will (1) report the results of the governmental studies as they are made, (2) keep the governmental guidebooks up to date from year to year, (3) transmit and interpret to officials throughout the state the governmental changes made by each successive legislature, (4) become a clearing house for the interchange of experiences and experiments in government and its administration as they arise out of the initiative and resourcefulness of officials here and elsewhere, (5) open and keep open throughout the year lines of communication between all groups of governmental officers and (6) above all keep the people in touch with their government.

5. *The promotion of governmental education* in high schools, colleges and professional schools and the extension of this educational program through county, district and statewide schools of governmental officers and other organized agencies to the people of the state, with the purpose of giving to the hundreds of students and teachers as they go into the classrooms, to the thousands of new voters as they go into the voting booths on each successive election day, to the hundreds of thousands of citizens as they determine the policies of this Commonwealth, the first realistic picture they have ever had of their government in action.

III

PLANS AND PURPOSES

This program calls for a study of government in books and government in action. The laws on the books for the guidance of our governmental officers are scattered in

different places to the point of practical inaccessibility: partly in constitutional provisions, partly in legislative enactments—public laws, public local laws, private laws, municipal ordinances, partly in court decisions. The laws in action are scattered through the records, equipment and routine of hundreds of governmental offices and through the unrecorded practices of hundreds of officials—practices which have not yet found their way into printed pages but which reflect no less the habitual processes of our governmental institutions. To collect and compare these laws and practices—set them forth in guidebooks, demonstrate them in laboratories, interpret them in journals, teach them in schools of governmental officers and make them conveniently available for the practical use of teachers and students of government throughout the state, we need a group of men with a background of legal and governmental training to start to work as apprentices in the offices and under the supervision of the different groups of governmental officers and through practice and experience acquaint themselves with the structure and the workings of our governmental institutions.

To illustrate: one of these men with the coöperation of the police officers of North Carolina should begin at once (1) to collect, compare and analyze the laws scattered through the books for the guidance of police; (2) join the police force in one of our larger cities, work his way through the problems of the patrol squad, the traffic squad, the detective squad until by actual participation he has acquainted himself with the problems and the practices of all departments of police and their relations with the other governmental agencies with which they come in daily contact; (3) follow this work of the police into the courts

and there study at first hand the relationships of police and prosecutor and judge until by actual participation he has acquainted himself with the problems and practices of the administration of justice in the courts. (4) This work through the ranks of police, prosecution and courts should be repeated in strategic centers in every judicial district in the state. (5) These comparative studies of the structure and the workings of the criminal law enforcing machinery in the several districts should be followed with experience in the office of the attorney general—the clearing house of prosecutions from all sections of the state—then with experience in the actual problems involved in the administration of prisons, pardons and paroles.

The man who works his way through these consecutive links in the chain of our criminal law enforcing machinery will acquire a practical insight and a working knowledge which will equip him (1) to write the guidebooks—manuals of information and instruction which will bring to law enforcing officers throughout the state some practical conceptions of their duties, powers and opportunities, the methods and practices of their predecessors and their associates in other places; (2) to build the laboratory office for the practical demonstration of records, equipment, and crime detecting methods of police, a central clearing house of information and guidance for police departments throughout the state; (3) to organize and conduct systematic courses of instruction for county, district and statewide schools of law enforcing officers; (4) to edit the governmental journal which will keep law enforcing officers in touch with new problems, methods and practices as they develop in this and other states; (5) and finally to work out a system of records which will show from week to

week and month to month the way the winds of crime are blowing, to the end that when we call upon the public to put its shoulder to the wheel we can tell it where to put it.

Another man with the coöperation of the clerks of court of North Carolina should begin at once (1) to collect, compare and analyze for their guidance the laws scattered through the books; (2) go into one of the better organized and equipped offices and under the supervision of an experienced clerk find out by actual participation what to do in the clerk's office and how to do it; (3) after he has gone the rounds and participated in every type of transaction in this office go to another office and under the supervision of another clerk repeat the former process, and then to another until he finally completes the rounds of the one hundred clerks' offices in the state. In the first office he will be broken into the work. In the second office he can begin comparing the different methods and practices of the clerks in dealing with similar transactions. He can take to the third clerk the comparative methods and practices of the first two and this process of learning, comparing and instructing will increase in volume and in value from office to office.

The man who works his way through the maze of problems arising in the offices of Clerks of Court throughout the state will acquire a practical insight and a working knowledge which will equip him (1) to write the guide-book which will bring to the Clerk of Court in every county a practical working knowledge of the powers and duties of his office and the methods and practices of his predecessors together with a detailed comparison of the methods and practices of the one hundred clerks in the one hundred counties of the state; (2) to build a laboratory

open at all times to demonstrate to any clerk the different methods of different clerks in handling the various transactions arising in clerks' offices throughout the state; (3) to organize in coöperation with individual officers a systematic course of information and instruction for Clerks of Court; (4) to edit the governmental journal which will keep the Clerks of Court in touch with new problems, methods and practices as they develop in clerks' offices in this and other states and (5) to keep the public in touch with this phase of its government.

Other men are needed to work along the same lines with the coöperation of Sheriffs and Registers of Deeds, City Aldermen and County Commissioners, with all groups of governmental officers, in writing the guidebooks, building the laboratory offices, editing the journal and conducting the schools of governmental officers within their respective groups.

The work of these men with these officers, going from office to office, collecting, comparing and analyzing the different methods and practices in use, will lay the foundations of knowledge and experience on which we can begin to bring about a uniformity of standards within our governmental structure by lifting the poorest office to the level of the best. The separate guidebooks for the different groups of officers will lay the foundations for the first comprehensive picture ever drawn of local, state and federal governmental units, for the use of public officers and private citizens. The separate laboratory offices will lay the foundations for a central governmental laboratory—forever collecting, comparing and demonstrating for all groups of governmental officers the methods, practices and systems in operation in city halls, county courthouses and

state departments in this and other states. The separate publications of the different official groups will lay the foundations for a coöperative governmental journal and thus for the first time in the history of North Carolina provide the machinery for keeping public officers in touch with the current developments in their respective fields and for keeping the people in touch with their government. The studies, guidebooks, laboratories and journal will lay the foundations for and feed into the county, district and statewide schools of governmental officers for the study of governmental institutions and processes in the cities, the counties and the state of North Carolina in the light of our own experience and against the background of experiments in government and its administration throughout America and the world today.

The necessity for these schools is rooted in our governmental structure. Within the limits of every North Carolina county the town police, the township constable, the county sheriff, the state patrol, and the federal agent are exercising overlapping powers in the investigation of crime and the apprehension of criminals; the Justice of the Peace, the Juvenile Court Judge, the City Court Judge, the County Court Judge, the State Court Judge and the Federal Court Judge are exercising overlapping powers in the administration of the law; City Aldermen, County Commissioners, State Legislators and Federal Representatives are in separate forums exercising legislative powers over the same people. For the first time in the history of North Carolina these governmental officers, operating in the same territory and working for the same people but representing different governmental units, are coming together this year in County Schools of Gov-

ernmental Officers for the discussion of common problems and the coördination of governmental efforts.

Around these governmental units tradition has drawn a magic line. Seven hundred years ago the citizen was required to follow a fleeing criminal across the plantation to the property line and then give over the track to the owner of the adjoining land. Today the citizen's representative may track the criminal to the town, the township or the county line and, if the scent is warm and the pursuit hot, may cross it, not if the scent is cold. Lines never seen by offenders beating paths across them and never doubted by officials finding walls upon them. In civil law administration no less than in the criminal we have built elaborate rituals round transactions reaching across these boundary lines. Rituals instinct with the limitations of the footpath and the wagon trail hanging over into days when railways, highways and airways stretch economic life beyond governmental limits, and human relationships beyond current legal and political thinking. For the first time in the history of North Carolina the different groups of governmental officers representing the people of adjoining governmental units are coming together in District and Statewide Schools of Governmental Officers for the study of government and its administration in the cities, the counties and the state, the relations of these governmental units to each other and to the country of which they are a part. These schools offer the individual groups of governmental officers all the advantages of independent and collective action: in separate sessions of the separate groups, in joint sessions of two or more groups, in general sessions of all groups which will attract the best legal and governmental talent in American life to their programs.

This program of The Institute of Government beginning with the studies of our governmental institutions and culminating in the Statewide School of Governmental Officers is the logical outgrowth of our life and history. For generations the increasing frequency of isolated studies of specific governmental problems has been pointing to the necessity of coördinated studies of our city, county, state and federal governmental structure and its workings all along the governmental front. For generations the increasing complexity of governmental tasks and the requirements of long term finance and long range planning in public enterprises have been pointing to the necessity of training for short term officers and continuity of experience between successive administrations. For generations the increasing frequency of sporadic demonstrations of popular interest in governmental institutions, today taking form in visiting committees and taxpayers' leagues, has been pointing to the necessity of finding ways and means of keeping the people continuously in touch with their government. We simply gather up the ragged ends of old traditions native to this soil and through studies, guidebooks, laboratories, journals and schools of public officers organize and focus our steadily accumulating governmental experience, make it conveniently available for the immediate use of officials now in office, transmit it to successive generations of governmental officers thereby enabling them to start nearer the point where their predecessors left off than where they began, minimize the lost motion involved in short terms of office, rotation in offices and amateur officers, begin to develop a governmental tradition and morale compelling in its encouragement and inspiration to public officers to leave the

public service better than they found it, and thus sweep popular government to higher levels of effectiveness.

Through these avenues we are embarking on a vast coöperative enterprise—as vast as government of the people. Here among a homogeneous people scattered through a country state with concentration into cities just beginning, with two hundred years of common ancestry and traditions, with a life as yet not deeply scarred by the hard and bitter fighting lines which have too often divided the people of other sections into hostile factions, North Carolina offers opportunities for coöperative effort unexcelled in American life today. Through the coöperative efforts of public officers and private citizens joining together in the Institute of Government, out of our own native sweat and toil we can build a unique and distinctive governmental movement—the gift of North Carolina, her governmental institutions and her people to America and the world as the South after seventy years of war, reconstruction and rebuilding swims back into the full tide of American life today.

IV

BASIC NEEDS

This program of the Institute of Government will meet definite and basic needs in the life of North Carolina now. The need for the training of our governmental personnel. The need for the simplification of our governmental structure. The need for the extension of governmental education. The need for expertness in our governmental organization.

Governmental Personnel. The need for training in our governmental personnel is painfully apparent. Within the limits of our governmental experience we have seen the political pendulum swing the balance of power from the king to the subject; from officers appointed by the crown to officers elected by the people; from the continuity of long time tenure to the rotation of short term officers; from the belief that the common man could do nothing to the belief that he can do anything; from the naïve notion of birth as the entitlement to office to the equally naïve notion of birth as a qualification for it; from the aristocratic notion that some men are born to fill an office to the democratic notion that all men are born knowing how to fill it; from the antiquated notion that some men are not as good as other men to the current notion that every man is as good as every other man and better.

Within that span of time we have lived to learn that the Commonwealth may be plundered by favorites of the people as well as by favorites of the king; that "to the victor belongs the spoils" may be alike the doctrine of hereditary rulers and elected officeholders; that shades of the ancient spoilsmen may still gather in the modern sheriff's eyes; that remnants of the divine right of kings may still crack down in a policeman's billy; that the Constitutions of the State and the United States do not change the constitution of human nature; that mere forms of government guarantee neither the character nor the competence of the men in office.

The letter of the law is in the book. The symbol of the law is in the office. But the life of the law is in the officer. In him the citizen and his government meet,

shake hands and get acquainted. Popular government hangs upon the character of this acquaintance. In every official transaction however minute—in every point of contact between public officer and private citizen popular governmental institutions are on trial for their life. They are on trial in North Carolina today. One voice says their salvation lies in the centralization of governmental powers. Another says their salvation lies in localization. But the hope of popular government is not so much wrapped up in theories of government, centralized or localized, as in the effective and efficient handling of governmental affairs, by effective and efficient governmental officers, responsible and responsive to the people. A single violation of the public trust of public office by a public officer does more to shake popular confidence in the integrity of popular government than a dozen mergers of overlapping agencies.

More than common honesty is required in public office and likewise more than common sense. A hundred thousand dollars lost through honest inefficiency is as great a burden to the taxpayer as a hundred thousand dollars lost through conscious fraud. Knowledge is no guarantee of character, we are told. Neither is ignorance. The best of governmental systems may be wrecked by men who do not understand it. After two hundred years of practice in the making of governmental machinery here in North Carolina we propose to go into the training of the men who run it.

Governmental Structure. The need for simplification in our governmental structure is painfully apparent. In 1663 the Charter from the Crown called North Carolina into being as a single governmental unit. From that day

to this we have steadily divided that single governmental unit into one hundred counties. On this farflung framework of one hundred counties we have laid the sub-dividing framework of the township, adding hundreds of governmental units more. On this sub-dividing framework of the township we have laid the overlapping framework of the town, adding hundreds of governmental units more. Across this complicated governmental framework we have thrown a crazy quilt of special districts in numbers yet unknown.

These governmental units worked well enough in utter independence as long as North Carolina was a series of separated settlements, isolated and insulated from each other and the outside world, made up of people who made their living and lived at home. The limitations of independence began to appear with the disappearance of isolation after the middle of the 19th century, as the railroad, the telegraph and the telephone began to weave separated settlements into a connected commonwealth. The realities of interdependence break upon us with devastating power today as the default of one governmental unit affects the credit of every other governmental unit, as the interest rate on the financing and refinancing of governmental ventures jumps on the New York market from $2\frac{1}{4}$ to 6 per cent, proving beyond the shadow of a doubt that to some extent at least every city holds every other city's credit in its hands; that every county has every other county's good name in its keeping; that the financial standing of the state is largely at the mercy of its subdivisions.

The absolute necessity of coördinated action among city, county, state and federal governmental units is all the more apparent from the fact that within a single city's

limits the power to investigate crime and apprehend criminals is scattered among a sheriff and his deputies, constables, policemen, patrolmen, special agents—official representatives of the town, the township, the county, the state and the federal government; that within a single city's limits the judicial power is scattered among justices' courts, juvenile courts, city courts, county courts, state courts and federal courts; that within a single city's limits the legislative power is scattered among city aldermen, county commissioners, state legislators and federal representatives; that in this welter of interlocking, overlapping and conflicting interests there is needless duplication, confusion, friction and waste, cutting down governmental efficiency and multiplying governmental costs out of all proportion to governmental services.

Not once in the history of North Carolina have these officers working in the same territory on the same problems come together in the practice of concerted action. Alice in Wonderland noticed that the Cheshire cat before her disappeared by degrees—first its tail, then its body, then its head until finally nothing was left but its grin which remained for some minutes after the cat itself had disappeared. Thus do ingrained habits of isolated thought and action persist among interlocking, overlapping governmental units long after isolation has disappeared. We cannot dismiss it with the wave of an expert's hand. We cannot legislate it out. We have got to wear it out.

Through the program here proposed we can begin to wear it out. Through the studies we can lay the problem bare. Through the laboratory office we can demonstrate the present workings of the system. Through the unofficial association of officials—city, county, state and federal

—in these county, district and statewide schools we can go far to eliminate misunderstanding, friction and strife and lay the basis for informal coöperative action which will point out step by step the way to the simplification of our governmental structure and the machinery through which it operates without losing the substance of its services. Through these avenues we can conserve the gains from two hundred and fifty years of governmental experience on North Carolina soil, charge off the losses we have incurred and carry today in the form of superfluities and dead weight, and lay solid foundations for the rebuilding of the governmental institutions of an ancient commonwealth in terms of the needs of the modern world.

Governmental Education. The need for an extended program of governmental education is painfully apparent. The chief materials for governmental education in the early days of our history were Blackstone's Commentaries and English Constitutional Histories. The first serious effort to prepare a book on North Carolina history for use in the schools was made in 1851. The first significant history of the state did not appear until 1857. The collection and publication of Colonial and State Records did not begin until 1886 to make early source materials conveniently available for historical use. There have been a few scattered governmental studies such as Bassett's Essay on the North Carolina Constitution in 1894, Raper's Study in English Colonial Government in 1904, Connor and Cheshire's Annotations of the Constitution in 1911, Branson's studies in County Government in the last decade.

But throughout the two hundred and fifty years of our history we have never undertaken a thorough and systematic study of governmental institutions and processes

in the cities, the counties and the state of North Carolina. With the result that teachers and students of government in the high schools, colleges and professional schools of North Carolina have been handicapped by the lack of governmental knowledge. With the result that when women came into the ballot years ago with a genuine desire to acquaint themselves with the workings of their governmental institutions, we could offer them little more than platitudes and generalities in courses on citizenship. With the result that the Commission for the reconstruction of our Constitution has been forced to begin its labors largely in the dark, doing spade work which should have been completed before its task began. With the result that new waves of voters turning twenty-one in every year come into the ballot without any definite knowledge of the workings of the governmental institutions whose destinies they determine. With the result that all too few of our public officers and private citizens today look to the school-room for knowledge of the structure and the workings of their government.

The reason may be illustrated by the evolution of the teacher of law and government today. In the early days of legal education in North Carolina the teacher and the practitioner, the apprentice and the student, the school and the office were one and the same. Near the middle of the nineteenth century the lawyer closed an office to open a school; the practitioner in the courtroom became the teacher in the classroom; the apprentice in the office became the student in the school. This movement has steadily widened into a gap between classroom and courtroom, law school and law office, law teacher and lawyer,

the government that is taught by the professor and the government that is practiced by the administrator.

The program here proposed will bridge this gap. The studies of the laws and practices of our governmental institutions which provide guidebooks for public officials will also provide textbooks for teachers and students. The illustrative materials which provide laboratories for public officials will also provide workshops for teachers and students. The county, district and statewide schools which provide instruction for public officials will acquaint teachers and students with the practical workings of the government they study and teach. The governmental journal which provides information for use in public offices throughout the state will also provide materials for use in high school, college and professional school classrooms throughout the state. The continuous studies of our governmental institutions which will equip men to conduct schools for governmental officers will also equip them to conduct courses and seminars for students and teachers in the theory and practice of government.

Through these avenues we can open and keep open fresh lines of communication between governmental teacher, governmental administrator and governmental administration, bring the classroom out of the cloister into the heart of the life in which its students live and make a living, go a long way to bridge the gap which now exists between the people and their schools, between the college campus and the world around it, and send out a group of students into the life of the state alive to its problems and the issues at stake, trained and equipped to be intelligent critics of governmental processes and helpful participants in public affairs.

Governmental Expertness. The need for expertness in our governmental organization is painfully apparent. It is a significant fact that in 250 years we have not developed within our own ranks a group of men with sufficient governmental experience and expertness to whom we can turn for analysis and revision of our own governmental structure. Within the past ten years city after city and county after county in North Carolina have been forced to call for assistance from governmental experts beyond the borders of the state in dealing with their governmental problems. Five years ago the Governor of North Carolina had to call in outside experts to assist him with his plans for the reorganization of various departments of state and county government. A year ago the present Governor of North Carolina had to go beyond the borders of the state to get a group of men sufficiently equipped with knowledge and experience to make a competent survey of the structure of state and local government and submit proposals for its reorganization.

It is no discounting of the value of these governmental experts, called in by our leaders to do for us that which we have not yet developed agencies for doing for ourselves, to point out that the weakness in the practice of relying on them is: (1) that through no fault of theirs they come to us ignorant of our local governmental institutions, the conditions out of which they have grown, the people of which they are a part and among whom they must operate; (2) that they write their conclusions into a report which too soon goes upon the shelf to be read by all too few, and have no part in or responsibility for the practical operation of their recommended changes; (3) that as soon as their report is written they leave and

carry away with them the most valuable results of all their work—the personal knowledge and experience gained in doing it.

It is no discounting of the value of sudden and sporadic governmental reorganizations to which we are accustomed to point out that a stitch in time saves nine, that the weakness in allowing evils to accumulate to the point of public scandal before action is forced is: (1) It stops the leak after the leakage and locks the stable door after the horse is gone; (2) it forces radical governmental changes in times of stress and strain and thus puts us in danger of throwing away the wheat with the chaff, of losing in a single sitting liberties slowly accumulated through centuries of heart-breaking struggle; (3) it allows the crystallization of governmental functions in new and hastily improvised departments, too often without any responsible or organic relation to the governmental structure of which they are a part, and thereby creates the necessity for future terrific assaults upon these intrenched positions in order to bring them into line—making the governmental machinery set up by ourselves to solve our problems a problem in itself to solve.

There is an old familiar adage that everybody's business is nobody's business. This adage all too often reflects the popular attitude toward popular government. It is useless to decry business methods in government when government needs above all else to develop within its own official ranks the same single minded and sustained devotion to the building of our governmental institutions that great business men give to the building of great business institutions. Men who will give to the building of the cities, the counties and the State of North Carolina

the same long-continued and systematic thought that a Reynolds gives to the building of a tobacco company or a Duke to the building of a power system.

Our political experience for a thousand years demonstrates the unwisdom of lifelong tenure of public officials. Out of this experience has come a political system of short term tenure and rapid turnover in elected personnel. Under this political system popular government has for generations started out with officers fresh from the people, learned as they learned, improved as they improved, advanced as they advanced. On successive election days it has dropped back to begin again almost at the beginning with new and inexperienced officers and never breathed a word about its loss.

We are unwilling to turn our back upon the political experience of our race, throw popular government into a receivership, call on some two-fisted Mussolini to restore a governmental solvency. We are unable to shut our eyes to the governmental losses sustained and tolerated under the operations of our present governmental system and thus allow popular government to sink under the weight of its supporters. Within our political organization we must provide for the accumulation of governmental knowledge, for the continuity of governmental experience, for the interchange of this knowledge and experience among the governmental officers of this generation, for the transmission of this knowledge and experience as it accumulates to successive generations of governmental officers.

To this end the studies of our governmental institutions and processes are to be undertaken, the guidebooks written, the laboratories built, the journal edited, the

schools conducted, the program of governmental education in the high schools, colleges and professional schools carried on. Through these avenues we can build in our own ranks a group of men trained and equipped to do for ourselves what our leaders have been forced to call on outsiders to do for us. Through these men we can provide the accumulation of knowledge, the continuity of experience, the expertness in governmental administration as stabilizing forces in a rotating governmental personnel. Out of this program of the Institute of Government we will bring new strength to the arm of popular government, a new contribution to the political experience of the world.

V

IS THE PROGRAM WORTH THE COST?

Responsible officials say that on a conservative estimate state and local governmental units in North Carolina have been spending tens of thousands of dollars yearly for expert services they have been unable to furnish for themselves.

The group of men involved in carrying out the entire program of the Institute of Government would cost no more than we are already spending and it may be fairly said that through them we can preserve and increase the advantages of expert services, eliminate the disadvantages and thus get more than we are now getting for the money we spend: (1) They will have at the beginning of any task they are called on by our governmental units to perform, an invaluable background, knowledge and understanding of local governmental institutions which strangers can-

not bring with them and cannot acquire in thirty, sixty or ninety days. (2) Their work will be continuous in operation and cumulative in value from year to year while the work of occasional experts occasionally imported is necessarily disconnected and noncumulative. (3) The outside experts start and stop with a paper re-organization of governmental machinery, forgetful of the men who run it. The inside experts would start to work with the men who run the machinery, study and compare their powers and duties and methods and practices, turn their studies into guidebooks of information and instruction and keep these guidebooks up to date through a governmental journal which would be a clearing house for the interchange of ideas and experiences as they develop. They would go further and in laboratory offices demonstrate to each officer the comparative methods and practices of other officers. They would go further still and carry these studies and demonstrations into county, district and state-wide schools of governmental officers. Through these men we can build up in our own ranks an expert service beyond the capacity and below the cost of any group of governmental experts from afar.

Responsible officials further agree that the economic savings of this program to the cities, the counties and the state will many times outweigh its cost. To illustrate: Hundreds of independent local governmental units still have their own independent systems of records and accounts. Some of these systems are excellent. Others are in confusion. In others confusion is itself confounded. In few of them do officials know from day to day just where they stand or what is going on. This lack of system is today inviting shortages in the cities and the counties of

the state. These shortages are beginning to be so common that people take them almost as a matter of course—and show surprise when they do not occur. The officials concerned are the first—and the last—to blame them on the books and reverse the ancient slogan that figures do not lie. Nobody knows and everybody understands that in these occurrences public money is lost, private character is destroyed and popular confidence in popular government undermined.

The lack of uniformity even among excellent accounting systems also takes its toll in the hundreds of thousands of dollars paid for public audits every year. This high cost is due in part to the fact that auditors have had to spend half their time acquainting themselves with strange bookkeeping systems before they could begin upon their audits. It cost one municipality \$4000 to find out that its books were in such shape that no one could tell the shape they were in. Another municipality has just finished spending thousands of dollars on the longest criminal trial in its history in order to reach the same conclusion.

The experience of the Local Government Commission is conclusive proof that the principle of uniformity alone will cut the cost of public audits half in two. The experience of local governmental units throughout the state is conclusive proof that any clear-cut system of records and accounts can cut the loss from shortages half in two. Together they will provide for the free flow from one governmental unit to another of knowledge and experience now dammed up and going to waste in isolation, furnish a basis for the comparison of governmental costs and services, and prove a stimulus to the elimination of waste.

If the combination of the principles of clarity and

uniformity in our record systems will save hundreds of thousands of dollars in the future then it is fair to assume that for the lack of them we have been losing these hundreds of thousands of dollars in the past. If thorough and minute examination of these single points in our governmental structure reveals such governmental savings without loss of governmental effectiveness, what might be the ultimate saving through thorough re-examination and reconstruction of our governmental structure all along the line? If through these spasmodic governmental studies we can stop leaks after leakage has begun, why is it not the part of wisdom through continuous studies of our governmental institutions and their processes to add foresight to hindsight and prevent the losses now occurring before the leakage is discovered? And thus prevent the radical governmental changes in times of stress and strain. And thus prevent the crystallization of governmental functions in new and hastily improvised departments. And thus prevent the pains and toils and grafts that have accumulated in great American cities under the stress and strain of civic growth, unplanned and unprovided for.

Every substantial business institution in North Carolina has in recent years gone to the trouble and expense of re-examining its foundations, its superstructure, its every operation in order to eliminate inefficiency and waste. They have spent to save. The same motives, the same considerations of common sense, of sound finance, of conservative business judgment urge the expenditure for the governmental program here outlined to the end that we may (1) lift from the backs of the people any unnecessary governmental cost, (2) prevent the accumulation of unwise and unnecessary burdens in the future, and (3) make

every dollar yield a dollar's worth. If the governmental program here outlined will cost less than we are now spending, if for less money we can get more and better services, if these services will save many times their cost in the machinery for carrying our present governmental load, then the debt, the deficit and the depression are compelling arguments for the launching of this program now.

VI

THE STAKES WE PLAY FOR

More than money is at stake. Recent months have shown us what can happen when the people lose their confidence in their banking institutions. There are among us men who have pledged their fortunes to save the faith and credit of these institutions. We have thrown the public strength to them through the National Credit and the Reconstruction Finance Corporations, through volunteer committees organized to restore hidden monies to circulation. We must not forget that the same conditions which have brought business units to the brink of insolvency have brought governmental units to the brink of default with the loss of faith and credit taking its daily toll in mounting interest rates casting their lengthening shadows across the years to come. We must not forget that within the last fifteen years unprecedented extensions of state and local governmental activities, followed by unprecedented economic depression have placed unprecedented strain on the foundations and superstructure of our governmental institutions. These institutions are the foundations of our social and economic structure, the guar-

antee of security to the business transactions and the human relationships of our present life, the promise of stability as by evolution rather than by revolution we move into the days ahead. We cannot let them topple and tumble like buildings in an earthquake.

Today with Bolshevism sweeping through Russia into northern Europe and Fascism sweeping through Italy into southern Europe, with a coalition government in England desperately striving to steer English institutions between this Scylla and Charybdis barely able to withstand the rising tide of socialism, with the repercussions of these movements breaking on American shores, we are called upon to look to the rock whence we were hewn and build upon it, to rededicate ourselves to the preservation and development of American governmental institutions.

We cannot guarantee their preservation or development by constitutional mandate, by judicial decision, by legislative fiat. The constitution merely draws dim limits of the structure and the workings of our governmental institutions. Within these constitutional limits legislative enactments and judicial decisions sketch guiding lines with more detail. Within these legislative and judicial limits there is left a wide uncharted field in which the initiative, resourcefulness and judgment of individual officers have free play. Every office thus becomes an experiment station and a testing ground for improved methods and practices in governmental administration.

Here is a fruitful field for governmental exploration and discovery long neglected by American educational institutions. For two hundred years the creative efforts in

these governmental experiment stations have been too often allowed to go to waste in isolation. Through lack of contact between successive occupants of the same office. Through lack of contact between occupants of different offices in the same governmental units. Through lack of contact between occupants of similar offices in adjoining governmental units. Lack of contact caused by localisms and prejudices, by personal jealousies and political inhibitions, by the slowing inertia of tradition. Through the governmental program here outlined we can establish contacts, eliminate short circuits, provide transmission lines for the free flow of governmental knowledge and experience throughout the reaches of our governmental structure and build here in North Carolina the great creative governmental center of American life.

Throughout the state today new discoveries and improvements in the processes of government are being made which to the cities and the counties making them are worth their weight in gold, which to other cities and to other counties would be worth the same. The manager of one North Carolina city has within the last three years reorganized his city's machinery for tax collection, reduced the necessary steps from six to two, improved the service and reduced the cost of administration by \$6500 annually. Within the past twelve months the Chairman of the Board of County Commissioners in one North Carolina county has inaugurated a system which has added 4000 new taxpayers and \$5,000,000 in new property to the tax books to lighten the load on thousands already there. Through the governmental program here outlined we can gather up these new discoveries and improvements as they are made

and tested, pass them on to other governmental units through the guidebooks, laboratories, schools and journals of governmental officers. We can seek out and compare the methods and practices of every office and every officer, harmonize the best in each into a uniformity of excellence and thus lift the poorest office toward the level of the best. It has been said we cannot lift ourselves by our own boot straps. We cannot lift ourselves in any other way. In this vital interchange of experiences and experiments in government and its administration in hundreds of offices by hundreds of officers, in the initiative, resourcefulness and originality of our own people, in the steady and continued improvement of our governmental processes we can seek and find the only solid guarantees of the preservation and development of American governmental institutions.

For over a thousand years our race has fought with spear and sword and rifle and ballot for the liberties of popular government. The year 1215 and the Magna Carta, 1689 and the Bill of Rights, 1776 and the American Revolution, 1832 and the Reform Bill, 1919 and the enfranchisement of women are milestones in the path which has led from serfdom to freedom, from subject to citizen, from absolute monarchy to constitutional law. Every one of these advancing steps has brought more people to participation in the government and has correspondingly increased their power of control. Aycock, Vance, Morehead, Murphy, William R. Davie are our own local symbols of the long, unbroken struggle through which our race has slowly "climbed and fought its way from savage isolation to organic social life." Like a bell

from distant hilltops we can hear their names. They ring out to us today the spirit of a people which sees in disaster only a challenge the brighter to burn and which when darkness hedges it about builds in itself a dwelling place of light.

Men in public office are more than common jobbers, or salaried employees. They represent more than the people who elected them. They are part and parcel of a great tradition. They are the heirs of generation upon generation of men and women who have struggled through suffering and blood to hand down their governmental institutions to their children a little stronger than they found them. They are trusted with the liberties of the people. Today against a background of banks breaking, industries rocking, agriculture in the slough of despond, the shrill cry of the auctioneer ringing round our homes, waste in public places is intolerable, inefficiency in public office is a fraud, ignorance in public officer is a sin—visited on the miseries of the people. In the name of popular government this generation is called upon to turn its present flaming governmental interest into constructive channels and through a far-reaching program of training our governmental personnel, simplifying our governmental structure, and vivifying our governmental education, bring new knowledge, new strength and new courage to officials in the cities, the counties and the state of North Carolina, as in these trying times they strive to justify the faith of the people who clothed them with the public trust of public office.

THE STATEWIDE
SCHOOL OF GOVERNMENTAL OFFICERS
FOR THE
STUDY OF GOVERNMENTAL INSTITUTIONS AND PROCESSES
IN THE
CITIES, COUNTIES AND STATE OF NORTH CAROLINA
CHAPEL HILL, SEPTEMBER 8-11, 1932
CONDUCTED BY
THE INSTITUTE OF GOVERNMENT

PROGRAM

The discussions will center around seven major themes:

- I. Problems Connected with Taxation: (A) Allocation of Sources of Revenue Between City, County, State and Federal Governmental Units. (B) Assessment of Property for Taxation. Levy, Collection and Distribution of Taxes. Safeguards Around Public Funds in the Cities, Counties and State. (C) Cost of Collecting Taxes. Percentage of Taxes Collected.
- II. Problems Connected with the Public Debt—City, County, State: (A) Present Status of the Debt by Governmental Units. (B) Financing and Refinancing. (C) State Control Over Local Expenditures. (D) Constitutional Limitations on Indebtedness. (E) Methods of Enforcing Public Obligations.
- III. Problems Connected with Simplification of Governmental Machinery: (A) Overlapping Agencies in City, County, State and Federal Governmental Units. (B) Coördination of Efforts in Overlapping Governmental Units. (C) Trends Toward Simplification.
- IV. Problems Connected with the Administration of the Criminal Law: (A) Penal and Correctional Policies in North Carolina: Punishment, Probation, Parole, Pardon. (B) Juvenile Delinquency. (C) Criminal Procedure: Codification and Revision. (D) Limits Within Which the Law Allows Law Enforcing Officers to Enforce the Law: Constitutional and Legal Rights of the State and the Citizen.

- V. Constitutional Changes Under Consideration by the Constitutional Commission.
- VI. Governmental Problems Growing Out of Unemployment.
- VII. A Program of Governmental Education in North Carolina:
(A) In High Schools, Colleges and Professional Schools.
(B) In County, District and Statewide Schools of Governmental Officers. (C) In Different Groups of Private Citizens.

The following group programs are suggestive and tentative. They are submitted to the members of the different groups as starting points for discussions. They will be revised in the light of these discussions to fit the needs of individual members.

SESSIONS

The *morning sessions* will be devoted to separate meetings of the different groups for the discussion of problems of primary interest to themselves; the *afternoon sessions*, to joint meetings of two or more groups for the discussion of problems in which they are jointly interested; the *evening sessions* to a joint meeting of all groups to consider the broader relations of city, county and state governmental units to each other and to the country of which they are a part. To illustrate: police officers will want to discuss some problems among themselves; other problems with township constables, county sheriffs, state patrolmen, federal agents, who are working on similar problems in the same territory; other problems with the prosecuting officers of city, county, state and federal courts, who follow up the work of the police; other problems with the judges of city, county, state and federal courts, who follow up the work of the prosecuting officers; other problems with prison officials and the commissioner of pardons and paroles who follow up the work of the judges; other problems with city, county, state and federal legislators who enact the laws to be enforced and prescribe the procedure to enforce them; other problems with the people who take offenders back into their ranks when the courts and penal institutions turn them loose.

TENTATIVE GROUP PROGRAMS

LEGISLATIVE OFFICERS

- I. Legislative organization and procedure in North Carolina—(with particular reference to the needs and problems of newly elected members of the House and Senate.)

(A) These lectures will be illustrated by the steps in the evolution of three important measures through the last General Assembly. The Road Bill, the Banking Bill, the Local Government Bill. The illustrations will begin with the conditions the bill was designed to remedy, the first draft of the bill, committee hearings, modifications and compromises in successive steps and the lobbies, interests and points of view which produced them, the final draft and its passage.
- II. The Legislative Reference Library and its services to legislators.
- III. Allocation of sources of revenue between city, county, state and federal units. Evolution, present status and trends.
- IV. Limitations on local legislation in North Carolina. Evolution, present status and trends.
- V. Problems connected with the assessment of property for taxation, with the levy, collection and distribution of taxes, with safeguards around public funds in the hands of the cities, the counties, and the state of North Carolina.
- VI. Evolution of state control over local expenditures in North Carolina.
- VII. Co-ordination of efforts of city, county, state and federal governmental agencies performing similar governmental functions in the same territory.
- VIII. The problem of unemployment, past practices and present plans for dealing with it, and its effect upon the administration of the law in North Carolina.

JUDICIAL OFFICERS

- I. Co-ordination of Judicial Efforts:

(A) Semi-annual conferences in each of the 20 judicial districts of the state: one to be presided over by the resident judge of the district; the other, by a visiting judge. (1) These conferences will give to the resident Superior Court Judge as the head of the judiciary in his district an opportunity to co-ordinate the judicial powers divided between Justices of the Peace, Juvenile Court Judges, City Court Judges, County Court Judges, Clerks of the Superior Court, Judges of the Superior Court. (B) Annual conferences in the Statewide School of Governmental Officers to be presided over by the President of the Association of Judicial Officers: (1) To compare the records and to co-ordinate the efforts of the courts of the

various judicial districts. (2) To discuss the problems involved in the relationships of City, County, State and Federal Courts.

II. Suggested changes in criminal procedure with reference to:

(A) Waiver of indictment. (B) Waiver of Jury trial. (C) The majority verdict. (D) Conditional judgments. (E) The grand jury. (F) The insanity defence.

III. Policies of punishment as reflected in the sentences imposed by judges of the Superior Courts in North Carolina for the past 30 years:

(A) As to different races, ages, crimes. (B) As to different types of punishment: (1) The death penalty. (2) Imprisonment—Penitentiary, Chaingang, Jail. (3) Fine. (4) Suspended sentence.

IV. Inequalities of punishment and their causes:

(A) Judicial discretion. (B) Judicial organization. (C) Differing judicial philosophies of punishment. (D) Lack of information on which to base a constructive penal policy and methods of obtaining it. (E) Influence of economic conditions on penal policies. (F) Machinery for following up sentences and studying their effects.

V. Proposed changes in judicial organization now before the Constitutional Commission.

VI. Procedural differences in intermediate courts.

VII. Judicial control of processes of trial:

(A) Length and scope of argument by counsel.

VIII. Outcome of appeals in courts in North Carolina within the past three years.

(A) From Justice's Courts to Superior Court. (B) From Recorder's Courts to Superior Court. (C) From Superior Courts to Supreme Court. (D) From Supreme Court of North Carolina to Supreme Court of the United States.

IX. Trends from judicial settlement of disputes to arbitration.

PROSECUTING OFFICERS

I. Co-ordination of efforts of Prosecuting Officers:

(A) Semi-annual conferences in each of the 20 judicial districts of the state to be presided over by the Solicitor of the Superior Court of each district: (1) These conferences will give to the Solicitor of the Superior Court as head of the prosecution in his district an opportunity to co-ordinate the policies and efforts of the prosecuting powers divided between solicitors of city, county and state courts in his district. (B) Annual conferences in the State-wide School of Governmental Officers, to be presided over by the President of the Association of Prosecuting Officers: (1) To compare the records and co-ordinate the efforts of prosecution in the various judicial districts. (2) To discuss the problems involved in the relationships of prosecution in city, county, state and federal courts.

- II. Policies of Prosecuting Officers as reflected in the records of the Superior Courts of North Carolina for the past 30 years:
 (A) As to different races, ages, crimes.
- III. Court costs in criminal cases:
 (A) Differing schedules of fees. (B) Desirability of uniformity.
 (C) Collection of costs.
- IV. Organization and equipment of prosecution offices:
 (A) Preparation of cases for trial. (B) Investigation of crime.
 (C) Relation to police officers. (D) Relation to welfare officers.
- V. Relative procedural advantages in criminal trials:
 (A) Of Prosecution. (B) Of Defense. (C) Suggested changes.
- VI. Considerations of selected parts of new criminal code:
 (A) Tentative drafts of 27 chapters are now ready for discussion.
- VII. Powers and duties of Prosecuting Officers:
 (A) Policies with reference to investigation of crime. (B) Policies with reference to the nolle pros. (C) Policies with reference to pleas of guilty to a lesser offense. (D) Policies with reference to punishment.
 (E) Policies with reference to pardon and parole.
- VIII. Comparison and co-ordination of policies:
 (A) Of prosecuting officers with reference to prosecution. (B) Of judicial officers with reference to punishment. (C) Of executive officers with reference to pardon and parole.

COUNTY COMMISSIONERS

- I. The quadrennial assessment:
 (A) Machinery and procedure. (B) Methods of assessment. (C) What constitutes "true value in money."
- II. Functions of State Board of Assessors:
 (A) Appeals from County Commissioners. (B) Uniformity in assessment between counties.
- III. Collection of taxes:
 (A) Costs of collection: Comparison by counties. (B) Percentage of taxes collected: Comparison by counties. (C) Amount of uncollected taxes: Comparison by counties.
- IV. Safeguards around county funds on hand in North Carolina counties:
 (A) Evolution of safeguards. (B) Losses from lack of adequate safeguards. (C) Existing conditions.
- V. Co-ordination of efforts of agencies performing similar governmental functions in overlapping governmental units.
- VI. County governmental functions:
 (A) Evolution of governmental activities in North Carolina counties.
 (B) Desirable limitations on governmental activities.

VII. Unemployment relief:

- (A) Comparison of present policies in North Carolina counties.
 (B) Comparison of future plans in North Carolina counties.

VIII. The county's part in criminal law administration.

IX. Constitutional changes affecting the organization of county government now being considered by the Constitutional Commission.

COUNTY ATTORNEYS

I. Duties of County Attorneys in North Carolina.

II. Procedure in Financing:

- (A) Temporary financing: (1) Legal restrictions. (2) Procedural steps. (B) Permanent financing: (1) Funding and refunding of present obligations. (2) Legal restrictions. (3) Procedural steps.

III. Limitations on county appropriations and expenditures:

- (A) Without vote of the people: (1) Necessary expenses. (B) With vote of the people: (1) Public purposes.

IV. Collection of Taxes:

- (A) Procedural steps: (1) Levy on personalty—Sale—Sheriff's certificate. (2) Foreclosure. (3) Interlocutory decree. (4) Final advertisement and sale. (5) Redemption.

COUNTY MANAGERS

I. County Manager movement in North Carolina:

- (A) Its growth and present status. (B) Changes in governmental organization resulting from County Manager plan. (C) Powers and duties of County Managers in North Carolina.

II. Selection, qualifications and tenure of County Managers.

III. Relations of County Managers:

- (A) To County Commissioners. (B) To department heads. (C) To public.

IV. Standardization in county governmental processes in North Carolina:

- (A) Records. (B) Equipment. (C) Procedure. (D) Comparison of governmental costs and services in various counties.

V. See program of County Commissioners and County Attorneys.

CLERKS OF COURT

I. Comparison of duties and co-ordination of efforts:

- (A) Clerks of Intermediate Courts. (B) Clerks of Superior Courts. (C) Clerk of the Supreme Court. (D) Clerks of the Federal Courts.

II. Evolution of duties of Superior Court Clerk in North Carolina:

- (A) Before 1868: (1) County Court Clerk. (2) Superior Court Clerk. (3) Equity Court Clerk. (B) After 1868: (1) As clerk or

keeper of the records. (2) As representing the judge out of term. (3) As separate department of Superior Court.

III. Settlement of estates:

(A) Probate of wills: (1) Wills with witnesses. (2) Holograph wills. (3) Nuncupative wills. (B) Appointment of executors and administrators: (1) Who is entitled to qualify. (2) Bond required. (3) Removal of executor or administrator. (4) Where Clerk interested in estate. (5) Temporary administrator. (C) Inventory. (D) Sale of personalty and report of sale. (E) Filing accounts: (1) Annual accounting. (2) Final accounting. (F) Settlement of the estate: (1) Final settlement. (2) Suit for final settlement: by administrator or executor, by interested party.

IV. Partition Proceedings:

(A) Petition filed. (B) Ascertaining intent of parties. (C) Order for partition. (D) Appointment of commissioners. (E) Report of partition. (F) Confirmation of report. (G) When order of sale for partition.

V. Sale of land for assets:

(A) What petition should contain. (B) Order of sale. (C) Report of sale. (D) Confirmation of sale.

VI. Foreclosure of mortgages:

(A) When does clerk have control over foreclosure. (B) How does he exercise control. (C) Effect of amendment to C. S. 2391 in Public Laws 1931 c. 69.

VII. Problems involved in:

(A) Guardianships. (B) Supervision and investment of trust funds. (C) Dower. (D) Eminent domain. (E) Boundary proceedings.

VIII. Duties of Clerk with reference to cases on appeal.

IX. Delegable and non-delegable duties of Clerks.

X. Comparison of forms and records, methods and practices in use in different clerk's offices in the same type of proceeding, as a basis for uniform standards.

XI. Juvenile Courts in North Carolina:

(A) Origin, evolution and present status. (B) Juvenile Court Procedure Compared with Criminal Court Procedure.

SHERIFFS

I. Organization, equipment and personnel of sheriff's offices in North Carolina.

II. Duty of sheriff with regard to summons:

(A) Duty to send. (B) By whom service is made. (C) Time of service. (D) Manner of service. (E) Return of service. (F) Service of notice. Service of subpoena. Summons of jurors.

III. Duty of sheriff with regard to execution:

(A) Levy on personal property. (B) Levy on real estate. Sale of real estate. (C) Return of execution. (D) Levy on person.

IV. Duty of sheriff in attachment proceeding:

(A) Levy of attachment. (B) Holding property subject to order of court. (D) Report of levy for purpose of lien. (E) Sale of property after judgment. (F) Garnishment.

V. Arrest and bail:

(A) Compare to execution against person. (B) Delivery of copy of papers to defendant. (C) Holding to bail. (D) Notice to plaintiff. (E) Justification of bail. (F) Imprisonment for want of bail. (G) Liability of sheriff for escape.

VI. Claim and delivery proceedings:

(A) Seizure of property under writ. (B) How seizure may be made. (C) Delivery of papers to defendant. (D) Notice to plaintiff if defendant gives bond. (E) Exceptions to undertakings given. (F) Taking care of property.

VII. Criminal law enforcing duties of sheriff:

(A) Relations with other law enforcing agencies: Constable. Police. State Patrol. Federal agent. Private agencies.

REGISTERS OF DEEDS

I. Registration of instruments:

(A) At any time after proper probate. (B) Filing of instruments left for registration. (C) Indexing. (D) Transcribing. (E) Verifying. (F) Registration of grants. (G) Filing certificates of survey for grants.

II. Liabilities:

(A) Failure to give bond, forfeiture of office. (B) Failure to perform duties. (C) Failure to register instruments properly. (D) Failure to index instruments. (E) Penalty for wrongfully issuing marriage license.

III. Cancellation of mortgages:

(A) By the trustee or mortgagee, their agent or attorney. (B) Upon exhibition of the original instrument with notes marked paid in full by the payee, mortgagee, trustee, assignee or any active North Carolina Bank. (C) Upon exhibition of original instrument with all notes by mortgagor or agency more than 10 years after maturity with entry of satisfaction. (D) Such entries operate as deed of release. (E) Fifteen years presumptive statute. (F) Forged cancellation. (G) Entry of foreclosure. (H) Entry of satisfaction on index.

IV. Additional suggested topics for discussion:

(A) Registration Books—Standard loose-leaf books, uniform size

with printed forms for regular instruments. (B) Plot records: Uniformity of methods of filing and indexing. Uniform methods of indexing plots. For the larger counties, a master map upon which all of the subdivisions would be actually recorded. (C) Indexing systems: Modernized systems in general use and so far as possible adoption of a uniform system. Methods used in temporary and permanent indexing. (D) Cancellation of mortgages: Standardization of the marginal entries of cancellation. Care with which the registers examine the original instruments presented for cancellation or secure identification of the person cancelling the instruments. Requirement of proper documents creating the relation of agency or attorneyship in the cancellation by any other than the mortgagee or trustee. Commendation of the practice of endorsing cancellation upon the papers themselves as well as upon the record. (E) Organization, equipment and personnel of offices of Registers of Deeds in North Carolina.

V. Secondary duties:

(A) With the County Commissioners. (B) Tax list. (C) Issuance of marriage license. (D) Vital statistics. (E) Federal tax liens.

CITY COUNCILMEN

I. Unemployment relief:

(A) Comparison of present policies in North Carolina cities. (B) Plans for future.

II. Advisability of uniform city organization:

(A) As basis for uniform records. (B) As basis for comparison of services. (C) As basis for uniform municipal codes.

III. City governmental functions:

(A) Evolution and expansion of governmental activities in North Carolina cities. (B) Desirable limitations.

IV. Co-ordination of efforts of agencies performing similar governmental functions in overlapping governmental units.

V. Safeguards around city funds on hand in North Carolina cities:

(A) Evolution of safeguards. (B) Losses from lack of adequate safeguards. (C) Existing conditions.

VI. Limitations on municipal appropriations and expenditures:

(A) Without vote of people: (1) Necessary expenses. (B) With vote of people: (1) Public purposes.

VII. Liabilities for non performance or negligent performance of duty:

(A) Of city, of city councilmen. Of other city officers or employees. (B) Effect of distinction between "public" and "private" functions. (C) Effect of distinction between "officer" and "employee."

VIII. Comparative costs of tax collections and percentages of taxes collected in North Carolina cities.

CITY ATTORNEYS

- I. Duties of City Attorneys in North Carolina:
 - (A) Full time employees. (B) Part time employees.
- II. Procedure in street assessment collections:
 - (A) Analysis of improvement procedure. (B) Analysis of assessment roll confirmation. (C) Procedure with reference to delinquent accounts:
 - (1) Sale of certificates versus civil suits—relative merits. (2) Foreclosure under the judgment where owner cannot pay; where value of property is less than amount of assessment.
- III. Procedure in financing:
 - (A) Temporary financing: (1) Legal restrictions. (2) Procedural steps—ordinance of governing body, application to local government commission for approval, advertisement and sale. (3) Securities, signing and delivery of securities, preparation of transcript of proceedings.
 - (B) Permanent financing: (1) Funding and refunding of present obligations. (2) Legal restrictions. (3) Procedural steps.
- IV. Codification and uniformity in municipal ordinances:
 - (A) Extent to which codification has been carried. (B) Advantages of codification. (C) Cost of codification.
- V. Proceedings in delinquent tax accounts:
 - (A) Taxes on personal property. (B) Taxes on real property. Policy to be followed between issuance of certificate and end of redemption period.
- VI. The city's part in criminal law administration.
- VII. Constitutional changes affecting North Carolina cities under consideration by the Constitutional Commission.

CITY MANAGERS

- I. City manager movement in North Carolina:
 - (A) Its growth and present status. (B) Appraisal of its advantages and disadvantages. (C) Changes in governmental organization resulting from city manager plan.
- II. Selection, qualifications and tenure of city managers:

Comparison by cities. Powers and duties of City Managers.
- III. Relations of city managers:
 - (A) To Council. (B) To department heads. (C) To public.
- IV. Standardization in city governmental processes in North Carolina:
 - (A) Records. (B) Equipment. (C) Procedure. (D) Comparison of governmental costs and services in various cities.
- V. Administration of public charities.
- VI. See program of City Councilmen and City Attorneys.

POLICE OFFICERS

- I. Police officers in North Carolina:
 - (A) Selection. (B) Qualifications. (C) Tenure (turnover in recent years). (D) Compensation.
- II. Comparison of police department organizations in North Carolina.
- III. Co-ordination of efforts of law enforcing officers.
 - (A) Within police departments. (B) Between police departments. (C) Between police departments and other law enforcing agencies:
 - (1) In the same governmental unit. (2) In separate governmental units.
- IV. Limits within which law enforcing officers may enforce the law:
 - (A) The law of arrests: (1) Felonies and misdemeanors. (2) With and without warrants—validity of warrants. (3) Force allowed in making arrests—with particular reference to legitimate use of firearms. (4) The right to break and enter dwellings. (B) The law of search and seizure: (1) With and without warrant. (a) Of person. (b) Of automobile or other conveyance. (c) Of office or dwelling. (d) Of premises. (C) The acquisition of evidence: (1) The privilege against self incrimination. (2) Examination of suspected persons: (a) Physical examination. (b) Psychological examination. (c) The "Third Degree." (d) Entrapment. (e) Confessions and admissions.
- V. Relation of police to prosecution:
 - (A) Preparation of cases for trial. (B) Presentation of evidence in court.
- VI. Crime prevention:
 - (A) Causes of crime. (B) Agencies for crime preventions (1) Home. (2) Church. (3) School. (4) Press. (5) Other agencies. (C) Correlation of police with these agencies.
- VII. Plans for county, district and statewide Schools of Law Enforcing Officers.

CORONERS

- I. Powers and duties of Coroners in North Carolina:
 - (A) Evolution and present status. (B) Relation to other agencies in criminal law enforcing machinery.
- II. Selection, tenure, qualification and compensation of coroners.
- III. Types of problems coroners in North Carolina are called upon to deal with.

PRISON OFFICIALS

- I. Relations of city, county, state and federal penal and correctional institutions in our governmental structure in North Carolina.
- II. Organization and Activities of Penal and Correctional Institutions in North Carolina.

- III. Cost of Maintenance.
- IV. Policies of rehabilitation and return of inmates to society.
- V. Effect of imprisonment as reflected in the after lives of discharged prisoners.
- VI. Comparative grounds of punishment, probation, parole and pardon.
- VII. Methods of maintaining law and order in prison.

OFFICERS OF LOCAL BAR ASSOCIATIONS

- I. Activities of local bar associations in North Carolina:
 - (A) Setting calendars for court cases. (B) Social gatherings with after-dinner speakers. (C) Sporadic meetings for disciplinary purposes. (D) The Junior Bar movement with regular meetings and systematic discussion of legal problems. (E) Relationships of local bars to state bar association.
- II. Suggested program for current year:
 - (A) Organization of local bar associations in every county in the state with periodic meetings and definite programs. (B) Suggested topics for discussion: (1) Chapters in the proposed new code of criminal procedure with historical development of North Carolina law are ready for circulation and discussion among the local associations in order to get the benefit of the criticisms of members of the bar. Also, a monograph on The Rule in Shelley's Case with a detailed analysis of its development in North Carolina. Also, a detailed analysis of Construction Liens in North Carolina. (2) The study of the interlocking, overlapping and conflicting interests of city, county, state and federal governmental units within the territorial limits of the respective counties of the state to take form in a series of discussions: before local bar associations, before students of civics and government in local high schools, before interested groups of citizens. (3) Coöperation with the Institute of Government in providing guidebooks, laboratories, journals and schools of governmental officers and in the promotion of its program of governmental education in North Carolina.

PUBLIC AUDITORS

- I. The place of the Public Auditor in our governmental structure:
 - (A) The Public Auditor movement in North Carolina. (B) Comparison of functions of: City, County and State Auditors. (C) Selection, qualifications and tenure. (D) Professional standards.
- II. Comparison of systems of records and accounts in governmental units in North Carolina:
 - (A) Efforts toward uniform standards. (B) Extent to which uniformity has been achieved. (C) Extent to which it may be profitably carried out.

- III. Relations of public auditors to other public officers:
 (A) Responsibility for the record systems in the various governmental offices. (B) Coöperation with other governmental officers in improving individual systems in the light of experience in other places.
- IV. Relations of city, county and state auditors to Local Government Commission.
- V. Cost of public audits in governmental units in North Carolina.
 (A) Causes. (B) Methods of reduction.

PUBLIC WELFARE OFFICERS

- I. The Public Welfare movement in North Carolina:
 (A) History. (B) Present activities. (C) Correlation of city, county, state and federal welfare agencies. (D) Correlation of public and private agencies.
- II. Relations of welfare officers to governmental agencies:
 (A) Police and Sheriff. (B) Prosecutor. (C) Judge. (D) Other governmental relationships. (E) Place of the Welfare Officer in our governmental system.
- III. Legal problems of Welfare Officers:
 (A) Legal residence of dependents as affecting administration of public relief. (B) Legal problems connected with bastardy proceedings. (C) Legal problems connected with the conflicts between state and parental authority over minors.
- IV. Selection, tenure and qualifications of welfare officers.

PUBLIC HEALTH OFFICERS

- I. The Public Health movement in North Carolina:
 (A) City activities. (B) County activities. (C) State activities. (D) Correlation of these activities.
- II. Relations of Health to Conduct:
 (A) Some phases of criminal conduct attributable to physical and mental infirmities. (B) Contributions of physicians, psychologists, psychiatrists and other existing agencies to the solution of these problems. (C) Correlation of these agencies with the courts and other governmental agencies in the administration of justice.
- III. Legal problems of Public Health Officers.
- IV. The Health Officer's place in our governmental structure.

PUBLIC ENGINEERS

- I. Functions of City Engineers:
 (A) Extent to which full time city engineers are employed in North Carolina. (B) Comparison of functions in North Carolina cities. (C) Transition from construction to maintenance operations.

- II. Necessity and uses of precise city surveys—the Greensboro Survey:
 - (A) City or regional plan. (1) Property Lines. (2) Zoning.
 - (3) Transportation. (B) Planning for public activities.
- III. Operation and control of water purification and sewage treatment works by municipalities.
- IV. The Engineer in Law Administration:
 - (A) Boundary disputes. (B) Stream pollution. (C) Conservation of natural resources and protection of the public domain.
- V. Engineer's place in our governmental structure.

STUDENT GOVERNMENT OFFICERS

- I. History of Student Government in North Carolina:
 - (A) Origin and evolution. (B) Extension to colleges and high schools of the state. (C) Its present status.
- II. Comparison of Student Government systems in North Carolina:
 - (A) Codes. (B) Procedure. (C) Penalties. (D) Functions of Student Government Boards. (E) Relation to faculty.
- III. Comparison of Student Self-Government systems with Local Self-Government system:
 - (A) Relation of Student Government authorities to Local Government authorities. (1) Jurisdiction over conduct of students on campus. (2) Jurisdiction over conduct of students off campus. (B) Comparative methods of dealing with offenders against college codes. (C) Comparisons of remedies available to student government officers and local government officers for enforcing respective codes.
- IV. Correlation of Student Government activities with courses in Government in high schools, colleges and professional schools; with the county, district and state-wide School of Governmental Officers.
- V. Coöperation of Student Government Officers in colleges and high schools. with state and local civic and governmental agencies:
 - (A) In the prevention of delinquency and crime. (B) In dealing with juvenile offenders.

TEACHERS OF GOVERNMENT

- I. Extent to which government is taught in high schools, colleges and professional schools of North Carolina:
 - (A) Its evolution. (B) Present courses: Content of courses. Time devoted to them. Texts and supplementary materials used. (C) Training and experience of teachers giving these courses. (D) Overlapping of high school, college and professional school courses.
- II. The gap between governmental teacher and governmental administrator and how to bridge it:

(A) Co-ordination of teachers of government with county, district and state-wide Schools of Governmental Officers. (B) Coöperation of local lawyers and officials throughout the state with teachers of government in high schools, colleges and professional schools throughout the state in a systematic series of lectures designed to present a picture of the practical workings and interrelations of local governmental units. (C) Seminars in summer for governmental teachers in connection with statewide School of Governmental Officers. (D) Preparation of materials for use in government courses.

III. Changing conceptions of the teacher's function.

LAW IMPROVEMENT COMMISSION

- I. Formulation of plans and policies.
- II. Correlation of efforts and activities of Law Schools in North Carolina in a consistent program of law improvement.
- III. Correlation of efforts and activities of state and local bar associations and other agencies concerned with law improvement.
- IV. Specific changes in the law submitted by law teachers, lawyers and others for consideration by the legislature in 1933.

