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The Capitol / Circuit-Breaker: Property Tax Relief / State Budget /
Coaching Employees / Raleigh's Charter Changes / Corporal Punishment

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Cover Photo: The photograph on the cover is the west front of the North Carolina State Capitol, completed in 1840. This photo and those in the first article were taken by Mike Hervey, a former student assistant at the UNC-CH Photo Lab. Three of the subjects in the interview article were photographed by Lee Howe, photographer with the UNC Photo Lab; Mr. White's photograph is from Batchelor Studio, Raleigh; the photo of the joint session of the legislature is by an unknown photographer, and the photo of the legislators' desks is by Mr. Hervey.

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“This Political Temple, the Capitol of North Carolina”

John L. Sanders

(I)n the Capitol just erected, the State possesses a building which for solidity & beauty of material, uniform faithfulness of execution, and for Architectural design, is not surpassed, if indeed equalled, by any building in the Union. . . . And to North Carolinians it will remain for Centuries, an object of just & becoming pride, as a noble monument of the taste & liberality of the present generation.

That tribute to the North Carolina State Capitol, offered by the Commissioners for Rebuilding the Capitol when they completed their work in 1840, was not mere self-flattery upon their own accomplishment. The men who wrote that report had had no part in planning and initiating the construction of the building between 1833 and 1835, when the character and scale of the work were being set; those initial members had resigned in 1835. The later commissioners shared with their predecessors, however, the conviction that the building of the Capitol was a work “identified with the pride & character of the State.” Their monument-building was a conscious act of patriotism, for they wished to create a structure that not only would amply shelter the activities of state government but would have symbolic significance as well. As

Note: The title of this article comes from a report of the Joint Select Committee on Public Buildings and Rebuilding the Capitol to the General Assembly of 1840-41: “Certain it is, that this Political Temple, the Capitol of North Carolina, will vie with any legislative building in the Union, if not the world, and presents one of the finest specimens extant of classic taste in Architecture.”

Now the Vice-President for Planning of The University of North Carolina, the author was formerly Director of the Institute of Government. He has been interested in architectural history for many years and has studied the North Carolina Capitol in particular detail.

Hitchcock and Seale have well documented in their recent definitive book, *Temples of Democracy: The State Capitols of the USA*, this urge to raise monuments was shared by builders of many state capitols during the first century of the Republic, though few of them came so near to realizing their lofty ambition as did the North Carolina commissioners.

The accuracy of the North Carolina commissioners’ forecast has been established by time. Through more than a century and a third of use, the Capitol acquired great significance as the symbol of state government. With the departure of the General Assembly to its own building in 1963 and the temporary removal of the Governor’s office during the mid-1970s, however, it seemed for a time that the Capitol might become merely a handsome relic of the governmental past, honored but unused. The return of the Governor’s office to the Capitol at the initiative of Governor Jim Hunt, together with a fine job of rehabilitating and refurbishing the structure, has revitalized the Capitol and reclaimed its place as both the center and the symbol of executive authority in North Carolina state government.

The story of how the Capitol came to be and how it endured — how this State spent over three times its annual revenue on a single building in the 1830s, and how that building survived with so little change the heavy use of more than thirteen decades — is worth brief retelling on the occasion of the Capitol’s renewal.

State House

The site of Raleigh was chosen for the capital of the State in 1792. The new town was laid out in the forests and oldfields of Wake County, and on its

central square a State House was erected to accommodate the General Assembly and some of the state officers. This two-story, hip-roofed brick building was finished in 1796 and served with little change for a generation.

The need for repairs to the structure, for more space, and for a suitable site for displaying the newly acquired statue of Washington by Canova led to the extensive renovation and enlargement of the State House in 1820-24 by William Nichols, the State Architect. In his design, Nichols combined the architectural features that came to characterize the American state house: portico, dome, rotunda, and legislative chambers in balanced wings. This was the second such composition in the United States, and one that Nichols was to repeat in three other state house designs and many other architects were to adapt and elaborate across the continent. Nichols raised the building to three stories and stuccoed it in imitation of stone, extended the east and west fronts to give the building the shape of a Greek cross, applied pseudo-porticoes on the principal fronts, provided a central rotunda with dome as the exhibition place for Canova's Washington, and embellished the legislative chambers and the building generally with Classical ornament. The State House in its Neoclassical transformation stood only half a dozen years (Fig. 1), until a fire in 1831 destroyed it and irretrievably damaged the statue of Washington (Fig. 2).

Phoenix rises

After a year's delay, the General Assembly of 1832-33 determined to rebuild the Capitol (as the present building has always been known) on the old site and to follow in expanded form the cross-



1. The North Carolina State House as it appeared from about 1824, following its enlargement, until it burned in 1831. This building was the prototype for the present Capitol.

shaped plan that William Nichols had devised a dozen years earlier.

There was no administrative agency to oversee governmental building, and in any event, the rebuilding of the Capitol was distinctly a legislative project. Therefore that task was entrusted to a specially established commission of five members chosen by the General Assembly. Its chairman was Duncan Cameron of Orange County — a planter, lawyer, politician, and banker and a man of wealth with a taste for well-building. To begin the work, the legislature appropriated \$50,000.

Plans

Although other architects and builders sought the commission to design the Capitol, the Commissioners for Rebuilding naturally turned to the man who had created the prototype of the building they wanted, William Nichols. Nichols was then practicing in Alabama and Mississippi, so he sent his son, William Nichols, Jr., to Raleigh to assist the Commissioners. By mid-1833, they had worked out the basic characteristics of the plan that was ultimately followed: a cross-shaped, three-story building of stone with a central, domed rotunda; executive offices on the first floor; and legislative chambers and offices on the second floor. Apparently the architect proposed and the Commissioners accepted an improved version of the Alabama capitol at Tuscaloosa, which Nichols had designed and built in the late 1820s as an enlarged edition of his renovated North Carolina State House of 1820-24. No thought seems to have been given to any building style except the Classical Revival, then the mandatory mode for almost any building with pretensions to style.

In August of 1833, the Nicholises were superseded as architects of the Capitol by Ithiel Town and Alexander Jackson Davis of New York, one of the principal architectural firms in the nation. While substantially constrained by the already adopted Nichols plan and the fact that construction had proceeded for several months when they entered upon the project, Town and Davis nevertheless were able to transform the Nichols design into their own improved product. For example, they added the fully developed porticoes on the east and west fronts, and they gave the building a more Grecian cast than Nichols had contemplated.

After the Capitol had been under construction for nearly a year and a half, Town employed David Paton to be the Commissioners' resident superintendent of construction on the Capitol. Born in Edinburgh in 1801 and trained as a builder and ar-



2. Rotunda of the North Carolina State Capitol, looking west from the eastern entrance hall. The statue of Washington by Antonio Canova, installed in 1970, is a duplicate original of the Canova statue lost in the fire that destroyed the State House in 1831. The cantilevered gallery at the second floor level is a noteworthy architectural feature and provides access from the stair halls to the legislative chambers.



3. Office of Governor Jim Hunt on the first floor of the State Capitol. This office suite in the southwestern quarter of the Capitol was first used by Governor Edward B. Dudley in 1840 and has been occupied by all of his successors.

chitect there and in London, Paton had come to America in search of professional opportunity and found it in Raleigh in the fall of 1834. So quickly and so fully did he gain the Commissioners' confidence that by early 1835, he superseded Town and Davis as the architect of the Capitol.

Although the basic design was well established by that time, Paton was able to make a number of changes in it. He moved the Supreme Court Room and the State Library Room from the second to the third floor and thus provided space in the east and west wings of the second floor for legislative committee rooms, added public galleries at the third-floor level in the legislative chambers, and introduced the galleried opening between the first and second floor levels in the Rotunda. He supervised the execution of the upper portions of the exterior walls, the dome, and all of the interior of the Capi-

tol, and thus he is due much credit for the quality of the work, even when it was carried out to the designs of other men.

Materials and equipment

The stone used in constructing the exterior and most of the interior walls of the Capitol is gneiss, a metamorphic form of granite, taken from a state-owned quarry in southeastern Raleigh. Brick and timber used in the building were locally provided. Most of the finished fittings and equipment — ornamental ironwork, door hardware, lighting fixtures, and marble mantels, for example — came from the best firms in Philadelphia. Philadelphia craftsmen also executed the interior architectural ornament in plaster and wood. Virtually all of their work is still in place except the lighting equip-

ment and some of the mantels. The furniture of the legislative chambers (it is still in use) was made by a Raleigh cabinetmaker, William Thompson.

The Capitol was a major construction project; at its peak it employed more than 300 men. The laborers and quarry hands were hired locally. The stone masons and carpenters were chiefly hired in the North. Many of them were from the British Isles and had, like Paton, come to the United States in search of employment, though (contrary to tradition) not at his special solicitation.

The Capitol must have been one of the last major buildings erected in the United States entirely by muscle power, human and animal. No steam engines were used in its construction. The stones with which the building was built, some of them weighing as much as ten tons, were cut and finished by hand, hauled from the quarry to the site on a railway whose cars were drawn by mules

or horses, and hoisted into place by block and tackle and the efforts of scores of laborers at the end of a rope. The carpentry was done by hand (though some of the lumber was sawed by water-driven or steam-driven sawmills). Thus the Capitol remains an important exhibit of American craftsmanship in the period just before power-driven machinery and mass production replaced the creative skills of the stonecutter, the joiner, the cabinetmaker, and the blacksmith.

Cost

By the time the Capitol was completed in 1840, it had cost nearly \$533,000 to build and furnish — and that figure makes no allowance for the land or the building stone, which the State owned. At that time, the tax revenues of the State did not exceed \$150,000 a year. It is doubtful that anyone, includ-



4. Groin vaulted ceiling of Governor's Office. The central stone column supports the masonry vaults, which were used to make the first floor fireproof.

ing the architects, had any conception of the ultimate cost of the building when the plans were made and the cornerstone laid. If they had, the undertaking no doubt would have been much more modest in scope. It is probable that, like the contemporary capitols of Connecticut and Indiana, it would have been built of stuccoed brick and pulled down before the century was out.

Fortunately for the State, however, the building commissioners, inspired by their dream of building a monument to self-government, went first class and reckoned the cost afterward. By the time the true scale of expense was perceived, the character and size of the building were fixed and no retreat was possible. One effect of this major financial commitment, coupled with the quality and solidity

of the building that resulted, was to discourage all efforts to alter or replace the Capitol for many decades. By the time the State could afford to build a new capitol, the 1840 building had become sufficiently an object of State pride and sentiment that all thoughts ran to preservation and improvement, not its replacement.

Uses of the Capitol

Designed to house all of State government, the Capitol met that requirement for half a century. The Governor has retained the southwestern pair of rooms on the first floor since 1840 (Figs. 3,4). The Secretary of State occupied one or two rooms in the northwestern suite on the first floor from 1840



5. Originally the State Supreme Court Chamber (1840-42), this room behind the west portico on the third floor later housed various executive and legislative functions. The gallery was installed in 1858 to increase the usable wall space. (A similar room on the east side of the third floor housed the State Library until about 1888.) The Gothic treatment of the ceiling and chimneypiece is part of the original decorative scheme.

until about 1900, when he was assigned the north-eastern suite. The auditor succeeded him as tenant of the northwestern suite. The Treasurer and for a time the Controller were assigned the southeastern suite. The Supreme Court initially sat in the room in the western wing of the third floor (Fig. 5), but after about two years moved down to the first floor. There it occupied the northeastern suite until 1888, when it moved to its own building on Edenton Street. The State Library was housed in the room in the eastern wing of the third floor from 1840 to about 1888. These large third-floor rooms ultimately became work spaces for legislative staff and repositories for records in the Secretary of State's care. Several administrative offices and agencies, such as the Superintendent of Public Instruction, began in the

Capitol and then moved on to bigger quarters as their staffs expanded.

The General Assembly met in the Capitol from 1840 through 1961 (Figs. 6,7). The rooms that opened off the chambers (two in the House, four in the Senate) were used for legislative offices and occasionally as committee rooms throughout that time. The two handsome committee rooms in the east and west wings on the second floor became toilets in 1888, eliminating the only useful committee space in the Capitol. The remaining usable rooms — one each in the east and west wings of the first floor and two off the Senate galleries — had a variety of uses, legislative and executive. After 1840, all state constitutional conventions — in 1861-62, 1865-66, 1868, and 1875 (the latest) — met in the House Chamber



6. Senate Chamber, north wing of second floor. A shallow, circular dome covers the chamber, which is square in plan. This room was heated until 1888 by four wood-burning fireplaces, one of which is seen in the north lobby.

of the Capitol. Many other governmental groups, like the old Board of Trustees of The University of North Carolina and the North Carolina members of the Electoral College, met in the legislative chambers.

In 1959, responding to a need for more space that had become increasingly apparent over the years, the General Assembly determined to build a structure for exclusively legislative use. In 1963, it moved one block down Halifax Street to the new State Legislative Building.

The Governor's office was moved out of the Capitol to allow renovation work to proceed in the early 1970s. Governor Holshouser decided to have his working office in the Administration Building, keeping only a ceremonial office in the Capitol. For a time, the Secretary of State, of all the original tenants, kept lonely vigil in the Capitol.

Improvements

Proposals for substantially enlarging the Capitol happily were turned back in the first and fifth decades of this century, and the sounder, long-term policy was followed of constructing state office buildings on blocks fronting on Union (Capitol) Square and other nearby sites. The Capitol underwent a number of changes intended to make it more functional without seriously altering its character or appearance, internal or external. Gas lighting was introduced in 1866, replacing candles and oil-burning lamps. Electricity followed in 1889 (Fig. 8). Steam heating came in 1888, superseding the 28 wood-burning fireplaces that had been the only heat sources when the building was built. Indoor plumbing was installed at the same time. An elevator and air conditioning were introduced in



7. House of Representatives Chamber, south wing of second floor. This room was modeled after the Old House Chamber of the United States Capitol, and indirectly after the Greek amphitheater. Except for the carpet and chandelier, this chamber and its furnishings appear as they did in 1840.



8. Detail, Fig. 7. Coffered ceiling of House Chamber. The chandelier replaces the original (1840) candle-burning chandelier and its gas-burning successor of 1866.

the 1950s. In the early 1920s, a fairly extensive project of general repair and renewal was carried out.

In these improvements, a sympathetic effort was made to effect as little change as possible in the building, consistent with the need to make it functional. That approach, coupled with solidity of original construction, is primarily responsible for the fact that the Capitol probably is less changed from its original internal and external appearance than any other major civic building of its age in the United States.

Renewal, 1971-77

Many years of heavy use and inadequate maintenance, especially after the departure of the General Assembly in 1963, took a marked toll on the Capitol. Peeling paint and crumbling plaster caused by a leaking roof, ragged carpets and

faded draperies, were the visible signs of neglect that must soon have affected the fabric of the structure if not checked. In 1969, Governor Robert Scott called public attention to the condition of the Capitol and initiated plans to restore the building. He persuaded the 1971 General Assembly to appropriate \$525,000 to begin the rehabilitation work. The first phase of this work was carried out between 1971 and 1973 under Johnson and Associates of Charlotte, architects, and William Muirhead Construction Company, Inc., as general contractor. The principal things then accomplished were replacing the copper roof, cleaning and sealing the exterior stonework, replacing the exterior portions of the air conditioning equipment and lighting, and repairing and repainting the Rotunda.

The General Assembly in 1973 provided another \$400,000 for further work on the Capitol. That sum, with the remainder from the initial appropriation, was used to finance phase two, carried out under

Dodge and Beckwith of Raleigh, architects, and Williams Realty and Building Company of Raleigh as general contractor. During the second phase, the heating and cooling systems on the second and third floors were substantially improved and hidden from sight, plumbing and electrical systems were renewed, ornamental plaster was restored, the entire interior was cleaned and repainted as nearly as possible in the colors of 1840, some of the ten marble mantels that had disappeared over the years were replaced (18 of the 28 originals remain), carpets were replaced in the legislative halls, and one of the two committee rooms on the second floor (the only rooms to have been radically altered over the years) was restored to its original appearance.

Externally, improvements were made in the grounds, including removing most of the inappropriate vegetation that had increasingly obscured the Capitol in recent years. An inconspicuous entry ramp for the physically handicapped was installed.

Phase two of the renewal of the Capitol is now nearly complete. Yet much remains to be done to enable the Capitol to reflect, for the benefit of the many thousands of visitors who pass through it each year, the appearance of the building in its early years. The original furniture of the legislative chambers needs repair and those chambers and their offices must be fitted out in the style of 1840-60, consistent with the original legislative furniture and the chambers themselves. Andirons and fire tools are needed for the four fireplaces in each chamber, for example, together with chairs, tables, desks, and other appropriate furnishings for the lobbies, offices, and committee rooms on that floor. The Governor's Office has been largely furnished in the style of 1840, though some additional furnishings are needed there. On the third floor, the original State Library Room will be fitted up as a library of around 1875 and may also be used for exhibits on the Capitol and State government. The original Supreme Court Room, later the Cabinet of Minerals, on the third floor is being fitted up as a

mineralogical museum and laboratory, which it was during the middle of the nineteenth century after it ceased to be used by the Court.

State funds to make these further improvements in the Capitol are virtually nonexistent. To aid the Division of Archives and History of the Department of Cultural Resources (which has custody of the second and third floors of the Capitol and advises on the furnishings of the first floor), a group of interested citizens has formed the State Capitol Foundation, Inc., a nonprofit corporation. The Foundation is seeking contributions of funds and artifacts to enable the period rooms in the Capitol to be properly furnished and equipped. It has already obtained several gifts to the State of furniture, maps, prints, and equipment for that purpose. It will also help by raising funds to produce publications, films, and other materials interpreting the Capitol to the public.

Conclusion

Today the Capitol is again the busy center of executive authority for North Carolina state government. The Governor and his staff occupy most of the first floor. The Secretary of State keeps his principal office in the north wing, where it has been since 1840, and which for nearly one-third of that time has been occupied by Secretary of State Thad Eure. The legislative chambers are used for public ceremonies, such as administration of official oaths. The third-floor rooms are being used as exhibit spaces. Guides, most of them volunteers, show visitors through the building seven days a week.

The Capitol is well worth a visit, not only because of the important events that have transpired there over more than a century and a third, but because it remains, in the words offered by Governor Dudley upon its completion,

a noble building and honorable to the State, and will descend to posterity as a proud monument of the spirit of the age. □

Legislating in the Old Capitol

The old Capitol building was used by the House of Representatives and Senate until 1963, when the new Legislative Building on Jones Street was built expressly for the use of the General Assembly. In the interviews that follow, two legislators and two legislative staff members recall what it was like for the Assembly to work in the old Capitol, some of their favorite memories, and the major issues of those years. Elmer Oettinger, a long-time Institute faculty member and an early member of the Institute's Legislative Reporting Service, interviewed Victor Bryant and Thomas J. White. James C. Drennan, a more recent Institute faculty member and now head of the Legislative Reporting Service, talked with Clyde Ball and Shelton Pritchard.



Governor Sanford addressing the Joint Session of the 1961 General Assembly.

Victor Bryant and Tom White Remember . . .

Editor's Note: Victor Bryant was a member of the North Carolina House of Representatives from Durham for the 1923 term and then from 1935 through 1941. He has served as chairman of the House Appropriations Committee, the House Finance Committee, and the Committee on Mental Institutions, and as a member of the Advisory Budget Commission.

Oettinger: You were a member of the North Carolina General Assembly back in the days when the legislature met in the State Capitol. Could you tell us what it was like to legislate in the old Capitol.

Bryant: Well, I never served in the General Assembly in any building other than the old Capitol building, with its rotunda and its stone stairs leading up to the second floor. Elevators had been installed and that helped some. The governor's offices were on the first floor. That's where the Secretary of State, the State Treasurer, and other offices were also. In general, the Governor and the General Assembly worked closely together. Not infrequently, he would send a messenger up to the House or the Senate asking some particular representative or senator to come to his office. It was just a question of walking down the steps from the Assembly halls to the Governor's office. That made it very convenient. I would say there was a very close relationship between the Governor and the representatives and senators at that time.

Oettinger: Who were the governors in office during your years in the General Assembly?

Bryant: The first governor under whom I served directly was Cameron Morrison. That was in 1923. Also, I served under Clyde Hoey, Melville Broughton, Gregg Cherry, and Blucher Ehringhaus, who, by the way, was one of the finest gentlemen I ever knew.

Oettinger: What were some of the problems the General Assembly faced during those early years?

Bryant: Well, the General Assembly of 1923 had as

one of its problems what to do with the Ku Klux Klan. Another problem was the Turlington Act, which was the "bone dry" prohibition act enacted by North Carolina after the U.S. Congress had passed the Volstead Act.

By 1935, we had been through a part of the Depression. I was chairman of the Appropriations Committee in the 1935 General Assembly, serving in that post under Robert G. Johnson, who was the Speaker of the House. The main fight in 1935 was over the retention of the state sales tax that had been enacted as an emergency measure in 1933. There had been promises that it would be only a temporary tax. Gregg Cherry, later Governor, was then chairman of the Finance Committee. Gregg and I had adjacent hotel rooms at the Sir Walter Raleigh and quite frequently we compared notes at night to see how much money his Finance Committee was raising and how much money my Appropriations Committee was expecting to spend. Our main effort during the 1935 session was to maintain the sales tax, because we knew that we could not operate the state unless we could do so.

Oettinger: This was when the state assumed responsibility for the public schools, wasn't it?

Bryant: That is correct. The state had assumed the obligation originally, I believe, for a six-month school system. Later the term was lengthened and the state government assumed the primary responsibility for the public education system in North Carolina.

Oettinger: The General Fund, of which the sales tax became a part, was the major means of financing the school system, wasn't it?

Bryant: Yes, the major sources of income were the corporate income tax, the individual income tax, the sales tax, the franchise tax, and other taxes that went into the General Fund. (All of the motor, gas, and oil taxes went into the Highway Fund. The Agriculture Fund was comparatively small; it got its fees from fertilizer inspection and that sort of thing.) But in the 1935 General Assembly our efforts were directed toward retaining the sales tax. At that time, deductions were made in teachers'

salaries. Teachers had a rough experience, which they took as well as possible under the circumstances. They realized, under Governor O. Max Gardner, that there was not enough money in the state treasury to continue the salaries that had been promised to them and that cuts had to be made. In 1935 and the following year, the problem was to restore teachers' salaries to a fair level and yet make sure there would be enough money so that their salaries wouldn't have to be cut again. Fortunately the efforts to repeal the sales tax failed.

Oettinger: In the Old Capitol, at the very back of the chamber, there were seats where lobbyists could sit. How did lobbyists try to reach members in those days?

Bryant: The desks of the House members were arranged in circular fashion with aisles leading from the semicircular dais occupied by the Speaker to the back of the chamber, and there were chairs in the back of the House chamber where spectators could sit. There was a rail between where the spectators and where the members sat. The chairs next to the rail inside the hall of the House of Representatives actually were reserved for members. Some of the chairs just beyond the rail were occupied by lobbyists, and all they had to do was whisper over the rail to a member who had chosen to sit with his back to the rail at that particular time. I think perhaps the lobbyists thought themselves freer to coach members in those days. I remember one bill pertaining to disposition of junked automobiles. I had some rather strong views about it. I do not remember the precise issue at the time, but after I got through speaking, one of the lobbyists at the back of the hall shook my hand and said, "That was a fine speech. How much do I owe you for it?"

Oettinger: Was there a seating system for the members?

Bryant: Yes. Generally speaking, the Secretary of State assigned seats according to seniority and sometimes perhaps according to committee memberships . . . I was sitting right next to Tam Buie the day in the 1933 session that he became so vociferous in opposing the sales tax that his teeth fell out. Without missing a single word or gesture, he pulled his reserve set out of his upper coat pocket, wiped them off, put them in his mouth, and continued his speech.

An incident I recall in the 1923 session involved Zeb Turlington, a fine gentleman who represented Iredell County. He introduced what became

known as the Turlington Act. At that time there was a great clamor in favor of prohibition. I could not go along with the Turlington Act because I thought it deprived people of certain rights they ought to have. I had listened at some length to the debate on it. One afternoon after the House had adjourned, the representative from Morganton, named Sam Ervin, took a walk with me near the Capitol. Sam said that in his thinking the Turlington Act invaded a man's constitutional rights. His words certainly fell on receptive ears, and he also agreed with what I had to say. When it came time to vote on the measure, the Speaker, who was then John Dawson of Kinston, asked all those who favored the Turlington Act to stand. Well, it looked to me as if the whole Assembly rose, almost to a man. When the Speaker asked for all those who were opposed to stand, I saw one solitary figure across the hall rise, as did I. He was Sam Ervin. It was a rather lonesome situation, but I had good company with Sam. The law passed, of course.

Oettinger: When the federal Volstead Act was repealed in the '30s, the Turlington Act was on its



Victor S. Bryant

way out too. Were you in the General Assembly then?

Bryant: Yes, I was, and that turnabout provided some of the most interesting debates and some of the most severely fought engagements that we had. I think people were fed up with the hypocrisy that prevailed in the early 1930s. The bootleggers and the whiskey manufacturers were in their heyday. Many people, otherwise upstanding, were violating the North Carolina prohibition law. Law enforcement officials were not able to function effectively because they did not have the backing of the people in the state. No law without public backing is enforceable. I became very strongly convinced that the system then was not a good one and when I went to the legislature in 1935, I was determined that the existing hypocritical conditions ought to be changed. So I drew a bill to repeal the Turlington Act.

I could see that repealing the Turlington Act would be catastrophic without having some workable system to replace it. When it appeared that we could get a statewide bill enacted by the 1935 General Assembly, I introduced a bill to have a commission appointed by Governor Ehringhaus to study the situation and report to the 1937 General Assembly. Governor Ehringhaus was a strong prohibitionist. He felt that the sale of whiskey, even under government supervision, was not the proper way to handle the problem. So I got very little assistance from Governor Ehringhaus in trying to get a commission. It appeared that the bootleggers and moonshiners were pocketing the revenues that might well go to the State, although I want to make it very clear that I never looked upon regulation of alcoholic beverages as a source of revenue for the government. In those days (the situation may have changed some now; I have some reason to believe it has), establishing orderly control, taking the liquor traffic out of the hands of those who were operating illegally, and taking profits away from them seemed to be the main objects rather than revenue. The effort then was to find some way to control alcoholic beverages without creating new appetites for whiskey and without encouraging new consumers.

Oettinger: From this came the ABC local-option system in North Carolina for counties and ultimately for cities.

Bryant: Yes. Naturally when the Assembly was hard up to pay teachers' salaries and other obligations of state government, it levied taxes that at times tended to run the price of whiskey up, so

there was incentive to bootleggers and illicit handlers of whiskey to compete with the state sources. Governor Ehringhaus, I think, finally decided he did not disapprove of a bill to call on a commission to study the situation.

We had an opportunity between the 1935 and 1937 sessions to study the systems of the so-called "monopoly" states and also some of the "licensing" states. Eventually, a bill was drawn by our commission, presented to the 1937 General Assembly, and adopted as the North Carolina ABC system. We were starting with the idea that it would be wrong to have whiskey sold in any county unless a majority of the people in that county favored it.

The effort then was to find some way to control alcoholic beverages without creating new appetites for whiskey and without encouraging new consumers.

On the question of facility of operation in the old Capitol, I'll tell you a story that occurred near the end of the 1935 General Assembly. It appeared that the Finance Committee under Gregg Cherry as chairman had done everything possible to raise new revenues to meet the appropriations that we felt we had to have. I could not in good conscience suggest any further reduction in appropriations than what we had proposed. We had fought to raise salaries of teachers and others as much as possible, and Gregg Cherry and his Finance Committee felt that they had raised taxes as much as they could. We were apparently about a million dollars apart. A.J. Maxwell was then Commissioner of Revenue. Governor Ehringhaus asked Mr. Maxwell, Gregg Cherry, and me to come to his office. We all met there, and Mr. Maxwell gave his opinion that the state's revenues were approximately a million dollars short of meeting the appropriations. The Governor said that he would insist that the General Assembly arrive at a balanced, dependable budget — he was not about to reduce salaries and cut expenditures after the legislature adjourned. He turned to Gregg Cherry and asked, "Can you raise any more money?" Cherry immediately replied no: "We have scraped the bottom of the barrel, and I do not believe that the legislature would vote an increase or levy any more taxes." Then the Governor asked me if I could reduce appropriations, and I was equally positive in telling him that that could not be done. Then I said, "Governor, I'll tell you how to raise this million dollars. I can't say I'm in favor of it because I don't believe in using revenues derived from the

sale of whiskey as a means of raising money to operate the government, but if you want to do that, I think you could raise the money that way.” Governor Ehringhaus was leaning back in his swivel chair, tilted so far back that his feet were not touching the floor. Then he leaned forward, his feet flat on the floor, he looked me square in the face with his chin about six inches from mine, his eyes flashing. “Victor,” he said, “will you please never mention whiskey to me again!”

Oettinger: So how did you bridge the gap?

Bryant: Mr. Maxwell stepped in and said, “Governor, it may be that the estimates will be a little better for the receipts than we think they will be, and I think you ought to take a chance that we’ll be able to let things run on for a while and hope that we take in the money.” Mr. Maxwell was a good prophet because when the returns came in, the state had raised a great deal more than we had expected. We began to have surpluses because the economic structure of North Carolina was tuned into the times. As the economic situation improved, the revenues improved.

At that time we did not have the advantage of seeing the returns from income in North Carolina in time to get a very accurate estimate of revenues. Income tax returns were then due on March 15. There were no computers, of course. We tried to get the best estimates of what might be expected from state and federal economy. The General Assembly once sent two or three of us to the Treasury Department in Washington to try to get some estimates and figures from them. Their prophecies took the place of computers. We came home on the train from Washington that night empty-handed. About all we had learned was that the federal predictions were unfathomable.

Oettinger: What were you paid as a legislator?

Bryant: In those days the legislators received an allowance of \$4 per day for their time (their pay as representatives and senators). We met on Saturday mornings, but Sunday was not counted. In 1923 the limit was 60 days. Some members of the General Assembly, because of economic necessity, had to go home before the session ended. Of course, there was no allowance, in addition to the \$4, for travel and for room and board. That was it! For 60 days you were limited to \$240. Now, I’m not expressing any opinion as to the comparative qualities or characteristics of the men who served then and now. But, generally speaking, those who went to the General Assembly in earlier days were fully able to pay their own way whether they got

anything or not. Some members never touched their pay until the end of the session.

Oettinger: Conditions were different then. You had no microphones in the Capitol for individual seats? What were the acoustics like?

Bryant: The acoustics in the old Capitol were very good. From the floor of the House of Representatives — I think the same was true for the Senate — you could hear very well.

When constituents came, they could go up in the balcony, and sometimes they were recognized by the representative from that county. Normally you would have to go to the rotunda or the balcony to speak to constituents, since they did not have privileges of the floor. The Speaker of the House would at times extend the courtesies of the floor to a former member of the legislature, but I do not recall, except by formal resolution of the House, that these courtesies were extended to others.

Oettinger: In those days the Institute of Government did not have the privilege of the floor. At first it covered legislative activity from the balcony. Everything considered, the sound was excellent, but to hear the Reading Clerk read titles of bills was difficult.

Bryant: Usually they tried to get a man for Reading Clerk with a full speaking voice so that you could hear him. Sometimes the Reading Clerk would get to reading the titles so fast that he sounded like an auctioneer. Yet if you were looking for some particular thing or if you were trained in listening to him, you’d know what was going on.

Oettinger: What about the process of introducing a bill?

Bryant: A story is told about Pete Murphy from Rowan County, who was chairman of the Appropriations Committee in the 1923 session, that sheds some light on the bill requirements of those days. Mr. Murphy was recognized, rose, and said, “Mr. Speaker, I want to send forward the appropriations bill.” A page came running down the aisle to get the bill, and Mr. Murphy reached inside his coat pocket and pulled out a bill with the proper cover. The page took it to the Reading Clerk, who read the title of the bill. That was necessary to make appropriations certain for the session. Then Mr. Murphy went to the dais and said to the Reading Clerk, “Let me have that.” He took the supposed copy of the bill just introduced and put it back into his pocket. The legend goes that no one saw the inside of the bill, knew its contents, or

even whether there was any printed matter inside the covers. The story is that it was near the end of the session and Mr. Murphy needed to confer with some of the leaders who had charge of finances before he filled in the figures in the appropriation bill. Now, I don't give you that as gospel, but there was considerably more informality in proposing and introducing budget bills until the Budget Commission came into existence. From then on it was a different ball game.

Oettinger: In those days, I believe, the newspapers and reporters covering the activities of the General Assembly could almost be counted on one hand. What kind of relationship would you say there was then between the media and the members of the General Assembly?

Bryant: There was always a very wholesome relationship between the press and the members. Of course, there are certain things that a member felt that he had to treat in confidence, but we did not have the abrasiveness between press and members then that I have sometimes observed since. There was no thought of concealment from the press, but in those days we just did not invite the press to committee meetings. The members of the press, I think, generally felt free to come unless a committee decided that it wanted to hold an executive session, and then the chairman could ask the press to excuse themselves.

Oettinger: Where were committee meetings held?

Bryant: Well, the Capitol didn't have enough places to accommodate all the meetings. At the close of each day's session, the Reading Clerk would read out where the different committees would meet. They met in several buildings around the Capitol, and sometimes a committee would hold a short meeting behind the Speaker's stand.

Oettinger: What about office space?

Bryant: There were no offices for the members as such. A lot of the work was done in the rooms of the old Yarborough House or in the Sir Walter Raleigh Hotel.

Oettinger: Were there things about the Capitol that might have helped or hindered legislators or legislation?

Bryant: I thought the old Capitol lent itself very well to the business of the state. The rotunda had enough exits and was round in shape — people used to say it was a good place because lobbyists couldn't corner you in the rotunda. I do recall at

times it got awfully cold there in the dead of winter, and I have known members of the General Assembly to wear their overcoats while the House was in session, but that was unusual. I think that the building was suitable for purposes to which it was put — very functional.

. . . generally speaking, those who went to the General Assembly in earlier days were fully able to pay their own way whether they got anything or not.

I would say that the arrangement of the Governor's office — its nearness to the legislative halls — had some advantages. I know at times the Governor would sit in his office and his messenger or aide would bring word to him of what had transpired upstairs in the Senate and House. I remember on one occasion, the Governor — it may have been Governor Broughton — was sitting at his desk with a pencil checking off the calendars of the House and Senate from messages brought back from the second floor — he kept a close tab. Of course, he had no veto power . . . but don't think for one minute, regardless of the fact that he had no veto then (and doesn't now) that the Governor didn't have great influence on the state legislature in the old Capitol. He kept up with it well.

Oettinger: What was the source of the Governor's influence in those days?

Bryant: I make no effort to compare then and now. However, the governors under whom I served were gentlemen who had the interest of the state of North Carolina at heart. Even though they had their own particular interests and beliefs, they were people who put the welfare of the state first. They were well-respected and in that way they exerted influence. Once a question came up about whether a certain educational institution should be encouraged in something it wanted to do that would require considerable money. Cameron Morrison was Governor at that time. I knew how he thought about it and he knew how I thought. He said, "Go ahead and write the letter, write it the way you think it ought to be. Just dictate it yourself." I said, "Well, Governor, we've got to get this message to the school's president quickly." He said, "That's all right. Go ahead and write it out and then sign my name to it by you." We had close relationships. And when you work closely with a Governor like that, he has influence with you because you know he wants to do the right thing . . . By and large, I enjoyed legislating in the old Capitol. □



Editor's Note: Thomas J. White, Jr., was a member of the North Carolina House of Representatives from Kinston for the 1953, 1955, 1956 (special session), and 1957 terms. He served in the State Senate every session from 1961 to 1967 and was chairman of the Senate Finance Committee. He was also a member of the Advisory Budget Commission for twelve years and its chairman for almost ten years.

Oettinger: Mr. White, anyone who comes into the Legislative Building will see that you chaired the commission for the building. Your name is on the plaque near the entrance.

White: Yes. Governor Luther Hodges put me and a number of other people on the State Government Reorganization Commission. One day he gathered together the members of the Commission in the library of the Governor's Mansion and asked us one by one the question, "What do you think the state needs?" When he got to me, I said, "I think the state needs a building in which the General Assembly can conduct its business efficiently." Governor Hodges said, "Well, you work on that." And I did. I stayed out of the General Assembly in 1959 and directed my efforts towards getting a bill passed to create the Legislative Building Commission. I was elected chairman of that Commission, which worked long and hard and with meager funds to create our unique Legislative Building.

Oettinger: The purpose of the Legislative Building was to provide, as you put it, a more efficient place for the legislature to work. What were some of the old Capitol building's shortcomings that you tried to remedy with the new facility?

White: In the old Capitol there was no place for a legislator to confer with his constituents except around the brass rail in the rotunda between the House and the Senate hall. Usually by the time the constituent stated his business and got to the crucial point of asking you what you could do about it, someone would come along and slap you on the back, and the conversation would be interrupted for five minutes. The constituent felt slighted and disappointed. I felt it was important for a legislator to have a place to sit and confer with constituents, and, above all else, a place to sit down and dictate answers to correspondence he received from his constituents. There was no place

in the old Capitol to dictate except at his seat, with everybody else coming by and passing the time of day with him.

Oettinger: No offices at all for individual legislators in the old Capitol?

White: No offices at all. I can remember a little wide spot on one side of the stairway where a legislator would find a chair or two, get a secretary, and try to escape to do some dictating. There was also no place to have committee meetings in the old Capitol.

Oettinger: Where did committees meet in the old days?

White: Committees met all over what we called "Capitol Hill." For example, the House Judiciary Committee would meet in the office of the clerk of the Supreme Court in the Justice Building; the Senate Judiciary Committee would meet in the conference room of the Attorney General's office. Committees had meetings in the old Health Building, in the Highway Building, in what was then the Revenue Building, the Agriculture



Thomas J. White, Jr.

Building and in various other state offices. The Appropriations Committee met for a while in the Revenue Building. This inconvenienced other people, and thus many state agencies were pleased when the legislators left town. Aside from that, we had to go to committee meetings in all kinds of inclement weather. Perhaps the biggest drawback was that rarely, if ever, could a legislator make as many as two committee meetings in a forenoon. It was very likely to happen that, when you arrived at the second meeting, you got there just in time to see your bill killed. Legislating in the old State Capitol was a very inefficient operation. It was unsatisfactory to me and I'm sure it was to many others.

Oettinger: In the new building, you have a number of hearing rooms, rooms where committees can meet. It is still the only building in the country that is strictly for the legislature?

White: Yes, I think it still is. In the Legislative Building, we have committee rooms, offices for the members, and other useful rooms. When we built the offices for members around the perimeter of the building, the Commission took a lot of flak from the press about spending "all that money;" we heard a lot about how unnecessary it was and how extravagant. Now, fourteen years later, some members of the General Assembly want suites of offices in this building. Actually, the state needs a legislative office building nearby, so that the Legislative Building will not be chopped up into improvised offices. Corrupting the original design and purpose of the Legislative Building is most unfortunate and unsightly. For example, the view from the south side of the Legislative Building — south towards the Capitol where there now is a nice mall — is blocked. That view is lost to everybody except the pages, who have an improvised page lounge on the south side of the building. That area was originally designed as a place where people could go to get out of the "traffic," to sit down and talk. One of the reasons for locating the building across Halifax Street was to provide an uninterrupted view of the Capitol from the Legislative Building. Even at that time, we envisioned some sort of mall and a statue of Sir Walter Raleigh in that area.

Oettinger: Were there other problems, in addition to the problems with space in the old Capitol?

White: Yes. We did have indoor plumbing there, but it was very inadequate and sometimes hard to get to. There was an improvised elevator within

the Capitol and it was not very satisfactory. There was no comfortable place for the secretaries to work, and they practically had to sit on each others' laps in a secretarial pool. Thirty-five committee clerks had to work in a room 12 by 18 feet. There were 120 House members and 118 House employees. Everybody worked in cramped quarters. Individual members of the General Assembly did not have secretaries, and few had access to a committee secretary. We had no adequate post office in the building, but we did have mail boxes with combination locks.

Oettinger: There is a post office in the new building.

White: Yes, we now have a very good post office in the Legislative Building, and also a library in the new building, which is very useful to members of the General Assembly. The old Capitol had nothing like a library. There were only two or three sets of the General Statutes. Members had to get information however they could, and research facilities were quite limited.

Oettinger: Could you use the Supreme Court library or other libraries in those days?

White: I do not recall that members generally used the Supreme Court library. Many of the lawyers did. Of course, the Attorney General's office was very helpful. We had nothing in the way of the information that you get from computers. We had to go examine the journal to find out what the status of a bill was at any time.

Oettinger: When the daily session ended in the old Capitol, the clerk had to work on the bills introduced and would have to close his office for a while, and no one had access to bills or journals until the office reopened. Did this slow things up significantly?

White: Well, that situation certainly limited members' access to records. One or two people were often working on a journal or some other record that you needed to see.

Oettinger: The whole bill process in those days, I believe, was quite different. Now computers put bills in form in advance. Who did bill-drafting in the old days? What kind of process was used?

White: Carbon copies were made of bills because the advent of satisfactory copying machines came after the era of the old Capitol. The Attorney General's office did a great deal of preparing bills,

and many members prepared their own bills, particularly if they were not very long or technical.

Oettinger: Wasn't it possible in that particular circumstance for a member to come in with too few copies of a bill he proposed to introduce?

White: In the old days, if you had too few copies, your bill was not accepted for introduction. Usually everybody had the right number of copies. I remember drafting a bill on the back of an envelope in my automobile while I was on the way home one afternoon. When I returned I had it drafted in proper form. That was a little bill to require the Highway Commission to put up "Reduce speed ahead" signs. In those days the State Highway Patrol had a gadget called a "whammy." It was used to set speed traps for everybody. I thought motorists should have some warning to avoid being caught as they passed from a 55-mph zone across a city limit line into a 35-mph zone.

. . . the state needs a legislative office building nearby, so that the Legislative Building will not be chopped up into improvised offices.

Oettinger: What about the press coverage and facilities in those days? I understand that the press are not too happy with the present Legislative Building's facilities. What did they have in the old Capitol?

White: In the Legislative Building, the press have very fine facilities. In the old State Capitol, by contrast, they only had a table in front of the House Speaker's stand and the same thing in the Senate. The press sat on the side of that table facing the membership with their backs to the Speaker or Lieutenant Governor. Those were the only facilities that were available, except a few telephones.

Oettinger: Six or eight chairs for the press at one table, and that was about it?

White: Something like that. They had none of the facilities now available to them: the telephone, the electronic equipment, the typewriters.

Oettinger: Who were some of the legislative leaders with whom you served in the old Capitol?

White: When I came to the House in 1953, Gene Bost was the Speaker. (He died very recently.) He

was an excellent Speaker, and one who ran a tight ship. He held everybody to the rules and operated the House with a firm hand. Luther Barnhardt was Lieutenant Governor for a while when I was there. Of course, Luther Hodges was Lieutenant Governor before becoming Governor. Larry Moore from Wilson was a Speaker of the House. Mr. Kemp Doughton was Speaker in 1957, and Addison Hewlett, in 1959. Cloyd Philpott was Lieutenant Governor. Joe Hunt from Greensboro was Speaker in 1961. All of these men served in the old House.

Oettinger: Were these people handicapped by the accommodations?

White: The Speaker's office in the House was about 6 by 8 feet. But the Speaker would call little conferences and get off in a corner of the chamber or wherever he could. Most people got along extremely well when you consider the lack of adequate facilities.

Oettinger: You have talked about the old Capitol as an inefficient legislative building, but I assume you'd have an entirely different opinion as to its beauty and historic value.

White: The old Capitol is one of the nation's finest examples of Greek Revival architecture. Its construction was supervised by a young Scotsman named David Paton. The building was dedicated in 1840. It was beautiful then and it's beautiful now to me.

Oettinger: Have most of the difficulties you saw in the old building been overcome?

White: Yes, if the Legislative Building is kept to its original purpose and not changed to satisfy the whims of those who want more space or different space, it can be adequate for a long time. I have heard some of the members who do not know the history of the two buildings express amazement that the new building was built with such "tiny little offices." At the time those "tiny little offices" were built, the Commission absorbed a lot of criticism for including them in the first place. The new Legislative Building was built with \$6.2 million; it would take about \$30 million to replace it now. Rather than botch it with improvisations, it seems to me that the State would be well advised to build a legislative office building close by, as an adjunct to this beautiful building.

Oettinger: Could you envision moving any legislative offices or functions back into the old Capitol?

White: No. That building should never be materially altered. The old legislative chambers should be maintained as historic shrines, as they now are.

Oettinger: Despite the limitations of the old Capitol, did the legislators become closer because of the need to improvise?

White: The mere fact that legislators had to live closer together in the old days and had common problems (like walking to Capitol Hill for committee meetings in all kinds of weather) helped draw them together. The fact that they had to meet many times in hotel rooms and other places had a bearing on the informality and camaraderie of their relationships. Meeting informally is still done to some degree, but the great necessity for it does not exist as before. The facilities in the new building enable the legislature to handle a greater volume of work with less trouble.

Oettinger: In the old days, a few well-known members of the press or broadcast media had a very close relationship with some of the members. Is the present relationship with the media different?

White: I don't know what sort of relationship members have with the press now. Press galleries were set up in the third floor of the Legislative



Desks and chairs made for the House Chamber in 1839-40 by William Thompson, a Raleigh cabinetmaker. Until 1963, this was the only individual working space provided to legislators other than a few legislative committee chairmen. (The carpet is a modern re-creation in mid-nineteenth-century style.)

Building, but the members of the press disdained those quarters; the press corps wanted to be "on the floor." If I were a presiding officer of the House or Senate, I would not permit proper decorum and dignity to be impaired by their presence on the floor.

Oettinger: That has been arranged, though, for many years.

White: Yes, they are allowed to be on the floor, but they were not permitted to be on the floor of the Senate in 1963. The press tried to get the Commission that built this building to put space on the floor of the House and Senate for them. It would have been presumptuous for the Commission to do that. It is up to each house of the General Assembly or to the presiding officer of each house to admit or exclude them. I remember the press had an "advisory" committee to the Legislative Building Commission. They kept pestering me about how they were going to "get on the floor." I finally told them that the only way I knew that they could get on the floor was to run and get elected like I did.

Oettinger: Weren't the House or Senate chambers sometimes used for major hearings?

White: Yes, at times. I remember in 1947 there was a hearing in the hall of the House on the bill that proposed to take the management of Game and Inland Fisheries from the Department of Conservation and Development and create the Wildlife Resources Commission. There were other occasions, but they were rare. Sometimes, for example, when we considered bills calling for a referendum on the sale of whiskey, we used the Raleigh Auditorium. Of course, the Governor's office was in the Capitol, and the leaders often assembled there for conferences.

Oettinger: Wasn't that proximity to the Governor really an advantage in some ways for the legislature?

White: I don't think it was any particular advantage. As a matter of fact, when the bill creating the commission that built the Legislative Building had passed the House and gone to the Senate, an amendment was set up, providing "that there shall be no quarters set up for the Governor of North Carolina in the Legislative Building." That was in keeping with the idea that the Legislative Building was for the exclusive use of the General Assembly. Each Governor has his agents who come down and talk to legislators and

report back to him. Some Governors have had legislators come over to the mansion for breakfast on occasions and for conferences. It doesn't make any real difference. The kind of inconvenience in the old Capitol that counted was the lack of committee meeting rooms and the problems of availability of legislators to their constituents.

Oettinger: Weren't lobbyists able to sit almost within touching distance of back-row legislators?

White: There was no special place for lobbyists in the old Capitol. They could sit as others did sometimes in the lobbies or galleries in back of the chambers, (but) the gallery space was very limited. If you were interested in legislation and wanted to hear it debated, you needed to get down to the Capitol early in the morning and be prepared to sit all day. There was a small gallery in back of the House and, I believe, a brass rail in front of it. A gallery was in the back part of the Senate on the second floor over the front door, plus one on each side of the chamber on the first and second floors, but there were very few rows. The rows were narrow and the benches were hard. The chairs in the old House and Senate were beautiful. When it was decided to replace them, the legislators could draw lots for the right to purchase a chair at \$100.

Oettinger: So some of the chairs were purchased?

White: Oh, yes. They were all purchased and then

many were given back after the restoration.

During the time the Legislative Building Commission was carrying out its duties, the Commission was criticized by the press and a few disgruntled architects for its site selection, for the design of the building, for providing offices for members of the General Assembly, for the selection of the architects, for using Vermont marble, and for most of the Commission's decisions, especially those of its chairman. The new building was given many derisive appellations by various scribes in various newspapers, which included, "Teahouse of the August Moon," "Baghdad on the Neuse," "Built-In Pigeon Loft," "The Taj Mahal," "White's Elephant," "Whammy White's Whang Doodle," and others. Within a short time, the Legislative Building put its critics to rout. For the first ten years of its use, it was occupied by many members of the General Assembly who had also served in the old Capitol. These men genuinely appreciated the facilities provided in the new building and no alterations nor improvisations were permitted. To me, the installation of out-of-character additions and clumsy improvisations in this beautiful building is like carving one's initials with a pocket knife on a fine table.

To have changed the character of the old Capitol would have been just as tragic. I am greatly pleased that it has been so beautifully restored and is still in use. □

Clyde Ball and Shelton Pritchard Remember . . .

Editor's Note: Clyde Ball began working with the North Carolina General Assembly shortly after he joined the staff of the Institute of Government in 1956. For three sessions (1959, '61, and '63) he was editor of the Institute's Legislative Reporting Service. He also worked with the commission that planned the Legislative Building. In 1964, he accepted a position as professor of law at Memphis State University. He returned to North Carolina in 1970 to become the Legislative Services Officer for the General Assembly, the position he now holds.

Drennan: What are some of the differences between the way the legislature operated in the Capitol and the way it operates now in the Legislative Building?

Ball: Well, the obvious difference is in space. We don't have the room we need now for the activities we carry on, but in the old building we had none at

all. If one of the members had to go over to the aisle to talk to somebody, he had to crawl over everybody else's knees. The least desirable seats in the chamber were those in the middle of a long row. The freshmen would wind up getting those seats. The desks were very small, and the members had some rather sizable books on each desk — one was the Senate bill book and one was the House bill book. You couldn't afford to have more than one book for each house because you didn't have room for it. Of course, the bills weren't nearly so bulky then. They were sent to commercial printers as soon as they were introduced and printed on very thin, high-quality paper — what I call Bible paper — so they would take up as little room as possible.

Drennan: Was that the only copy of a bill that members received?

Ball: Yes, that was the only copy no matter how much the bill was changed. The copy that was on the member's desk, of course, was substantially different from the official copy as it went to the other house. For instance, the Senate would get an engrossed House bill (one that reflects changes made by amendments) that had been typewritten in the official folder, but nobody else — not even the senators — had a copy of the true text of the bill. The members would scribble notes in their books in a desperate effort to find out what the thing was all about, but if they really wanted to see the proper text, they had to go to the clerk's desk. Many times members simply gave up doing that and accepted the explanation of the person on the floor. A technique of explaining bills developed — you said absolutely nothing in a pleasant sort of way and then asked if anybody had any questions. Nobody had any idea, much of the time, what the bill was about. Members would turn to their neighbors and ask if they knew anything about this bill and whether it was a good one. Somebody would come along and say it was good or bad, and if a member had no other information, that is what he acted on.



Clyde L. Ball

People depended on word-of-mouth transmission. Now everybody has the current text of a bill, and if you try to get along without explaining what it's about, somebody will challenge you.

Drennan: Now every member has his own office and his own secretary, and all committees have meeting rooms in the Legislative Building. What was it like in the Capitol, where there were very few secretaries and no meeting rooms?

Ball: If a member wanted to write a letter, he would ask the clerk. She had a clerical pool in the building. A member could call and a clerk would come over and take his dictation and then would go back and type the letter. Of course, if the member wanted to make any changes in the letter, he had to send for the clerk again. If the typist made an error, the member often corrected it manually and sent it on out. Under those circumstances, legislators didn't write many letters.

Drennan: There were no committee rooms in the Capitol?

Ball: Not one. A number of committees met in the Education Building. Committees didn't meet as often as they do now. We had half a dozen local government committees: one on counties, cities and towns; one on courts and judicial districts; one on local government; and one on salaries and fees. It was not unusual for a chairman to announce to the floor that the House committee on salaries and fees would meet behind the dais immediately following the session.

Drennan: How did the committees function in the rather austere environment of the Capitol?

Ball: Committees would have only one or two meetings a session in the real atmosphere of a committee sitting down to deliberate. It was simply that Joe's bill was in this local committee, and the committee was going to meet right after the session back in the corner. The chairman of the committee would say, "Joe, your bill is coming up," and he would read the title of the bill and say, "Is this okay, Joe?" Joe would say yes, and the bill got a favorable report.

When a bill was introduced, the person who sent the bill forward would stand so that the chair could see him. The chair would usually look at him and get some idea as to what committee would handle the bill — if it was a judiciary bill, for example, you would see the member hold up two fingers (for Judiciary II) or point to himself. Unless the chair wanted to be hard to get along with, he'd send it

wherever was indicated by the member who had introduced it. One time there was a little town near Charlotte that wanted to increase the pay of the town clerk from \$80 to \$100 or something like that. The local officials had very little authority and they had to go to the legislature to get this kind of thing done. This bill was referred to the Committee on Interstate and Federal Relations because the person who introduced the bill was chairman of that committee.

Drennan: What other differences were there in the actual business of the legislature?

Ball: The absence of home rule then in counties made the day-to-day routine of the legislature different from what it is today. We still get a lot of talk about local bills tying up the legislature and there is a great deal of effort made to get local bills out, but I don't think they tie it up that much. They simply do not take that much time.

Drennan: How did the members feel about the lack of facilities in the old Capitol?

Ball: They seemed to manage. You didn't hear a lot of complaining. Of course, then you didn't have hundreds of people coming in and button-holing them. The Capitol simply couldn't have accommodated that many people in the building. Whether this was good or bad, I don't know. Almost all the time that the chambers were in session, the rotunda was full of people. They weren't there for the reasons they are now — militantly as a group for capital punishment or ERA or something like that. They were individuals there to see some legislator as part of an individual pressure tactic.

Drennan: Were there any differences in the way the legislators lived in Raleigh in those days?

Ball: First, there was no place where they could go to lunch in the building. There was a little snack bar under the stairway in the main Capitol rotunda. About all it had was packaged drinks, peanut-butter crackers, candy, and so forth. Of course, the members were substantially closer to the downtown eating places. The daily sessions began at noon. As soon as the session was over — didn't matter what time — everybody went to lunch and then went on about their business. I guess about 90 per cent of the legislators lived at the Sir Walter Hotel. If a legislator needed to talk to his fellow members about something, he could reach them at the Sir Walter. When the Legislative Building was built, the Sir Walter ceased to be the center of legislative

dwelling. There is no focal point of legislative residence anymore.

Drennan: The legislative budget, as all state government budgets, has grown dramatically in the years since the legislature left the Capitol. What are some of the reasons for this growth and some of its results?

Ball: As late as 1957, the legislative budget (a two-year budget) was less than \$360,000. It's about \$5 million a year now. That sounds like a terrific increase but, for instance, the kindergarten program then cost zero and now costs in the millions.

Members were paid \$20 a day and there was a maximum number of days for which they could be paid. After that number of days was over, a member was in trouble if he didn't have independent wealth. If you could stall a bill that you didn't like into the period after the pay ran out, you had an excellent chance of getting almost any kind of adjustment you wanted because everybody was ready to go home. The ordinary young working person who had to make a living simply could not afford to be a member of the legislature. I still don't think the members' salaries are adequate.

In those days you had one House member from every county. Then the remaining 20 seats were scattered among the major counties. The representative for the little counties in the mountains or on the coast (little in terms of population) tended to be the same person every year and because of that he was much more likely than the representatives from the population centers to gain an inordinate amount of power. The members from those little places were usually skilled, foxy characters, and powerful because they could count on the votes of people similarly situated (who made a majority). Some of our great leaders fell into that category. I don't think we have anybody in the legislature now that is the same type as those leaders. They made the system work then simply because they waded through the obstacles

Drennan: Do you see any other changes in the type of legislator elected today compared with the old Capitol days?

Ball: The *Baker v. Carr* lawsuit destroyed the stronghold of the rural counties and brought a different of type person in. [*Baker v. Carr* is the famous "one man, one vote" decision of the U.S. Supreme Court that required states to apportion their legislatures solely by population.]

Also, there are more women in the legislature

now. A woman then was almost an oddity. Maybe two or three were in the General Assembly when I was there (between the years of 1957-65), but I'm not sure. The number of lawyers was greater, percentage-wise. It was almost necessary to have lots of lawyers because you didn't have the services of a staff or facilities where you could sit down and read the bills. The members had to rely on somebody, and by and large, it was the lawyers that got relied on. This is not so necessary now, and I think maybe some lawyers feel this and are less anxious to return to the legislature — they are not quite such key figures.

I recall one funny story on this subject. A representative from Old Fort had sat next to a member from Morehead City for a couple of sessions. One day one of the so-called lawyer's bills — something to do with a judicial procedure — was being debated. The Morehead City man made some kind of statement on the debate, and the Old Fort man said, "You damn lawyers have got all the advantages over us. You know what is going on, and we don't have any idea half the time what a bill is about." The Morehead City man said, "What do you mean? I'm not a lawyer." The other man said, "You're not? What do you do?" "I run a curio shop down at Morehead City," he answered. The man from Old Fort said, "My God, for two sessions I've been taking orders from a trinket salesman!" . . . You could just feel the influence of the lawyers.

Drennan: There have been many procedural changes in the legislative process since the legislature left the Capitol in 1963. One is the abolition of regular Saturday sessions. What were those sessions like?

Ball: There was a rump session every Saturday morning when nothing but local bills were handled. If a local bill was controversial or there was a question about it, you could just say you didn't want to deal with that one and it would stay on the calendar until the next daily session. The legislature had to meet on Saturdays then because the Constitution had a provision that if they didn't have a Saturday session, they couldn't be paid subsistence for the weekend. It wasn't uncommon for there not to be any legislators there on Saturday but the presiding officer. Of course, no quorum call was made because there was no objection.

In one Saturday session the only people there were two senators, a reporter from the *News and Observer*, a clerk, and an Institute of Government man. One item on the order of business was approval of the journal. As a courtesy, the chair looked around to say, "On the motion of Senator

so-and-so, this journal is approved." The Senator's ears ribbed out about a foot and he said, "Wait a minute, I haven't looked at that journal." He required that the journal of the preceding day be read before he approved it, since his name was going there as the moving senator. They didn't have a clerk to read so the Institute of Government man read the journal while the reporter and two senators looked on. It was probably the only time in history the full journal had been read.

Drennan: During your days in the Capitol, you were in charge of the Institute's Legislative Reporting Service. How did you get the information you needed, and how were your duties affected by the space limitations in the Capitol?

Ball: They didn't have anybody to handle the bills officially. For a while a page would bring them forward to a Reading Clerk and you'd get six copies. Two of those would stay with the clerk's office and the others might go anywhere. The press would fight over one, two, or three copies. They would be handed to the first person on the press row. This was usually the same person every day. The Institute of Government would fight for one copy and would usually get it. Remember that the bill was just the typewritten copy. It didn't have the introducer's name on it, the committee reference, or the number of the bill.

One year there was a House bill clerk who couldn't keep up with the bills to save her soul. She was a nice girl but she hadn't had much experience and didn't really understand what was happening. We would sit next to her, and in return for her making sure we got a copy of the bill, we would be writing with both hands the introducer's name and bill's number. She would put the bills on the stack while we were writing. The press would be there trying to grab copies from the stack, and she would be hitting them with her hands, getting them out of the way.

Sometimes the bills would come in 50 or 75 at a time. The clerk would take the first one, then copy the information on the next two. You would sit there because you couldn't afford to leave for a second. Once I had an incipient stomach ulcer and since I couldn't leave, I'd send a page out now and then to get a half-pint of milk. The sessions would sometimes last four or five hours. The only record that was being kept was in the clerk's official book and in the Institute of Government worksheet. Information from the clerk's book was entered into the big ledger back in the clerk's office. That office was about 10 by 10 feet, I guess. It had a spiral staircase leading up to some kind of attic room

where there was a typist who typed the journal. It was a madhouse in there. We had an agreement with the clerks that we would not get in their way any more than was absolutely necessary. It worked out very well. Of course there was not any kind of copying machine. If you needed another copy of something, you would have to go back to the clerk's office and copy it longhand.

Drennan: Were there any advantages to the kind of operation the legislature had in the Capitol?

Ball: Yes, there was the tremendous advantage of a small operation being completely centralized — if you wanted to see the Governor, he was two minutes away, the Treasurer, the Auditor, you could find anyone from those offices in virtually nothing flat. . . . Everyone was close to everyone else. I think it is possible (now) for a person to be just two or three seats away from another individual in the legislature and not feel any closer than he does to a person clear across the chamber.



Editor's Note: Shelton Pritchard began her service with the General Assembly in 1951 in the typing pool for the House of Representatives. She later became a clerk in the House Clerk's office and in 1961 accepted a position as Journal Clerk for the House. Ten years later, she became Enrolling Clerk for the General Assembly. She resigned that position after the 1976 session and retired shortly thereafter, having spent more than twenty-five years working the General Assembly.

Drennan: What did you do when you first went to work in the old Capitol?

Pritchard: I was just a jack-of-all-trades. I did anything that came up — answer the phone, help a member find his bill, and look after the pages. There was a page supervisor — one boy who was supposed to be head of the pages — but they were all over the place. The pages were supposed to stay back of that little railing in the Capitol when they weren't needed. They had a little viewing area in the back. But you couldn't find them to save your life.

Drennan: What was it like in the clerk's office?

Pritchard: The office was very small. We had two or three other people who floated around and did things. Miss Annie (Annie Cooper, principal clerk of the House of Representatives) had her large desk

in there, and there was a regular typist and the calendar clerk and there was a desk for working on the bill copies when they came back.

Bills were oblong — folded like legal documents are — and on the outside were the stamps. If Miss Annie couldn't get a stamp on there, she'd write the information in and that would go back by a page to our little office. The first thing we had to do was to take all the copies out and write on them what the bill number was, what committee it went to, and what date it was introduced. All eight or ten of those copies had to be written on that way. We used those copies for members, for the printing people, and so forth. Then that bill was passed on to the calendar clerk, who put all that information into her book. At the end of the day's work, we did what we called checking (they still do this). Miss Annie used to close the door and post somebody on the outside, who would say, "I'm sorry you can't come in. We're checking our day's business." That always happened about 3:30 or 4:00. We always convened at 12:00, you know. The House might meet 30 minutes or an hour in the early part of the session. Then we'd go off to lunch and come back and check our work because it didn't make any difference



Shelton Pritchard

when we got that copy to the printer. It took the printer three weeks to print those little bills so they could go in the bill book. The bill books were heavy black folders with strings, and you slid the bills in there according to number just like they do in the big bill books they have now. We only put the bill copies in there; as I remember it, the engrossed copies of bills and amendments were kept in our office.

Back of the Speaker's chair was the library and the roster and law books. There were maybe five or six sets of books. We would go and get them for whatever a member wanted to see. We got to talk to the members during the session. They'd come back there and smoke. It was much more informal then.

Drennan: I find it interesting that you had so few desks and so many people. Where did they go? What did they do when the session was over?

Pritchard: It took us all to check, and we stood up to do it. Then there was proofing of the journal, and we would sit down in the members' desks to do that. Now you sometimes see Annie Teague (the current House journal clerk) and her girls go out to the chamber to read the journal the girls have typed. Upstairs on the third-floor level — you had to go through our office to get to them — were three journal typists, right over the principal clerk's office. They had to go up a winding stairway to get to their room. They had three desks in there. Miss Annie didn't want the members to be bothered when the session was going on. She didn't want people walking back and forth any more than was necessary. Those girls even had a potty up there so they wouldn't have to come down the stairs during the session. It was just a little chamber pot, not connected with anything. The janitors had to go up there and clean it every morning.

Drennan: You were journal clerk then?

Pritchard: Yes, in 1961.

Drennan: How did you feel about leaving the Capitol?

Pritchard: I just missed it terribly, because when we were in the old Capitol, the people were so close — you had friends. The members could look across two desks and just about touch each other. Almost nothing went on that you didn't know about. Even during a session, strategy was planned in the back part of the Speaker's stand. In the new building I was journal clerk. I sat so far away from everybody that I couldn't see all the members. I had to get a

seating chart and learn where they were. It was so much more difficult at the very beginning.

Drennan: Did they need microphones in the old Capitol?

Pritchard: No, if a person's voice carried at all, you could hear anything he said in that room.

Drennan: Was it air conditioned?

Pritchard: Oh, no. We finally got some fans after I was there a couple of years but they made a lot of noise and some of the speakers didn't like that. They'd say, "Cut that fan!" Then you'd die.

Drennan: Did members who served in both places miss the old building?

Pritchard: Yes, I got the impression that they missed the old building for a while, but they were so happy about having offices of their own in the new building, a place where they could go to dictate, and a telephone they could use.

Drennan: How did members get messages if there were no phones?

Pritchard: Through our office or the Speaker's office. A page would deliver the message to them.

Drennan: Did the members or the people in the clerk's office ever complain about the lack of facilities?

Pritchard: The people in the clerk's office didn't complain because Miss Annie had worked there so long that she had organized things pretty well. People did complain about not getting the printed bills back, not being able to see a copy of a bill. Then Miss Annie set up a mimeograph service in that room where the museum is now (it used to be part of the Highway Department), so people could get things duplicated The people who complained most were people like Tom White who realized that everybody was at a disadvantage. He started the ball rolling for a change about that time.

Drennan: It seems to me that the members were at a serious disadvantage if they didn't have a copy of a bill.

Pritchard: They didn't half consider a bill then; they couldn't. Nobody knew what was in the bills. You couldn't read them all.

Miss Annie had her finger on everything. Sometimes the committee clerks would go downstairs and listen to the discussion on a bill that had come

before her committee. (Now they aren't allowed to sit in the gallery. The girls are supposed to be downstairs in their offices). We had one or two that were real floozies, and they would go downstairs with real low-necked dresses. Miss Annie would send them a note saying something like, "Get back upstairs if you haven't got anything else to wear. Go home and get something."

Drennan: You were an enrolling clerk for a while, weren't you?

Prichard: Yes, I was, in 1971.

Drennan: So you know what it was like being an enrolling clerk in the new building. What do you think it would have been like to have that job in the old building?

Prichard: Well, I think the enrolling clerk in the old building was under the Secretary of State, and was either a former senator or representative. He had about twenty or twenty-five girls working for him. They typed every enrolled bill on parchment paper from scratch, three spaces apart, letter perfect. It had to be proofread by three people.

Drennan: What did they do on adjournment day when they had a lot of bills?

Prichard: If the enrollment clerk was smart, he would already have put the amendments on the bill and have a rough copy. He was ready. Several times Miss Annie would get several of us from the secretarial pool or the clerk's office to go to the enrollment office and proof. I stayed in that building (the State Library) one morning 'til two o'clock proofing enrolled bills.

Drennan: Do you think the kind of people who work for the General Assembly has changed over the years?

Prichard: In one degree. When I started to work for the legislature (in 1951), the staff people were, shall I say, at the society level. They were people who knew all the uppity-ups, all the politicians. Most of them could type and do other things, but some of them couldn't do anything — they just knew somebody. Now that's all changed. You have to be capable. There are still a few cases of someone putting on pressure to get a friend hired because he was politically on that man's side down home. But that was very common in the old days.

Drennan: What type of men were legislators back then? Have they changed any?

Prichard: I think we have more people who are aware of what the state as a whole needs now than ever before. Then we had people from the eastern part of the state and from the mountains who were only aware of what their little area needed. They came to Raleigh not knowing what in the world a budget for the state was all about. I'm not saying they didn't become aware as they got up here, but most people who run for office now already know their way around.

Drennan: Do you recall any funny stories from your experience at the old Capitol?

Prichard: Well, you know we used to have what we called love feast nights — real rip-snorters. One session Tom White introduced a bill to put a license on the worm fisherman, so when we had our love feast, one of the gifts that was presented to him was a can of worms. They were really live worms and they were going everywhere. I thought that was rich.

Another funny situation that involved me happened one morning when I went to work early. I had washed my hair and had it up in pin curls. I was sitting in the office trying to get it dry enough to take down, when Senator Kirkman from Greensboro came up the stairs. He said, "Come on, Shelton, I've got some dictation." And I said, "You don't want me like this." He said, "I don't care what you look like, Come on out here. I have some letters to dictate." There I was, sitting in the balcony, with people going back and forth, my hair all pinned up, taking dictation.

Drennan: Apparently some people seem to think something was lost in the way of informality and esprit de corps when the legislature left the Capitol. Do you agree?

Prichard: Yes, it sometimes seems to me that now people think, "What is he out to do me for?" Back then I didn't get that feeling at all. When my husband worked for Horace Shuford in the Labor Department, Mr. Shuford would send him over every session to look out for the labor bills, you know, to keep up with things. And he would say to me, "Now, honey, if you watch out, I think the Senate is going to get on a tizzy and we're going to have a fight." But it just never did happen. If somebody would start something, somebody else would smooth it over.

I am just proud that they kept the Capitol as a memorial, and haven't put somebody from one of the departments in. I think to keep it as a historical building is just wonderful. □

Property Tax Relief Through a Circuit-Breaker System

Charles D. Liner

A circuit-breaker in an electrical system is a switch that automatically interrupts an electric circuit to prevent an overload. A property tax circuit-breaker prevents the local property tax from overloading a family's income. In a circuit-breaker system, if a low-income family's property tax exceeds a specified percentage of its income, the state reimburses the family for property taxes paid above this percentage or for a percentage of the tax, depending on how the circuit-breaker is designed. The state can reimburse families in cash or through an income tax credit. In some systems, the family pays the local government up to the specified percentage of its income and the state reimburses the local government for lost revenues.

The circuit-breaker has proved to be a very popular idea. Since Wisconsin enacted the first circuit-breaker in 1964, half the states have enacted circuit-breaker systems, and other states are considering them.¹ The popularity of circuit-breakers lies in their simplicity, in their appeal

to those who are concerned that property taxes impose an undue burden on the poor and the elderly, and in the directness with which they address the alleged inequity of the property tax. The latter is especially important because it is virtually impossible to eliminate the property tax, which is the tax that local governments depend on most, or to alter it so that the poor are not overburdened. Another important explanation for the circuit-breaker's popularity is that the cost of the tax relief is carried by the state — which can bear the cost through statewide taxes like income and sales taxes — rather than by local governments — which would have to offset lost revenues by raising rates on property taxes or other local taxes.

The circuit-breaker addresses several problems associated with equity of the property tax. First, the property tax is commonly regarded as a regressive tax, because low-income families tend to pay a higher percentage of their income in property taxes than do families with higher incomes. Although the overall regressivity of the property tax has been questioned in recent years, property tax bills as a percentage of current income can be relatively high for low-income families. Second, retired people often bear a relatively high tax burden if they maintain their homes on reduced retirement incomes. In addition, they may have to pay increases in property taxes from fixed incomes.

Many farmers and homeowners find that as the value of their land and homes increases, their property taxes increase faster than their ability to pay. This is an especially acute problem when commercial and urban development or zoning changes increase market values above farm-use or residential-use value. Finally, if middle- and upper-income families in a community choose to tax themselves more to provide better public services, the higher taxes may impose additional tax burdens on low-income families who cannot afford to pay them.

Use of the circuit-breaker in North Carolina would have to take into account, but not necessarily replace, the two property tax relief measures enacted within the past few years. These are the low-income property tax exemption for retired persons,² referred to as the "homestead exemption," and preferential assessment of farmland.³ While these measures are designed to address the same problems the circuit-breaker addresses, they are essentially different in nature. They do not necessarily prevent overload, and their cost is borne by local governments rather than by the state. While they could be retained as complementary measures, it would be possible, and perhaps preferable, to have their functions superseded by a well-designed circuit-breaker system. Let us discuss these two measures and then describe some of the main features of circuit-breaker systems.

The homestead exemption

The homestead exemption, which became effective on January 1, 1972, has been changed twice, and the

2. N.C. GEN. STAT. § 105-277.1.

3. N.C. GEN. STAT. § 105-277.4.

The author is an Institute faculty member whose special fields are taxation and public finance.

1. For a description of circuit-breaker systems in twenty-five states, see Advisory Commission on Intergovernmental Relations, *Significant Features of Fiscal Federalism*, 1976-77 edition, Volume II (Washington, D.C.: ACIR, March 1977), Table 74.

1977 General Assembly has made substantial changes that will become effective on January 1, 1978. On that date, the first \$7,500 in assessed value of real property used as the principal place of residence and personal property used by the owner in his residence is exempted from taxation if the owner is retired and over 65 years of age, as long as the combined "disposable" income for the preceding calendar year of the owner and spouse did not exceed \$9,000 per year. Motor vehicles, boats, and airplanes are not eligible for the exemption. Disposable income is adjusted gross income⁴ as defined for North Carolina income tax purposes plus all other income except gifts and inheritances received from a spouse, lineal ancestors, or lineal descendants.

The value of the exemption depends on the tax rate. For example, if the applicable tax rate is \$1 per \$100 of assessed valuation, the exemption is worth \$75 in tax relief as long as the total assessed value of property eligible for exemption equals or exceeds \$7,500. Unlike the circuit-breaker, the exemption does not necessarily prevent overload — even with the exemption a family could have a relatively high property tax burden. Furthermore, the exclusion does not relieve a family of the burden of property tax increases, as the circuit-breaker would, once the family qualifies. Also unlike most circuit-breakers, although the exemption is required by state law, the cost of the exemption falls on local governments, which may have to increase property tax rates to offset the reduced tax revenues. Especially in communities with many retired people and a narrow tax base, increased

4. Adjusted gross income for North Carolina personal income purposes, as defined in G.S. 105-141.3, is gross income from all sources that are not specifically exempted, less all expenses allowed as deductions that are incurred in deriving this income. Gross income as defined for tax purposes does not include numerous types of income listed in G.S. 105-141(b). These include life insurance proceeds, gifts, social security benefits, some pensions, disability pay and certain retirement benefits from the Armed Services, interest on public debt, and others.

property tax rates necessary to offset local government revenue losses may offset part of the tax relief received through the homestead exemption.

Preferential assessment of agricultural land

In areas where agricultural land is potentially suitable for urban or industrial uses, the market value and therefore the assessed value may be much higher than the value of the land for agricultural use. The owner of the land becomes "wealthier" as a result but may find it difficult to pay the higher taxes from the income he receives from agricultural use of the land.

To address this problem, the law permits certain owners of agricultural, horticultural, and forest land to apply for assessment according to "present-use value." If the land is being used for agriculture, it can be assessed at its value for agricultural use even if the market value exceeds present-use value. To qualify for present-use value assessment, the owner must meet several conditions related to residence, farm income, and size. If the land is subsequently sold (outside the owner's family), the difference in taxes assessed according to present-use value and market-value must be paid for the previous three years.

Like the homestead exemption, preferential assessment of agricultural land does not necessarily prevent overloading the owner's income, and, although the preferential assessment is required by state law, the cost is borne locally rather than at the state level. Unlike most tax relief measures, present-use value assessment is not limited to low-income families. Furthermore, since the owner becomes wealthier if market-value increases above present-use value, in a sense an owner can have his cake and eat it too — he can obtain tax relief while the market value of his land is increasing and then sell the property later if he chooses. The three-year pay-back incorporated into the North Carolina law addresses this problem by recapturing part of the lost revenues when the land is sold.

Some states apply the circuit-

breaker to farm families or have a separate circuit-breaker for farmers. In some of these states the circuit-breaker is limited to a certain acreage (for example, eighty acres in Wisconsin) or limited to the tax on the dwelling and one acre of land.

The main advantages of using a circuit-breaker instead of present-use value assessment are that the circuit-breaker would prevent overload, would shift the cost from local governments to the state, would avoid many of the administrative problems associated with such measures as present-use value assessment, and would protect eligible families from later tax rate increases. A disadvantage would be that an owner could receive tax relief even though his land is becoming increasingly valuable in the market. This problem might be solved by having a pay-back penalty if the land is sold.

Features of circuit-breakers

Circuit-breakers can be designed with a number of different features, conditions, and limitations. Most of the state circuit-breakers already adopted vary in specific features. The main choices to be made in designing a circuit-breaker system are discussed below.

Age restrictions. Some states use the circuit-breaker to provide relief only to elderly or retired persons, while other states use it to provide relief to all people who meet income limitations and other conditions. Some states limit the circuit-breaker to those over 65, while a few states use age 62 or even 60. The choice depends essentially on the reasons for having a circuit-breaker. On grounds of equity there is no basis for limiting coverage to the elderly, except that some elderly people tend to have the special problems of trying to maintain the homes they bought when they had children while having to pay for property tax increases on fixed incomes. Many young families may need tax relief as much as the elderly.

Income limitations. Although it is not essential to place an upper limit on the amount of income a family can have and still be eligible for tax re-

relief, most states have imposed such a ceiling. There is some merit to such a ceiling because more tax relief can be concentrated on very low-income families and because some families with higher incomes might deliberately choose to spend a high percentage of their income on housing rather than on clothes, entertainment, or other items in the family budget. Since housing expenditures as a percentage of income tend to fall as incomes increase, an income ceiling should not present serious problems of equity if the income ceiling and the benefit formula are set appropriately. However, there may be some inequity for those families just above the ceiling. This can be remedied by designing the circuit-breaker formula so that relief is reduced at higher levels of income.

The benefit formula. The formula under which circuit-breaker relief is administered is called the benefit formula. There are two types of benefit formulas, the threshold formula and the sliding-scale formula.

The *threshold formula* can be used to ensure that no eligible family pays an excessive proportion of its income in property taxes. For example, if the threshold for families with less than \$3,000 income were set at 2 per cent of income, no eligible family would pay property taxes in excess of 2 per cent of income. Higher threshold levels could be set for higher income classes. A carefully chosen set of threshold levels could convert what is alleged to be a regressive tax to at least a proportional tax below a certain income level, and possibly to a progressive tax. This is illustrated by Table 1, which is based on estimates of the property tax as a percentage of income in 1970.

Several aspects of the threshold approach should be noted. First, those families who have reached the threshold level will not bear any additional burden from increases in the property tax although they will enjoy benefits from improved public services. This presents a potential problem in that the circuit-breaker

would encourage spending by local governments. This would become a real problem only if those families who have reached the threshold level have sufficient political power to influence the level of taxing and spending. Taxpayers who have not reached the threshold level or whose income exceeds the income limit would have to bear an additional burden and therefore could be expected to resist efforts to increase taxes. Some states have threshold formulas that relieve only a certain percentage of property taxes above the threshold, thus insuring that families pay at least part of any tax increases. This also reduces the incentive for families to overspend on housing. On the other hand, if middle- and upper-income families wish to have higher taxes in order to improve public services, the threshold approach permits them to do so without placing an additional burden on low-income families who cannot afford higher taxes.

The threshold approach also has the effect of partially offsetting tax rate disparities between wealthy and poor jurisdictions. To raise the same amount of property tax revenues, a jurisdiction with a small tax base has to impose a higher tax rate than a jurisdiction with a large tax base. The threshold approach would reduce some of the burden of these disparities.

In contrast to the threshold formula, which usually relieves the entire property tax burden above a certain percentage of income, the *sliding-scale approach* relieves only a certain percentage of the property tax burden. The percentage usually declines as income increases. For example, the formula may call for relieving 80 per cent of the property tax for families with less than \$1,000 income, 70 per cent for families with incomes between \$1,000 and \$3,000, and so forth. This has the advantage that it requires all taxpayers to share in tax increases, thus reducing the incentive to overspend on housing and public services. On the other hand, the sliding-scale approach maintains existing tax rate differentials between taxing jurisdictions.

Definition of income. In order to achieve equity among families, it is

Table 1
Effects of Alternative Circuit-Breaker Systems on
Relative Tax Burdens: An Illustration

| Family income | Property tax as a % of income ¹ | Amount of property tax | Threshold approach ² | | | Sliding-scale approach ³ | | |
|---------------|--|------------------------|---------------------------------|--------------|--------------------|-------------------------------------|--------------|--------------------|
| | | | Tax with 2% threshold level | Net benefits | Tax as % of income | Tax | Net benefits | Tax as % of income |
| \$ 1,500 | 8.2% | \$123 | \$ 30 | \$93 | 2.0% | \$ 12 | \$111 | 0.8% |
| 2,500 | 5.2 | 130 | 50 | 80 | 2.0 | 26 | 104 | 1.0 |
| 3,500 | 4.3 | 151 | 70 | 81 | 2.0 | 53 | 98 | 1.5 |
| 4,500 | 3.4 | 153 | 90 | 63 | 2.0 | 77 | 76 | 1.7 |
| 5,500 | 2.9 | 160 | 110 | 50 | 2.0 | 96 | 64 | 1.7 |
| 6,500 | 2.5 | 163 | 130 | 33 | 2.0 | 114 | 49 | 1.8 |
| 7,500 | 2.2 | 165 | 150 | 15 | 2.0 | 124 | 41 | 1.7 |
| 12,500 | 2.0 | 250 | 250 | 0 | 2.0 | 250 | 0 | 2.0 |
| 20,000 | 2.0 | 400 | 400 | 0 | 2.0 | 400 | 0 | 2.0 |
| 30,000 | 1.7 | 510 | 510 | 0 | 1.7 | 510 | 0 | 1.7 |

1. Based on 1970 survey data for the entire South U.S. Bureau of the Census, *Residential Finance Survey, 1970*, special tabulation for Advisory Commission on Intergovernmental Relations, *Significant Features of Fiscal Federalism, 1976-77 edition* (Washington, D.C., ACIR, 1977), Table 87.

2. Based on a simple threshold formula that rebates all property taxes in excess of 2 per cent of income as long as income does not exceed \$8,000.

3. Based on the sliding-scale formula used in Iowa, as follows:

| Income | % of taxes rebated | Income | % of taxes rebated |
|---------------|--------------------|---------------|--------------------|
| Under \$1,000 | 100% | \$4,000-5,000 | 50 |
| \$1,000-2,000 | 90 | \$5,000-6,000 | 40 |
| \$2,000-3,000 | 80 | \$6,000-7,000 | 30 |
| \$3,000-4,000 | 65 | \$7,000-8,000 | 25 |

essential that income be defined to include all sources of income, not just income as defined for income tax purposes. The usual approach is to have the recipient start with adjusted gross income as defined for income tax purposes and then add all other sources of income — e.g., social security benefits and teachers' retirement benefits. If not all income is included, families with the same ability to pay, as measured by income, will be treated differently under the circuit-breaker system.

It is also important to account for family size in defining the amount of income applicable to the benefit formula. Large families have greater needs for many items, of which housing space is one of the most important. Some states grant a personal exemption, similar to the income tax personal exemption, which is deducted from gross income to arrive at the amount of income applicable to the benefit formula.

Application to renters. Often the circuit-breaker applies only to homeowners, but in some states it is also applied to renters by assuming that some percentage, say 20 per cent, of rent is equivalent to the property tax that the renter is presumed to pay. This provision is based on the assumption that the property tax on rental property is passed on to the renter.

Benefit limit. To date, all circuit-breaker systems have incorporated some limit to the amount of relief that can go to any one taxpayer. This provision prevents undue relief in unusual cases in which a taxpayer has large property holdings relative to income. The limit can be placed on the amount of the credit or rebate, on the dollar amount of the property tax, or on the amount of the assessed value that qualifies for circuit-breaker relief.

Cost. The cost of a circuit-breaker system for North Carolina would depend on the coverage (for example, whether applicable only to the elderly or to homeowners and not renters), on threshold levels or percentages chosen for the sliding-scale formula, and on income and benefit limitations. Flexibility is one of the major advantages of the circuit-

breaker. Some states have started with modest programs and then expanded them to provide higher benefits or to include more beneficiaries. The cost varies tremendously from state to state. For example, in 1976 West Virginia's circuit-breaker covered 8,529 homeowners and renters over age 65 with incomes of \$5,000 or less, at a total cost to the state of \$166,000, or \$0.09 per capita. The average benefit was \$19.46. Michigan, on the other hand, provided circuit-breaker relief to 1,011,709 homeowners and renters in 1976, at a cost to the state of \$150,300,000, or \$16.62 per capita. The average benefit was \$148.58.

Circuit-breakers and tax relief

The circuit-breaker is part of a new concept in providing tax relief. States and local governments depend upon a number of taxes that are commonly believed to place an undue burden on low-income families. These taxes include the property tax, retail sales taxes, and excise taxes. It is difficult and perhaps undesirable to eliminate these taxes or to exempt low-income families from paying them. Instead, the property tax circuit-breaker and several related measures take a more direct and simpler approach — they reimburse low-income families for the undue burden that is presumed to fall on them.

In North Carolina repeated efforts have been made to repeal the sales tax on food. But repealing this tax would result in a large reduction in revenues that support schools and other public services that benefit low-income families. In addition, the sales tax on food is only slightly regressive except for very low and very high income families, so repeal of the sales tax on food would have only a minor effect on the overall equity of the state tax structure.⁵ It would be far simpler and less costly to grant a food tax credit or cash rebate to low-income families for the undue sales tax burden they are presumed to

5. Special Senate Commission on North Carolina Revenue Laws, *Report* (Raleigh, 1975), Tables 4 and 5.

pay.⁶ The "earned income credit" of the federal income tax involves the same concept of direct relief to low-income families. The earned income credit is available to low-income taxpayers who maintain households with dependents. The amount of the credit is determined by the amount of earned income from wages, salaries, and other regular compensation, but the amount allowable diminishes above \$4,000 earned income and diminishes to zero at \$8,000 earned income. If the credit exceeds tax liability, the balance of the credit is paid in cash. The state of New Mexico has carried this concept further than any other state.⁷ It provides a "comprehensive tax credit" on all state and local taxes paid by residents whose income is below a defined poverty level. The effect of this credit is to reduce significantly tax burdens on low-income families and to make the state-local tax structure proportional for families of a given size whose income is below the poverty line.

PROVIDING TAX RELIEF in North Carolina has proved to be very difficult. The two tax relief measures that have been passed, the homestead exemption and preferential assessment of farmland, have resulted in erosion of the local tax base. Requiring each local government to finance tax relief means that the heaviest burdens will fall on those local governments that have the most low-income families and can least afford to finance tax relief. It seems
(continued on p. 47)

6. The food tax credit has been proposed in past sessions of the General Assembly. A food tax credit can be designed to give every person a credit against income taxes for some amount of sales taxes paid or to give a tax credit only to persons in low-income families. By use of the food tax credit the sales tax on food can be converted from a regressive to a proportional or even progressive tax in the lower and middle income levels without losing the major revenues that this tax provides the state and local governments.

7. See Gerald J. Boyle, "A Comprehensive Tax Credit for Achieving Proportionality in State and Local Tax Structures," *National Tax Journal*, 27, no. 4 (December 1974), 569-82.

SUPERCOACH: Working with Employees

Richard P. Calhoun and Thomas H. Jerdee

Mrs. Marx is senior member of the water-billing section. As such, she is “working supervisor” of a five-person group. She knows her job well, but she does not get along with the other group members, who have nicknamed her “the water-witch.” The water-billing section has the highest employee turnover of any section in the city government . . .

Freddy Jones is the fastest and most versatile heavy equipment operator in the street department, but once a year – without any warning – he goes on a two-week drunk. He never drinks on the job and is generally reliable, except for these occasional sprees . . .

The sewer crew is almost three months behind schedule on a big job. The delay is due to a strike at the factory that manufactures various pump parts. It is impossible to install the line until the parts arrive. Residents of the area are complaining about the delay . . .

These are problems supervisors face daily. People are often promoted to supervisory positions as a reward for working well at their jobs, and not necessarily for their qualities as good managers of people. Not much attention has been paid to how supervisors — especially at the first and second levels — should deal with employees’ on-the-job problems or personal difficulties that affect them in their jobs. Consequently, many managers do not know how to talk to those under their supervision, to find out their problems, help them arrive at solutions, and motivate them to achieve.

A study of 805 first-level and 716 second-level supervisors in North Carolina state and local government showed that most supervisors needed to improve their “coaching” skills. Responding to this need, Richard P. Calhoun and Thomas H. Jerdee, both faculty members of the School of Business at the University of North Carolina at Chapel Hill, developed a course to help supervisors learn these skills. This article is taken from the textbook for that course.

– Editor

A **GOOD SUPERVISOR** is in many ways like a good athletic coach — he observes his team members, gets to know them well, helps them to work together smoothly and efficiently, and tries to bring out the best in each person. Good coaching means helping people overcome their problems so they can perform their jobs better.

Helping employees solve problems and make decisions calls for effective face-to-face communications skills, including listening, questioning, giving directions, cooperative problem-solving, and discussing job-related personal problems.

A coaching problem exists whenever employees are having difficulty on the job. Sometimes they will ask for help. More often, however, the supervisor must be the one who spots the problem and brings it to the employee’s attention. Defining the problem is the first step toward solving it. For example, problems might involve low production, poor quality work, absenteeism, dissatisfaction and complaints, failure to meet deadlines, wasting of time or materials, conflict between employees, or various sorts of crisis situations.

The causes of problems are as varied as the problems themselves. If a subordinate is falling behind in his work, the cause could be a basic inability to do the job, poor equipment or materials, or distractions of a personal nature. Often, talking with the employee is the only way to discover the cause of the problem. Solutions could involve changes in policies or procedures, changes in machines or materials, or changes in people. Several alternatives should be considered and the advantages of each weighed before a course of action is determined.

Preparing for a coaching interview

Planning for a coaching interview with an employee requires deciding what approach to use, what materials to assemble, what reactions of the

employee to anticipate, and what “back-up” alternatives to have in mind. The first task is to assemble all available pertinent information. These materials may include a position description, procedures and regulations, performance standards, or goals for improvement. The coach may also want to use examples to illustrate points and show trends. An employee’s personnel record may need to be reviewed. Whether or not such information is actually used in the interview, it can be helpful in analyzing the problem.

The tactics the coach employs during the interview should be tailored to the individual employee and his situation. The supervisor should plan ways to bring the employee into the discussion and to get his ideas. He should also think in advance about how he can show his support and confidence in the employee during the information-gathering phase of the interview.

Preparation is especially important for an interview in which a supervisor must criticize an employee. Nobody likes to be told that he must change. The coach must ask himself these questions: “What has been my attitude toward this employee? How do I feel about his past performance?” The employee needs to feel that the coach is *with* him and not against him.

Finally, the supervisor should arrange to have the interview in a private setting, with plenty of uninterrupted time, so that the employee will feel free to talk.

Coaching skills

Several techniques are available to the supervisor as he begins talking with a subordinate. Each one is useful in particular circumstances, and the good coach chooses his technique with care.

Nondirectivity. A supervisor’s customary approach is directive — he tells his subordinates what to do. With the nondirective technique, the coach uses basic problem-solving skills — identifying the difficulty, determining causes, exploring alternatives, and deciding on a solution — but this technique emphasizes helping the employee reach his *own* decisions.

There are several sound reasons for using nondirective coaching. One of the strongest reasons is that if a person decides what to do himself, he is more willing to do it than if someone else has decided for him. No one knows better than the employee himself what he can do and how he can do it best.

The nondirective approach is particularly suited

to problems such as these: personality conflicts among co-workers that affect a person’s job effectiveness; personal problems at home; problems that will develop decision-making skills; and problems more familiar to the employee than to the supervisor. Nondirective techniques are used for two main purposes — (1) to help the employee express himself fully and recognize all dimensions of a problem, and (2) to help him come up with the best answer he can to the problem.

For the nondirective approach to be successful, the supervisor must keep himself out of the interview as much as possible, and encourage the employee to talk.

For the nondirective approach to be successful, the supervisor must keep himself out of the interview as much as possible, and encourage the employee to talk. A person with a problem often must experience a catharsis, or release of feelings, before he is able to be objective and analytical about his situation. Adults are frequently reluctant to admit to strong feelings — particularly in work situations — because they think they are expected to be rational at all times and are afraid the boss will think less of them if they have a problem that involves emotions. Once the employee can identify the problem and explain the circumstances, he is more inclined to look for causes and solutions.

The coach’s manner during the interview with the employee should be supportive; he should show that he is *with* the employee rather than critical of him. It is best to be receptive or accepting and avoid expressing one’s own values with such expressions as “That’s good,” “You blew it,” or “You should have waited.” The coach’s facial expression and gestures — smiling, frowning, shaking his head, pursing his lips, or pointing — can be undesirable clues to the employee about the coach’s thoughts and feelings. The focus should be on the *employee’s* thoughts and feelings.

If the supervisor shows his understanding of the employee’s feelings and situation, the employee will feel encouraged to express himself more fully. This does not mean that the coach should agree or even sympathize — it just means that he should show the employee that he knows what he is up against. The coach can express understanding by nodding his head occasionally, listening carefully to what the employee says, commenting in a way that helps the employee to continue. For example, the coach could say something like, “That must have been difficult to decide,” “You were in a spot,” “A person can stand just so much,” or “You sure had

your hands full.” Though they may look artificial in print, such expressions as “hm-m-m” “well,” “so,” and “oh”, interjected at appropriate times and said in a tone that is not critical, questioning, or surprised can show support.

Reflecting means restating in different words the last mentioned thought or feeling of the employee. Reflecting should be done soon after the employee has expressed his train of thought, and should not go back to statements made earlier in the interview, as this may be distracting. Reflecting is a good technique for showing understanding, encouraging the speaker to go on, and showing nonjudgmental acceptance of what he says. The supervisor must be careful to use different words from the employee when reflecting because mimicking or parroting can be obvious and annoying and does not show true understanding. The supervisor should speak slowly, without emphasizing words, and avoid a questioning tone or a change in facial expression. Most important, he should be careful to rephrase only what has actually been said. Reading too much into what someone seems to have felt or thought is confusing.

The following are examples of reflecting:

FIRST-LEVEL SUPERVISOR: I don't know what to do about this abuse of coffee breaks. If it were always the same people or one person, I could talk with them privately. But it is different people each time — and often several people. I hate to post a notice that would antagonize people, and yet if I meet with them as a group it will only give some loudmouth a chance to talk. I'm not sure what I should do.

BOSS: You think that either a notice or a meeting with all of your employees might cause problems. (*Reflecting*)

EMPLOYEE: I can't find time to do anything but deal with emergencies. It's one phone call after another from the moment I enter the office until I go home. And the clerks don't want to take responsibility for taking up complaints with the foremen. They always come to me with every problem.

BOSS: Your clerks won't call the foremen about complaints they receive. (*Reflecting*)

Reflecting is not only useful in job situations; it is also a good general conversational technique that can be practiced in casual talks with friends, as the following two examples show:

SPEAKER: I think the environmentalists are just as warped as the lumber companies that want to cut down the wilderness areas.

RESPONSE: As you see it, both parties are one-sided. (*Reflecting*)

SPEAKER: I'm completely discouraged. Grocery prices are getting so high I simply can't make ends meet.

RESPONSE: The food bills make it impossible to break even. (*Reflecting*)

Pausing, or not responding right away to the employee's comment, is another technique that, if properly used, can encourage the person to say more. In our culture polite conversation is expected to flow continuously, and pauses are uncomfortable. Even a ten-second silence obliges someone to talk. Waiting or pausing keeps the coach from interrupting before the employee has finished talking.

Using the nondirective technique means more than simply trying to help the employee understand his problem — it also means helping him develop a solution. *Questions* can aid in this process. Thought-inducing questions can shake the employee up a bit, make him think more deeply, consider different aspects, and open up fixed views, especially in emotionally charged areas, for example: “What else can you do?” “Are there other ways of tackling this?” Words like “sometimes,” “a little,” “somewhat,” “could,” and “might” help to modify potentially harsh questions. “Could it be that you sometimes contribute to the way he acts?” “Always,” “entirely,” “never,” and “only” are more jarring. “Does he never do anything right?” Such challenging or forcing questions are generally more useful later in an interview after catharsis and/or preliminary explanations have taken place. Questions of this type can be threatening, but are sometimes necessary when a person is stubbornly one-sided in his point of view. “You did *nothing* to irritate him — in *any* way?” “That was the *only* thing you could do?”

Summarizing, pulling together thoughts or suggestions at various times during the interview, is helpful for a number of reasons. Summarizing is a good way to review what the employee has said and to make sure that important points are covered. An attempt to put the whole picture together shows that the supervisor is earnestly trying to understand his employee's thoughts and feelings. Summarizing requires active thinking, as do reflecting and questioning.

One common error in using the nondirective approach is to assume that nondirectivity requires no training or practice. Another error is to manipulate the employee into saying what the supervisor wants to hear. If the supervisor really has confidence in

the employee's ability to arrive at a solution, he will not attempt to manipulate him. The effectiveness of a decision depends not just on its rational quality, but also on its acceptance. Even if the employee's answer is not theoretically the best answer, it may, in practice, be the most workable for him and the agency.

Shifting from a directive to a nondirective approach is difficult, not only for the supervisor, but also for employees. When someone is accustomed to being told what to do, he accepts that role and is wary of change. During an interview, he may be thinking "What does the boss really want me to say?"

The following dialogue illustrates some of the nondirective techniques discussed so far:

FOREMAN: You know, Bob, I've noticed lately that you've been having some difficulty with your work and you've been absent quite a bit. That's unusual for you. I thought we'd better talk it over and see if there isn't something we could do. I'd like to help if I can.

BOB: *(Pause)* Well, Mr. Robinson, I know I've been absent a few times lately. I haven't felt too well. I've had a lot of colds, and I don't seem to have all my pep. Up to lately, I haven't been out sick much at all.

FOREMAN: I know you haven't Bob. It isn't like you to be absent a lot.

BOB: Well, we've had sickness at home. The kids have had the flu, and that's kept me up at night. The going has been kind of mean.

FOREMAN: Things have been rough at home. *(Reflecting)*

BOB: You know, my father died last year. My mother decided she couldn't live alone, and I couldn't find anyone to stay with her, so we took her in with us. I had to build a room for her, and that was hard work.

FOREMAN: That really is a big undertaking. I'll bet you've had your hands full.

BOB: I guess my trouble started when Dad died. He always lived on a shoestring. I don't hold that against him. With all my bills, I'm about in the same boat. But I had to settle his estate, and there wasn't anything left after the bills were paid. In fact, I had to chip in some to get things cleaned up. It's taken a lot of my time — seeing real estate people and

lawyers and all — and it's been quite a worry. Some days I haven't been able to get it out of my mind.

FOREMAN: I understand. That's why I thought we might talk together this morning — to see if I could help. *(Pause)* How do you feel your job is going? *(Question)*

BOB: Well, as far as the work goes, we've had a lot of messy orders lately, and that's loaded us up pretty well. With the load we have to carry, we have to rush.

FOREMAN: You've had to push to get the work done. *(Reflecting)*

BOB: Maybe there haven't been any more orders than usual, but it's been a lot harder to get the job done. The other fellows say they feel that way too.

FOREMAN: They've mentioned it to you. *(Reflecting)*

BOB: Yeah, a time or two. They weren't complaining, but — you know how it is — we've been going pretty steady, and we need a little let-up so we can get organized a bit.

FOREMAN: There's been no chance to catch your breath. *(Reflecting)*

BOB: You know, there's something else too, Mr. Robinson. These new men don't give as much to the job as we did when I started. We hit the ball a lot harder than these guys do.

FOREMAN: You feel the new men don't do their part. *(Reflecting)*

BOB: When the pressure is on, the older men with experience have to carry the younger ones along. Then to have them complain when you're out for a day is hard to take.

FOREMAN: So . . . ?

BOB: *(Pause)*

FOREMAN: Let's see where we are now. You've had some sickness recently, and that has caused you to lose time. On top of that, your father died, and settling his estate has worried you. And there have been problems on the job such as orders and new employees that have made work tougher than usual. *(Summarizing)*

FOREMAN: Is there anything *else* that has been bothering you? *(Question)*

Active listening. A “dialogue of the deaf” takes place when each participant in a conversation tries to make his point without really listening to the other. Active listening is often difficult for people with supervisory responsibilities. They feel a need to be in control, and to them that often means that they must do the talking. It takes humility to give up center stage and listen to someone else. When actively listening, a supervisor must be careful not to reject automatically what is said by an employee he does not like.

Active listening requires many of the previously discussed skills — a supportive manner, reflecting, use of words and phrases that show interest, pertinent questions, pauses, and summaries.

Asking questions. The formula for an employee’s participation in a coaching interview is $E = S + C - U$, which means that the employee’s discussion consists of what he *says* plus what he *can* say minus what he is *unwilling* to say. An employee tends to tell his boss what he thinks the boss wants to hear and what will make himself look good. It is especially difficult for an employee to express himself candidly when he believes that his problems are caused by his supervisor. When relations between employee and boss are unsatisfactory and communication difficult, the employee tells the boss no more than he has to.

Supervisors sometimes fail to ask questions because they do not want to pry, cross-examine, or invade an employee’s privacy. Our culture considers such questions to be impolite. The coach can show he is aware of the employee’s feelings but still ask such a question if he prefaces it with a remark like, “This isn’t an easy question to answer, but it might help us to get to the root of our problem.”

Failing to recognize the employee’s “frame of reference” — level of education, knowledge, and experience — leads to poor questions. Vocabulary alone can cause trouble. If the coach uses a lot of big words, he may not only fail to get his message across but also arouse anger and resentment in the employee. He shouldn’t “talk down” to the employee but should ask questions in everyday language.

In addition, the coach should watch out for words that arouse the employee’s defenses. He should not use “slur” or “snarl” words — for example, “Why didn’t you have sense enough to proofread the report?”

If a coach is not careful, he can ask questions in such a way as to suggest a “right” answer. Suggestiveness is sometimes very subtle. “Was there a . . . ?” is more suggestive than “Did you see a . . . ?” Negative demanding questions are especially leading. “Didn’t you see a . . . ?” “You

wouldn’t mind working this weekend, would you?” The less suggestiveness there is in the question, the more room there is for the employee to say what he thinks.

Open-ended questions encourage an employee to express himself more freely. “How” and “what” questions are open-ended. Questions of a “do you,” “can you” nature, calling mainly for “yes” and “no” are closed — they discourage discussion.

An “overhead” type of question serves as a good opener for an interview session. This is a broad question in an area that is familiar to the employee, such as, “How about reviewing the past year’s work as you see it?” “Laundry list” questions are also useful for getting a reluctant employee to open up. They consist of a number of items, any of which could be responded to by the employee. The coach does not expect a reply on all items but just hopes to start the employee talking. For example, a supervisor meets with his employee to work up objectives for the coming year. He starts out with, “How about taking a look at the past year and seeing how things went — what did you achieve, what problems did you run into, what didn’t go as you had hoped, what special circumstances affected you, and what are your aims for the coming year?” These broad questions should be used carefully because they can be confusing.

“Follow-up” questions try to get beneath the surface to more meaningful, detailed information. Even a simple follow-up like, “Could you tell me more about that?” could get the employee to say a lot more. Another way to follow up is “two-step probing,” in which the coach asks a general question and then a more specific one. For example —

SUPERVISOR: “What’s the problem in motivating your subordinates?”

EMPLOYEE: “They’re all at the top of their rate ranges.”

SUPERVISOR: “In addition to money, what other incentives could you use?”

In any form of follow-up, using neutral phrases can encourage a fuller, clearer response, for instance: “What do you have in mind?” “How do you mean?”

“Double-edge” questions make it easier for the employee to concede points. “Do you organize your work as well as you would like, or is this an area in which you would like to do a little better?” “Disarming” statements and questions can sometimes result in disclosures the subordinate is unwilling to make as long as he feels the boss is “trying to get him.” Examples might include a comment first and then the question, “We all have problems with peo-

ple. What are the main ones you have?" or "Everybody has trouble getting people to do things. What are your chief problems?" Once a person feels that his difficulties are not unique to him, the defenses may come tumbling down, and he may open up.

Exploratory questions are useful in helping an employee examine his thoughts and feelings. "How did you feel about that?" "What effect did that statement have on you?" "What could you do if that doesn't work out?"

There is more to questioning than words or types of questions. A coach's manner, including his tone of voice and his facial expression, influences how well he succeeds with his subordinates. The coach's questioning manner should be somewhat hesitant, groping, and tentative — not a staccato, machine-gun firing of questions. This gives more of a "let's explore this" feeling. After all, the coach's role in questioning is that of counselor, not prosecutor.

Directive coaching. The primary characteristic of the directive approach is that the supervisor controls. He questions to determine what *he* will decide; *he* instructs the subordinate about an assignment; *he* attempts to get agreement on what *he* concludes should be done. Traditionally, directivity has been the prime technique of supervision, but it has usually not included the concept of seeking the agreement of the employee. An effective directive approach lets the employee know clearly and definitely what he is to do but also invites him to express his ideas, questions, and reactions whenever possible.

Directivity is often the best approach in such circumstances as the following.

— When an employee is new, the greater experience and knowledge of a supervisor may help him work out a problem.

— When regulations dictate a uniform work procedure, the supervisor can explain the procedure to the employee and tell him how it is to be accomplished. However, even in this case the supervisor should consider the employee's thoughts on possible problems.

— When a person seems unable to cope with job problems and when less directive, more cooperative methods have failed, the supervisor may resort to a directive approach.

— When an employee has done his job badly or not at all, a supervisor may use the directive approach to call this to his attention.

— When a coach needs more information before making a decision, he may ask his subordinate. These questions fall into the category of directivity because the information sought is for the coach's

use in making his own decision although the decision he reaches is to help his employee.

Although the directive approach is the one most frequently used in supervision today, it often fails. Telling a subordinate what to do is based on the idea that the boss is responsible for the job at hand, knows best what should be done and how to do it, and is generally more competent than his employees. Even if this view is accurate, it ignores the employee's needs for autonomy and self-esteem. Directivity can lead to passivity, dependence, alienation, and outright hostility among subordinates.

Although the directive approach is the one most frequently used in supervision today, it often fails.

Techniques for directing effectively. Good coaches give orders only when necessary and then make certain they are carried out. Sometimes supervisors want to be liked so much that they become overly fearful of alienating employees. A supervisor must be prepared to make some moves that employees may not like. Still, his manner should not be so cold and abrupt that it cuts off communication; nor, at the other extreme, should it be halting or begging so that it invites resistance.

Wording is crucial. A directive stated too indefinitely leaves the subordinate unsure of whether he actually *must* carry it out. On the other hand, excessively demanding words may arouse hostility. Terms like "must," "shall," "will," "have to," "got to," "required that," and "necessary to" are *mandatory*; they *command* performance. Terms like "ought," "should," "may," "can," "might," "if you have time," and "when you can get to it" are *discretionary*; they *request* performance, and may leave an "out" in the subordinate's mind. Whether to use mandatory or discretionary orders depends on the assignment.

Using persuasion. A supervisor needs to be a good salesman. He is selling the desirability and possibility of doing a better job. People are not all that hard to persuade. They like to think of themselves as reasonable, flexible, understanding, fair, and responsible. Anyone who conceives of himself as reasonable also must see himself as open to reasonable suggestions — that is, to persuasion.

A coach has a special problem as a salesman because his product is change, which most people resist. They may express resistance by objecting to one specific aspect of the change. Sometimes their objection is genuinely to that aspect, but it can also be a smokescreen for unwillingness to recognize

the need to change themselves or their performance on the job. Still, any salesman encounters resistance, whatever he is selling, and he should welcome it if it tells him what keeps the "customer" from "buying." Resistance helps the salesman direct his approach to the particular concern of the customer.

One way a coach can overcome a subordinate's resistance is to produce specific strong evidence — testimonials, demonstrations, guarantees, case histories. For example, the coach might say, "Joe didn't like the idea of rotating job assignments either until he tried it. Now he wouldn't think of going back to his old schedule. How about trying to rotate assignments for a month to see how it goes?"

Referral coaching. Occasionally subordinates have problems that require outside professional help. The most serious of these problems involve personal difficulties: personality disorders; neuroses, depression, alcoholism; drug addiction; marital difficulties; financial problems. Vocational or career problems are also in this category but may not be as emotionally charged as other personal problems. When any problems arise for which the coach himself cannot offer help, his responsibility is to refer the employee elsewhere.

The coach needs to be sensitive to employees' symptoms of trouble — absenteeism, tardiness, poor performance, personality changes, disagreements with fellow employees, withdrawal, daydreaming, apathy, and changes in attitude. When a personal problem is seriously affecting an employee's performance and he does not admit it, it may be necessary for his supervisor to suggest that his job could be affected if he does not obtain help. The hardest part of referral coaching is helping an employee to admit that he needs help and then convincing him to get it. Alcoholism is a case in point. Alcoholics hide their problem — not only from other people but also from themselves. The same is true for drug abuse and mental illness. Such difficulties affect millions of people.

Cost is often an obstacle to obtaining professional help. Psychiatric counseling may be expensive; however, many communities have other less expensive sources of help, such as clergymen, Alcoholics Anonymous, public mental health clinics, and privately sponsored nonprofit counseling services.

The stigma attached to having personal problems also makes it difficult for a supervisor to intervene. Because of this stigma, the boss is frequently the last person to whom an employee would go for help. All of the subtleties of nondirectivity, listening, and questioning should be used to help an employee feel free to discuss his problems.

Coaching applications

Let us turn now from general approaches to coaching, to some specific, performance-centered applications, for goal-setting, obtaining commitment, and criticizing ineffective performance.

Setting Goals. In a work situation, setting goals involves careful review and discussion to single out areas that need improvement. When goals are agreed upon between supervisor and employee, the expectations of both can be met. Supervisors and employees do not always have the same feelings about what is important in a job. According to one study, employees were not aware of about 20 per cent of what supervisors thought they should try to do.

Goals need to be kept in *perspective* so that the overall results will be in keeping with organizational objectives. For instance, concentrating too heavily on cost reduction as a short-term goal may cause services to suffer, and the results can be more harmful than helpful.

Goals should be *limited in number*. When there are too many goals, efforts cannot be concentrated on any one of them. In day-to-day coaching, the supervisor should set a single goal after talking over a situation or problem with an employee. At future meetings the coach should make a point of recognizing the progress that the employee has made.

The more *specific* or concrete a goal is, the easier it is to work toward it and to measure results. When goals are set in terms of quantity or dollars, the employee can clearly see how he is progressing. Goals can be compared with past achievements or with estimates of potential achievements. For example, some quantifiable goals might be: percentage of bank robbers convicted; number of lost-time accidents; number of satisfied complaints; dollars saved in trash-gathering; consumption of gasoline per vehicle mile; and training costs per person. Some goals are not readily measurable in quantity and must be gauged qualitatively — for instance, morale or improved attitude toward the public. Even these can sometimes be quantified indirectly. For example, reduced turnover and absenteeism can be used as measures of improved morale.

Goals should be challenging but still *attainable*. Goals that are too difficult may not be worth their cost in sacrificing other duties. Goals should also be attainable within a *limited time period*. Otherwise frustration and apathy will result. It is good practice to set intermediate goals for tackling a complicated problem — for example, in three months a 4 per cent reduction in maintenance costs; in six months, 6 per cent; in nine months, 8 per cent; and in twelve

months, 10 per cent. Meeting intermediate goals gives a person a feeling of progress along the way.

Commitment. When an employee commits himself to a goal, he takes two steps — he decides a particular goal is important, and he pledges himself to work for it. The coach should be aware of a number of forces affecting commitment. One such force is how much *choice* the subordinate has in making the commitment. The more choice he has, the more he will think of it as his responsibility to carry through. For example, a coach may pressure a subordinate to keep a number of projects going at once when his long-standing habit has been to do one task at a time. Even if the subordinate agrees, will he really be committed to all the projects? Experiments have shown that a person feels more strongly committed to a goal in situations in which he feels *little pressure* from outside.

In summary, the coach's role is to *help* an employee to do the following:

- Decide which areas of the job need improvement;
- Determine how much and how soon the employee should improve.
- Work out ways goals will be achieved;
- Firmly commit himself to the objective;
- Keep track of his own progress at agreed-upon intervals.

The use of criticism in coaching. Many people have a game-playing attitude, in which they take risks, either consciously or unconsciously, to see how far they can go without being criticized. Others just want to do things their own way regardless of an organization's standards or policies. Some deviate from rules and policies repeatedly for unknown reasons. Whether intentional or unintentional, such attitudes may require some form of criticism.

Some supervisors consider criticism highly desirable and, in fact, make it a principal way of managing; they reason that a person is paid to do a good job and that criticism will help him to improve. Supervisors may sometimes use criticism to exhibit their superiority over their subordinates. They may criticize employees out of frustration at the employees' poor performance or because, as perfectionists, they see only the bad in anything. Of course, there are always some bosses who will blame others when they are themselves responsible for an error.

On the other hand, many supervisors are reluctant to criticize for a variety of reasons — a feeling of futility, fear of arousing resentment, fear that relations will suffer and the results will be worse than if they said nothing. Or they may feel that criticizing when the area that needs improvement is only

minor will be viewed as carping and will be more harmful than helpful.

In any case, criticizing is difficult, and many sins can be committed in trying to do it. One common mistake is "blowing up" as soon as an error is revealed, before investigating the circumstances. Another is sweetening criticism beyond recognition — sandwiching a criticism between compliments. Hoarding criticisms and later bringing them all out at once results in a surprise attack on the person being criticized. The employee's reaction is, "Why didn't you tell me long ago?" Exaggerating errors is another mistake. Such expressions as "you always," "you never" and "every time" are examples of this. Generalizing is a similar error. For example, a boss might say, "You have a bad attitude," without specifying what the person's attitude is.

Supervisors and employees do not always have the same feelings about what is important in a job.

One effective method of criticizing is to be impersonal, emphasizing *what is being* done and not *who* is doing it. For example, it is better to say "The way this is done doesn't work," rather than "I don't like the way you're doing this." It is best to avoid implying bad motives or intentions and instead to assume good intentions. It may appear that a person tried deliberately to do something wrong, but this assumption could be incorrect.

Above all the coach should be sure the criticisms he is about to deliver are deserved. Many times more than one person has contributed to a problem situation, and joint responsibility must be acknowledged. In fact, the coach may need to include himself in the blame. Understanding an employee's point of view obviously requires listening and hearing his side. A worker can do a poor job for a variety of reasons, and it is up to the coach to distinguish among the causes, if he is to be helpful. A coach must watch for his own bias — it is easy to criticize more severely those whom one dislikes.

The coach's attitude makes a big difference in how his criticism is received by employees. People unconsciously color words with their tone of voice, emphasis, and rate of speaking. If the boss displays strong emotion, he will make it hard for his message to get through. His anger will cause anger, fear, or resentment in the employee. People who work well as supervisors learn to speak in an even, calm tone that lessens tension between them and their employees.

Sarcasm is a poor way to criticize. It is an arrogant technique — easy enough to dish out but hard to

take — and it is especially unfair to subordinates, who hardly dare be sarcastic in return. A coach may use words that hurt or insult an employee for many reasons — carelessness, prejudice, feelings of insecurity, and arrogance, among others. Words cannot be taken back. An old Chinese proverb reads, “You cannot put the blossoms back on the tree after a storm.” Even after an apology the hurt is still there. The use of expressions such as the following might create negative feelings in the employee that would not be forgotten. “That’s not the way to do *at all*.” “Can’t you understand *anything*?” “How many times must I tell you?” “Now let *me* tell *you* something.” “I don’t care what *you* think — *I’m* paid to run this place.”

When a subordinate being criticized rises to his own defense, the superior may feel impelled to contradict or disagree with him, yet contradiction can be destructive. The employee may take it as a reflection on his integrity and dignity. A statement with which one disagrees can be handled in several ways that are not as belittling as direct contradiction. One way is to ignore the statement. Another is to say, “Yes, but” Asking a question for clarification is less threatening than downright disagreement, and softening expressions like the following also may make a contrary statement more acceptable: “Well, sometimes,” “That may often be the case, but,” “I understand what you mean.”

Sometimes people react to criticism, not by defending themselves but by listening in silence. The coach cannot be sure whether they agree or are just “sitting it out.” Of course, the coach would like the person to express his thoughts and ultimately make a commitment to change, but an unresponsive employee may resist all attempts to draw him out. It may help to start by stating the purpose of the interview and then asking the subordinate what he thinks he can do about the matter. Showing understanding and appreciation for the subordinate’s point of view can help to draw him from his silence.

In many ways, open hostility by the subordinate is easier to deal with than silence. The employee who expresses his feelings may afterward become more rational about the original problem or his feeling toward the supervisor. If the supervisor listens with an attitude of acceptance to the employee’s feelings, the employee may, in turn, listen. Although it may not be possible to effect an instant change in attitude, the subordinate may soften in his views. In any case, when the coach recognizes that the subordinate is hostile or silently resistant, it

is best for the boss to stop talking and encourage the employee to express his own opinion.

Disagreeing without being disagreeable is an art. The very manner in which the coach states a difference of opinion may determine whether it is accepted or resisted. Resistance can be reduced if the coach avoids giving the impression that he cannot be wrong. The coach should ask himself, “Do I really want to understand him?”

Because a person’s feelings about people affect how he acts toward them, a positive attitude is important. People can change. They want to be decent. They can achieve goals. By recognizing the good points in other people, a coach can open a “pipeline” to understanding them and working more effectively with them.

The burden is on the coach to establish and maintain a favorable atmosphere during an interview involving criticism. To do so, he should convey understanding, have an open mind and be willing to listen, show his interest in getting the facts, have respect for the subordinate, and, above all, show interest in helping. Intelligently used, criticism can raise a subordinate’s sights on his job and help him want to do his best.

Implementing coaching on the job

Traditional ways of doing things on the job will be hard to change. For example, a supervisor may tend to concentrate on his own work rather than regularly and frequently seeking out his subordinates. Gresham’s “law of routine” holds that daily requirements of a job keep people from planning. Taking more time to discuss problems with subordinates involves careful scheduling and, at times, reordering priorities.

A supervisor’s own superior may be an obstacle to implementing a coaching program. He himself may not be an effective coach. “My boss should take this course — he’s the one who needs it” is a frequent statement of students in a coaching course. If a supervisor gets his own boss to help him define responsibility, authority, and job priorities, he can better clarify these with his own subordinates.

By using the techniques of coaching, supervisors can help to bring about better employer-employee relations and improved work performance, thus convincing higher management of the benefits of good coaching. □

Raleigh's Charter Changes

How Its Citizens View the Switch to District Elections and a Popularly Elected Mayor

Bruce B. Clary and J. Oliver Williams

AT THE HEIGHT OF THE EARLY twentieth-century reform movement, many agreed with Leonard O. White that council-manager government was "the most perfect expression which the American people had yet evolved of the need of combining efficient administration with adequate popular control."¹

Over the years, the council-manager plan has flourished, becoming the dominant form of government in middle-sized cities. It maintains itself in early council-manager municipalities that now have approached larger metropolitan areas in size, and it continues to spread to smaller cities and counties. Basic characteristics of the council-manager plan have not changed greatly since its early days. The model arrangement calls for a small council, elected on a nonpartisan, at-large basis. The council selects one of its members as mayor, who serves as presiding officer. The council also chooses a manager who is professional in skills and attitudes to serve as the city's chief executive. He continues in of-

fice so long as his performance is satisfactory to the legislative body.

The model recommended by the reformers and adopted so widely early in the century is beginning to undergo considerable change in the 1970s. Pressures for greater representativeness and citizen participation in urban decision-making are causing an increasing number of cities to return to ward and district electoral arrangements, to a combination of district and at-large constituencies, or toward residency requirements for councilmen who still are elected city-wide. Partisanship in council-manager cities is also on the rise, probably for the same reasons as voting by districts. Federal and (sometimes) state pressures for stronger political leadership in cities are creating de facto strong mayors and, in some cases, a return to the popularly elected mayor.

Among North Carolina cities, Raleigh, which adopted council-manager government in 1947, has modified the council-manager system in recent years, and Charlotte in April approved a referendum that calls for a combination of districts and at-large council members. In 1972, a citizen-initiated referendum in Raleigh instituted a council with a majority of district representatives and a popularly elected mayor. Although the issues that produced a

modification of the reform model in Raleigh may not develop with the same intensity or consequences in other North Carolina municipalities, Raleigh's experience may become a harbinger of local government structure and politics in the state. At the least, the issues that caused the change in Raleigh, the functioning of Raleigh's modified system during the past four years, and the consequences of governmental change for politics and policies in the capital city all have implications for other cities in the state.

On the basis of a citizen survey, this article attempts to determine the attitudes of Raleigh citizens toward key features of the council-manager system. Do Raleigh citizens feel that district councilmen are more representative and more responsive, or less so, than the at-large system produced? Do citizens prefer a popularly elected mayor over a "first-among-equals" selected by the council? In citizens' eyes, do popularly elected mayors and district councilmen perform differently on issues and problems? Even more basic, how knowledgeable are citizens about how their mayor and councilmen are chosen and what they do in office?

Before it assesses the acceptance of Raleigh's recent governmental change, the article first addresses the

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1. Leonard D. White, *Introduction to the Study of Public Administration* (New York: Macmillan, 1926), p. 295.

status of governmental structures among North Carolina's cities.

Local government structure in North Carolina

North Carolina, a state with eight metropolitan areas and some 445 cities of small-city status, has a strong commitment to council-manager government. Over the years since the council-manager system was introduced, cities in this state have seemed to agree with White more strongly than municipalities in other parts of the nation. At least, North Carolina cities of more than 10,000 population have adopted the council-manager form more often than cities of comparable size elsewhere in the nation. Today, all of North Carolina's sixteen cities of 25,000 or more have professional managers and council-manager charters, whereas about two-thirds of cities of comparable size in the nation do. All nine of North Carolina's cities between 10,000 and 24,999 population have the council-manager system, whereas just over half the cities of this size throughout the nation have this system. Even among municipalities of 5,000 to 10,000, North Carolina has more than twice the national average of council-manager charters. Only among its many small cities (less than 5,000) does North Carolina not exceed the national adoption rate. (See Table 1.)

Besides a strong adherence to the council-manager charter, North Carolina cities have also relied on other key features of the council-manager plan to a greater extent than cities of comparable size in the nation. In Table 1, the state's 330 incorporated municipalities with a population over 500 are compared with cities of comparable size on three other features of council-manager government: (a) method of selecting the mayor; (b) type of electoral system; and (c) nonpartisanship.

Although the sixteen larger cities of the state (over 25,000) have adhered to nonpartisanship at about the same rate as similar-sized cities in the nation at large, the state's

Table 1
Comparison of North Carolina Municipalities with U.S. Cities on Key Features of Council-Manager Reform¹

| Key Features Of Reform | Size of Cities in Population Groups | | | | | | | | | |
|--|-------------------------------------|------|---------------|------|-------------|------|-------------|------|-----------|-------------|
| | 25,000 or more | | 10,000-24,999 | | 5,000-9,999 | | 2,500-4,999 | | 500-2,500 | Under 2,500 |
| | N.C. | U.S. | N.C. | U.S. | N.C. | U.S. | N.C. | U.S. | N.C. | U.S. |
| Council-Manager Form of Govt. | 100% | 65% | 100% | 56% | 87% | 43% | 24% | 28% | 0% | 88% |
| Selection of Mayor By and from Council | 19 | 33 | 9 | 32 | 10 | 24 | 0 | 26 | 6 | 49 |
| Type of Electoral System At-Large | 63 | 53 | 41 | 56 | 71 | 54 | 85 | 55 | 96 | 78 |
| Ward or District Res. Requirement ² | 37 | 47 | 59 | 44 | 29 | 46 | 15 | 45 | 4 | 22 |
| Voting System Nonpartisan | 75 | 77 | 86 | 70 | 90 | 72 | 89 | 78 | 96 | 95 |
| Number of Cities | 16 | | 22 | | 31 | | 47 | | 214 | |

¹ Source of data on North Carolina cities is *Form of Government of North Carolina Cities, 1975 Edition* (Chapel Hill: Institute of Government). Data on U.S. cities is from a 1974 survey conducted by the International City Management Association as reported in *The 1976 Municipal Year Book*.

² The category of ward or district residency requirement, reported in this table, includes ward or district elections, governing bodies which have a combination of wards and at-large elections and at-large elections with wards residency requirements.

smaller cities remain considerably more nonpartisan than small cities elsewhere. The at-large electoral system, which the reformers expected would banish factionalism from city politics as effectively as the nonpartisan ballot, became a keystone of the reform model. On this feature, North Carolina cities again exceed the national rate. Even among the state's larger cities, the proportion that use the at-large system is considerably higher than the national average. In North Carolina, only among cities of 10,000 to 25,000 population has the proportion that use ward elections and district residency requirements, the principal alternatives to at-large elections, exceeded the national rate. North Carolina cities deviate significantly on one feature of the council-manager plan — the method of selecting mayors: North Carolina municipalities of all sizes tend more often to elect mayors than do cities elsewhere.

Raleigh's charter change

The drive by neighborhood organizations, homeowners' associations, and minorities to abandon reform government in Raleigh occurred not

simply over representation; it evolved from policy differences and interests of these groups and the more established businesses and civic interests. Raleigh is one of the faster-growing metropolitan areas in the urbanizing Piedmont Crescent (which includes a string of cities in the central Carolinas), and its government, since reform was instituted in the 1940s, had been dominated by interests concerned with economic growth. After a decade in which the growth rate approached 30 per cent, neighborhood, civic and environmental groups, and to a lesser extent the city's large black community, became concerned over problems associated with rapid growth. Crowded schools, a thoroughfare plan that would have disrupted established neighborhoods, inadequate recreation facilities, and flooding and sedimentation problems associated with inadequate land-use controls were the major issues that concerned the initiators of the charter change. Thus the political conflict over the electoral system centered on whether city government should be an "instrument of city growth" or a "provider of life's amenities."²

² Williams and Adrian list these values, along with caretaker and arbitrator, as

The 1972 referendum was promoted by a coalition of neighborhood, homeowner, and black interests and passed by only a 52 per cent margin. It instituted an electoral system that established five council districts and two at-large council seats. The city's council-manager charter remained intact, but the office of a popularly elected mayor was created to increase the influence of politically elected leadership, although the power of the mayor is the same as under the previous system in which the mayor was appointed by the council.

The strongest support for the change in Raleigh's electoral system came from the sections of the city most underrepresented in the at-large system. In those precincts of the city that had the least representation under at-large voting (these precincts now comprise three council districts), the measure to adopt district elections received a majority vote. In the overrepresented areas of the city that are now in two districts, the measure failed.

Before district elections were adopted, Raleigh was a typical nonpartisan city. Local elections were "free-for-alls," and name recognition was the most important political resource a candidate for local office could have. Voter turnout traditionally had been low, averaging 35 per cent from 1960 to 1970. One main effect of the switch to district elections was that a much more competitive electoral system developed, which reduced the "depoliticizing" effects of nonpartisanship.

A few months after the referendum proposing district elections passed, a loose coalition of neighborhood groups was formed, calling itself the Community Coalition. Its goal was to provide endorsements and campaign support for the candidates who, foremost, advocated planned growth. The coalition was organized around the newly established districts. In each district, a local group was formed that was responsible for endorsing a district candidate and ap-

roles that city government can play. See Oliver P. Williams and Charles R. Adrian, *Four Cities* (Philadelphia: University of Pennsylvania Press, 1963), pp. 23-26.

pointing members to a city-wide group that endorsed at-large council and mayoral candidates.

The functions performed by the Community Coalition in Raleigh's local elections are similar to those performed by a coalition that developed in Durham in the 1950s. In studying this coalition, political scientists have felt that it fulfilled many of the basic roles associated with political parties — structuring of political conflict, candidate endorsement, interest aggregation, and channeling of public opinion.³

The Community Coalition's main policy concern with planned growth had the effect of structuring political conflict in Raleigh along issue lines. The business community, while not forming a coalition, has sought out pro-growth candidates; after the first election under the district system, business and development interests formed a group called Progress for Raleigh-Wake County through Orderly Development (PROD).

The success of the Community Coalition in mobilizing segments of the city's electorate is evident in the returns from the two municipal elections held since districts were adopted. Sixteen city council seats have been up for election (eight each election). Six seats are at-large; ten are district. Candidates endorsed by the coalition have won all ten district races and half the at-large contests. The coalition's success is somewhat overstated by these figures since it provided active support only for the at-large candidates and candidates in three of the city's five districts. The candidates in the other two districts, including the winner in the black district, did accept the coalition's endorsement, but now support the pro-business faction of the council and have consistently voted with the present mayor, who is a developer. The coalition's electoral success, however, indicates that it did perform such party functions as getting out the vote and providing cues to the voter in candidate identification, and

3. Lewis Bowman and G. R. Boynton, "Coalition as Party in a One-Party Southern Area: A Theoretical and Case Analysis," *Midwest Journal of Politics* 8 (August 1964), 277-97.

it has made the citizenry more aware of issues and more concerned about local government.

Citizen attitudes change

Approximately two years after Raleigh's governmental change, we conducted a sample survey to assess the impact of the change upon city government. A systematic sample was drawn from voter-registration lists and 119 voters were interviewed. Though small, the sample was fairly representative. A comparison of voter registration and sample data indicated a close correspondence between characteristics for the two: Voter-registration lists show that 3 per cent of the voters are under 21, 46 per cent are male, and 84 per cent are white. Our sample was 1 per cent under 21, 50 per cent male, and 85 per cent white. The survey addressed two main issues: how did voters perceive the charter change, and what did they feel were its effects on city government.

Voters were first asked whether they were aware that a change in Raleigh's charter had been made. Despite the widespread coverage given the change in the local media, 18 per cent of the electorate said they had no knowledge of it. A certain number of residents in any city can be expected to pay little attention to local politics, so this finding should not be surprising. But more significant is the attitude of the "knowledgeable voter," i.e., those people who do follow city politics. (See Table 2.) For them, the change to dis-

Table 2
Amount of Change Perceived in City Government As a Result of Charter Changes

| Effect | Charter Changes | |
|-----------------|--------------------|-------------------------|
| | District Elections | Popularly Elected Mayor |
| Great | 18% | 19% |
| Some | 25 | 19 |
| Slight | 8 | 2 |
| None | 17 | 21 |
| NA ¹ | 32 | 39 |
| Total | 100 | 100 |
| N | (119) | (119) |

¹ Respondents who had no knowledge of the change or could not attribute an effect to the change are included in the no-answer category.

district elections and a popularly elected mayor has had a limited effect upon city government. Seventeen per cent see district elections as having no effect. If this group is added to the 18 per cent who had no knowledge of the change and the 14 per cent who said they did not know enough about the change to estimate its effects, then nearly half the Raleigh electorate sees no difference in local government resulting from the adoption of district elections.

The percentage who fall into this category is even higher in regard to popular election of the mayor. Sixty per cent had not heard of the change, or could not estimate its effects, or felt that it has had no impact.

Other survey findings also indicate that Raleigh voters tend to see the effects of the charter change as limited. One reason for proposing the referendum was that many residents felt that city government mainly served the interests of those involved in the growth of the city — developers and businessmen being the most prominent examples — and largely ignoring problems in the city's existing neighborhoods. The data in Table 3 show that adoption of a different electoral system has not changed the citizens' perception about who are most influential in city politics. Developers are still seen as most powerful by over two-thirds of the electorate. Blacks are ranked second in power, perhaps because the

first elected mayor was black. Surprisingly, neighborhood groups, which strongly supported the referendum measure and formed the basis of a successful city-wide political coalition in the subsequent district elections, are ranked as least powerful.

Citizens not only see little change in the power of groups active in city politics but also are still critical of how city government performs in the areas that neighborhood groups felt were largely neglected by the city council under the at-large system. A major theme of the campaign for the charter change was that district elections would produce a more responsive government, and findings that will be discussed later show that some voters perceive government as more responsive; yet over 60 per cent of the voters said they are not satisfied with the responsiveness of city government, and even a majority of those who rate the impact of district elections as positive have this attitude.

Many voters are also dissatisfied with what city government has done about the specific problems of the city, especially those that are the main concern of the neighborhood groups. Sixty-six per cent of the voters are not satisfied with the city's transportation program, which emerged as a major issue before the referendum vote because of a master plan proposal recommending that many of the inner-city streets become major arteries to facilitate suburban traffic flows. This alternative was strongly resisted by many neighborhood organizations, which saw such a transportation plan as serving only the needs of the suburban population and as insensitive to the problems of the city's older neighborhoods.

In planning and zoning, a majority of the electorate also criticized the city's performance. At the basis of Raleigh's change to district elections and a popularly elected mayor was a concern about the future growth and development of the city. This issue is still of major concern to the citizenry and generates the same type of criticism about the performance of city government as it did under the at-large election system.

Citizen evaluation of the change

In the preceding section, the charter change was evaluated from the perspective of its magnitude or degree of impact upon city government and how city government is perceived as operating under the new system. Another way of looking at the change is in terms of whether the respondents see the impact as positive or negative and how they see its specific consequences. These questions were asked those voters — 51 per cent of the electorate with regard to district elections and 40 per cent in regard to the popularly elected mayor — who think the changes have had some effect on city government.

One problem with asking this type of question is that a respondent's answer could be biased according to whether he had supported the referendum measure. If a respondent had favored the change to districts or the elected mayor, then he might see the new electoral system as a benefit simply in order to justify his past actions. In the ideal, we would like to control for this factor, but voting studies show that statements about past behavior or attitudes (in this case the elapsed time period was two years) tend to be unreliable indicators. This problem is evident in this survey. Respondents were asked whether they voted in the 1973 municipal election. Seventy-eight per cent said they had, whereas the actual turnout was 55 per cent. Because of this reliability problem, we did not probe whether the respondents had originally favored the referendum measure.

Table 4 shows that among the voters who attribute some effect to the charter change, a majority thought its impact has been positive. A good many voters see mixed effects to the changes but nonetheless think that some positive changes in city government have occurred. They tend to feel that district elections have had a more positive effect than the popular election of the mayor. Forty-six per cent feel that districts have had at least a mixed effect, compared with 37 per cent who feel that way about popular election of the mayor.

The points listed as reasons why

Table 3

Perception of the Influence of Community Groups on City Government

| Group | Degree of Influence | | | |
|-------------------------------|---------------------|------|-----|--------------------|
| | High | Med. | Low | Total ¹ |
| Developers | 67% | 21% | 12% | 100% (103) |
| Blacks | 44 | 37 | 19 | 100 (109) |
| Downtown Businessmen | 40 | 40 | 21 | 100 (106) |
| Environ- mentalist | 26 | 42 | 33 | 100 (101) |
| Neighborhood Organizations | 25 | 50 | 25 | 100 (100) |

¹ Some marginal percentages do not sum to 100 because of rounding error

these voters support or oppose the charter change are listed in Table 5. Greater responsiveness of the city council is the most frequently listed result of district elections, and a more responsive mayor's office is most often cited as a result of the popularly elected mayor.

More representative local government is also listed as a consequence of district elections. Other favorable results relate to the broad theme of

political representation: a stronger citizen voice in local government affairs, greater black representation, and a more democratically elected mayor.

The reasons cited for opposing districts are about the same as those of the early twentieth-century progressive reformers in their advocacy of at-large over district elections. Districts, according to this line of reasoning, result in city councils that en-

gage in pork-barreling, back-scratching, and log-rolling; candidates represent only the interest of their neighborhood or ethnic group; and these factors combine to discourage qualified residents, concerned about the betterment of the whole community, from seeking political office.

Interestingly enough, no reasons were cited in opposition to popular election of the mayor, even though 17 per cent thought the change had had mixed effects on city government and 4 per cent felt the effects had been solely negative.

Table 4
Attitude Toward Charter Changes

| Attitude | District Elections | | Popularly Elected Mayor | |
|-----------------|----------------------------|--|----------------------------|--|
| | Percentage of Total Sample | Percentage of Sample Attributing Some Effect to Change | Percentage of Total Sample | Percentage of Sample Attributing Some Effect to Change |
| Very Positive | 4% | 8% | 5% | 12% |
| Positive | 22 | 43 | 15 | 37 |
| Mixed | 20 | 40 | 17 | 41 |
| Negative | 3 | 7 | 3 | 8 |
| Very Negative | 1 | 2 | 1 | 2 |
| NA ¹ | 50 | — | 59 | — |
| Percentage | 100% | 100% | 100% | 100% |
| N | (119) | (60) | (119) | (49) |

1. Respondents in this category include: voters who had no knowledge of the change, voters who felt it had no impact upon city government, voters who could not estimate its effect.

Table 5
Reasons for Support or Opposition to District Elections and Popularly Elected Mayor

| Change | Percentage of ¹ Total Sample | % of Sample Attributing Some Effect to Change |
|--|---|---|
| DISTRICT ELECTIONS | | |
| Reasons for Support: | | |
| City Council More Responsive | 19% | 38% |
| City Council More Representative | 13 | 26 |
| Citizens Have More Voice | 8 | 16 |
| More Black Representation | 3 | 6 |
| Easier to Contact Council Members | 1 | 2 |
| Reasons for Opposition: | | |
| City Council Too Political | 3 | 6 |
| Lesser Qualified Candidates | 2 | 4 |
| City Council Lacks Citywide Perspective | 2 | 4 |
| City Council Too Liberal | 3 | 6 |
| | (N=119) | (N=60) |
| POPULARLY ELECTED MAYOR | | |
| Reasons for Support: ² | | |
| Mayor Elected Democratically | 11 | 27 |
| Elected Mayor More Responsive | 8 | 19 |
| Elected Mayor Better Leader and More Influential | 7 | 17 |
| Citizens Have More Voice | 4 | 9 |
| Black Mayor Helps Race Relations | 3 | 7 |
| | (N=119) | (N=49) |

1. Open-ended, multiple response question. Percentages do not total 100.

2. No reasons cited in opposition to popularly elected mayor

Conclusion

The findings from this survey can be viewed from two perspectives: from the points of view of (a) the total electorate, and (b) those voters who attribute some effect to the charter change. Two types of questions were asked all the voters. First, whether they knew of the charter change, and then if so, whether they felt it had had any impact on local government. The data from this part of the survey indicate that a large part of the electorate did not know of the change, or could not attribute any effect to it, or felt that it had no impact.

A second set of questions was asked of the entire sample. These questions dealt with how city government operated under districts and the elected mayor. The answers indicate that, in general, the respondents saw little change in government. But those voters who felt the charter change had had some impact afford a different perspective on Raleigh's electoral experiment. They were asked whether they viewed the changes as positive or negative and also to describe the specific consequences produced by these new electoral arrangements. Among these voters, almost a majority saw the impact of both changes as positive, and they often cited a more representative and responsive city government as a result.

It is our position that Raleigh city government has been affected by the charter change. Many voters do see

(continued on p. 49)

State Budget Growth, 1971-72 to 1977-78

Charles D. Liner

ALMOST EVERYONE'S BUDGET has increased in the last few years. In terms of growth, however, few budgets can be compared with the budget of the State of North Carolina. In fiscal year 1971-72, the state was authorized to spend \$1,087,143,307 from the General Fund for operations. The General Fund channels all state revenues except the gasoline tax and highway fees to almost all state programs except highway construction and maintenance. For the current fiscal year, the General Assembly has authorized operating expenditures of \$2,193,530,024 from the General Fund. Thus in only six years the General Fund operating budget has increased more than \$1 billion, doubling the amount spent in 1971-72. This growth more than offsets both inflation, as measured by the Consumer Price Index, which increased 50 per cent from 1971 to 1977, and the national index of cost of state and local government purchases, which increased 55 per cent in the same period.

Actually, this billion-dollar increase represents only a part of the additional expenditures the state will have made over this period from all sources. The total state budget, including the Highway Fund, federal funds, and other funds, increased over \$1.8 billion in the same period. Almost \$1 billion was authorized for capital projects during this period; of this amount \$0.25 billion of expenditures was authorized for capital projects from the General Fund (not counting proceeds from bonds).

How did the General Assembly allocate the billion-dollar increase among the functions supported by the General Fund? Table 1 compares the General Fund budgets for 1971-72 (column a) and 1977-78 (column b). Columns (c) and (d) show the

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amounts of increase or decrease and the percentage increase or decrease, respectively, for each function. Column (e) shows the increase in allocation for each function as a percentage of the net increase in the total budget. Columns (f) and (g) show the percentage share of the total operating budgets for each function in the two fiscal years.

In absolute dollars, education received 66.6 per cent of the net increase, but, as column (f) shows, this was less than education's share of the 1971-72 budget, which was 67.6 per cent. The public schools received 41.7 per cent of the increase, whereas the public schools had accounted for 49.1 per cent of the 1971-72 budget. The 1977-78 share for public schools thus fell to 45.4 per cent. Higher education received 19.2 per cent of the net increase, raising its share of the total from 12.8 per cent in 1971-72 to 16.1 per cent in 1977-78. Human resources received the next largest share, 16.8 per cent, thus raising its share from 15.5 per cent to 16.2 per cent. Except for agriculture, whose share declined from 1.8 per cent to 0.7 per cent, and natural resources and community development, whose share fell slightly, the shares for other functions remained constant or increased only slightly.

Column (d) provides a comparison of percentage changes from 1971-72 to 1977-78. The largest percentage increase was in public safety and regulation (199 per cent), followed by debt service (164 per cent), General Assembly (153 per cent), and higher education (153 per cent). Other functions whose budget at least doubled were correction (123 per cent), other education (122 per cent), general government (117 per cent), human resources (111 per cent), total education (101 per cent), and community colleges (100 per cent). The budgets of two major functions increased but did not double: public

schools (87 per cent) and natural resources and community development (62 per cent). The agriculture budget decreased by 25 per cent.

A remarkable aspect of this large budget increase is that it was financed with no significant changes in the state revenue system or in tax rates. The only major new source of revenue was general revenue-sharing, but this source will provide only about 2.6 per cent of total General Fund revenues in 1977-78. The fees charged by the state increased somewhat,

but these account for only a very minor part of the total increase. Estimates for this fiscal year indicate that General Fund revenues will have increased by 92 per cent between 1971-72 and 1977-78 (the balance of revenues came from surplus funds accumulated in 1970-71). Income tax revenues will have increased by 110 per cent, sales tax revenues by 72 per cent, and other tax revenues by 65 per cent. Nontax revenues will have increased by 50 per cent. □

Table 1
State Budget Growth: A Comparison of the North Carolina
General Fund Operating Budgets for 1971-72 and 1977-78

| Function | Authorized budget ¹ | | Increase 1971-72 to 1977-78 | | Increase as percentage of total net increase (e) | % of total budget | |
|--|--------------------------------|------------------------|-----------------------------|-------------------|--|-------------------|----------------|
| | (a) 1971-72 | (b) 1977-78 | (c) Amount | (d) Percentage | | (f) 1971-72 | (g) 1977-78 |
| General Assembly | \$ 2,057,703 | \$ 5,213,205 | \$ 3,155,502 | 153.4% | 0.3% | 0.2% | 0.2% |
| Judicial | 27,982,127 | 56,186,699 | 28,204,572 | 100.8 | 2.5 | 2.6 | 2.6 |
| General Government | 28,932,037 | 62,790,766 | 33,858,729 | 117.0 | 3.0 | 2.7 | 2.9 |
| Public Safety and Regulation | 7,546,346 | 22,581,589 | 15,035,243 | 199.2 | 1.4 | 0.7 | 1.0 |
| Correction | 39,031,563 | 86,921,714 | 47,890,151 | 122.7 | 4.3 | 3.6 | 4.0 |
| Education: | | | | | | | |
| Public Schools | 533,342,324 | 996,609,141 | 463,266,817 | 86.9 | 41.7 | 49.1 | 45.4 |
| Community Colleges | 56,872,085 | 113,749,022 | 56,876,937 | 100.0 | 5.1 | 5.2 | 5.2 |
| Higher Education | 139,364,682 | 352,459,259 | 213,094,577 | 152.9 | 19.2 | 12.8 | 16.1 |
| Other Education | 5,849,890 | 13,005,862 | 7,155,972 | 122.3 | 0.6 | 0.5 | 0.6 |
| Total Education | 735,428,981 | 1,475,823,284 | 740,394,303 | 100.7 | 66.6 | 67.6 | 67.3 |
| Transportation | 1,550,003 | 2,676,571 | 1,126,568 | 72.7 | 0.1 | 0.1 | 0.1 |
| Human Resources | 168,462,067 | 355,205,157 | 186,743,090 | 110.9 | 16.8 | 15.5 | 16.2 |
| Natural Resources and Community Development | 14,366,620 | 23,287,472 | 8,920,852 | 62.1 | 0.8 | 1.3 | 1.1 |
| Agriculture | 19,888,286 | 14,845,634 | -5,042,652 | -25.4 | - | 1.8 | 0.7 |
| Debt Service | 18,631,260 | 49,202,210 | 30,570,950 | 164.1 | 2.8 | 1.7 | 2.2 |
| Reserves and Transfers | 23,266,314 | 38,795,723 | 15,529,409 | 66.7 | 1.4 | 2.1 | 1.8 |
| Total General Fund Operations | \$1,087,143,307 | \$2,193,530,024 | \$1,106,386,717 | 101.8% | 100.0% | 100.0% | 100.0% |

Amounts and percentages may not add to total due to rounding.

1. Adjustments have not been made to account for shifts of programs from one function to another. For 1977-78 salary increases for SPA personnel are included only in public schools and community colleges; the balance could not be allocated to functions and is shown under reserves and transfers.

Circuit Breaker

(continued from p. 31)

preferable to finance tax relief for low-income families from statewide taxes, especially those that have a progressive or proportional pattern of burdens. Furthermore, the state is in a better position to bear the cost of tax relief since its revenues increase faster than those of local government. But most efforts to have the state pro-

vide tax relief to low-income families, such as the effort to repeal the sales tax on food, have been unsuccessful because legislators have insisted that the lost revenues be recouped by increasing other taxes.

The concept of providing direct relief from excessive tax burdens on low-income families, as represented by the circuit-breaker, the food tax credit, or the comprehensive tax credit, provides a way out of this dilemma and at the same time provides superior

methods of tax relief. Moderate circuit-breaker or food tax credit programs could be financed easily from increases in state revenues, which have been growing dramatically for many years. Major sources of revenue of the state and local governments would not be lost. At only a modest cost in terms of total state expenditures, the state could effectively transform what are widely regarded as regressive taxes into proportional or even progressive taxes. □

Corporal Punishment in North Carolina Schools

The Aftermath of Ingraham

Patricia Johnston

In light of the two recent Supreme Court decisions affirming the constitutionality of the use of corporal punishment in public schools, parents or school officials may wonder what safeguards remain to ensure that excessive or abusive disciplinary measures are not used in the classroom. In *Baker v. Owen*¹ and *Ingraham v. Wright*,² decided in 1975 and 1977 respectively, the Court ruled that use or abuse of corporal punishment in the public schools does not constitute cruel or unusual punishment in violation of the Eighth Amendment.³ It simultaneously upheld the right of school officials to punish physically school children whose parents had specifically denied permission to use corporal punishment.⁴ The Court also determined that students have no constitutional right to a hearing to challenge the reasons for discipline before being punished.⁵

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1. 423 U.S. 907 (1975), *aff'g*, 395 F. Supp. 294 (M.D.N.C. 1975); 2. 51 L.Ed.2d 711 (1977).

3. Lower courts had reached the same conclusion in earlier decisions. *See, e.g.*, *Sims v. Waln*, 536 F.2d 686 (6th Cir. 1976) (Ohio statute allowing infliction of reasonable corporal punishment does not violate the Eighth Amendment); *Ware v. Estes*, 455 F.2d 1360 (5th Cir.), *cert. denied*, 409 U.S. 1027 (1972) (school policy held constitutional despite evidence of abuse by teachers); *Coffman v. Kuehler*, 409 F. Supp. 546 (N.D. Tex. 1976) (no constitutional violation occurred when student was given "licks" for unexcused absences).

4. *See, also*, *Sims v. Waln*, 536 F.2d 686 (6th Cir. 1976); *Ware v. Estes*, 455 F.2d 1360 (5th Cir.), *cert. denied*, 409 U.S. 1027 (1972).

5. The district court in *Baker v. Owens* held that schools must follow certain minimum procedures before permitting use of corporal punishment. They are (1) students must be given prior

notice that specific misconduct may result in corporal punishment unless the misbehavior is so antisocial or disruptive as to shock the conscience; (2) with the same exception, corporal punishment should not be used as the first line of discipline; (3) corporal punishment must be administered in the presence of a second school official, who must be told the reasons for the discipline in the student's presence; (4) on parental request, an official who has administered corporal punishment must give the student's parents a written explanation of the reasons for his actions and the name of the witness present during discipline. Because the school board did not appeal this part of the trial court's decision, it was not considered by the Supreme Court. In the more recent *Ingraham* case, the Court determined only that there is no right to a prior hearing. Although I recommend that a board of education adopt the *Baker* procedures as a matter of wise policy, the procedures are not constitutionally required.

6. N.C. Dist Ct. (July 18, 1977).

7. N.C. GEN. STAT. 115-146 allows the use of reasonable force "in the exercise of lawful authority to restrain or correct pupils and maintain order."

led a physician to treat the injury. The doctor then complained to the county social service department. After investigating the case, the department's director contacted the district attorney, as required by the child-abuse statute (G.S. 110-119). This complaint resulted in the criminal citations against the teachers.

At trial, the teachers defended their actions on the grounds that the spankings had inflicted no permanent injury and were not administered maliciously.⁸ They also presented evidence that the girl had gone skiing and had ridden carnival rides on the same day that her father took pictures of the injured area, so that the paddlings did not necessarily cause her bruises. On the basis of the photographs, however, the district judge determined that a beating, not a spanking, had been administered and found the teachers guilty of child abuse. They received fines of \$100 each, plus court costs.

These cases are noteworthy because the basis of the suit against the teachers was the state child-abuse statute, the first reported use of this type of statute that I have found. Usually teachers face charges for assault and battery or are discharged for incompetency for unreasonable use of corporal punishment. For example, an Oregon school board found that a teacher violated school policy by slamming a student's head against a wall and chok-

8. Under N.C. GEN. STAT. § 110-117, an abused child is defined as a child "whose parents or other person responsible for his care: (a) inflicts . . . a physical injury . . . which causes or creates a substantial risk of death or disfigurement or impairment of physical health . . . (b) creates . . . a substantial risk of physical injury . . . which would be likely to cause death or disfigurement or impairment of any bodily organ . . ."

ing him. His dismissal was sustained by the state court of appeals.⁹ Another teacher was dismissed for using a cattle prod to discipline sixth-grade boys. The Illinois court, stating that the punishment "shocks our sensibilities," found that the teacher's misconduct constituted cruelty in violation of the state tenure act.¹⁰ Another Illinois court found a teacher guilty of battery on the basis of evidence that his blows had caused a student's eye to swell shut and his nose to bleed.¹¹

Another interesting aspect of the child-abuse cases is that the doctor and director of social services, rather than the child's parents or a school administrator, brought the complaint against the teachers. Although it is well settled that a state may authorize use of reasonable force to maintain classroom discipline, there remain sources of liability, such as state child-abuse statutes, for teachers who administer excessive corporal punishment. □

9. *Barnes v. Fair Dismissal Appeals Bd.*, 548 F.2d 988 (Ore. App., 1976). See *Caffas v. Board of School Directors*, 353 A.2d 898 (Pa. Comm. Ct., 1976) (dismissal for cruelty to students and willful violation of school laws upheld where teacher had physically and verbally abused his students); *Landi v. Westchester Area School Dist.*, 353 A.2d 895 (Pa. Comm. Ct., 1976) (teacher terminated for statutory ground of cruelty after the teacher pushed a student into a blackboard and grabbed him by the hair).

10. *Roland v. School Directors*, 358 N.E. 2d 945 (Ill. App., 1976).

11. *People v. Smith*, 335 N.E. 2d 125 (Ill. Dist. Ct. App., 1975). See also *Jones v. Parmer*, 421 F. Supp. 738 (S.D. Ala., 1976) (while corporal punishment does not violate the Constitution, plaintiffs may bring an action for assault and battery against a teacher who grabbed a student and kicked him in the lower back); *Commonwealth v. Sente*, No. 40 (Pa. Ct. Comm. Pleas., 1975) (teacher's conviction of harassment under the Pennsylvania criminal code was reversed on appeal).

Raleigh's Charter Changes

(continued from p. 45)

little change, but the response of those who do feel that there has been change is favorable. Yet even these voters are still critical of the performance of city government, as evidenced by the statements of the favorably inclined majority that local government could be more responsive.

The debate over structural change in urban government is usually characterized by claims from both sides

that great changes in city government will result. One inference that can be drawn from these survey findings is that political change, if it is to be achieved through modifying governmental institutions, is a gradual process. Raleigh government is different today, but not greatly different. The system, however, is perceived by some voters as more representative and responsive, and that is important. But, again, substantial criticism is still made of Raleigh city government's performance in specific policy areas.

Raleigh's experiment in city government should not be dismissed because things have not been "radically turned around." In a period of rising citizen demands for a greater role in government, the adoption of district elections and a popularly elected mayor have made some voters see city government as a more representative and responsive institution. These structural changes represent one way to bridge the gap between citizen and government that other cities in North Carolina may want to examine as they face the future. □

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