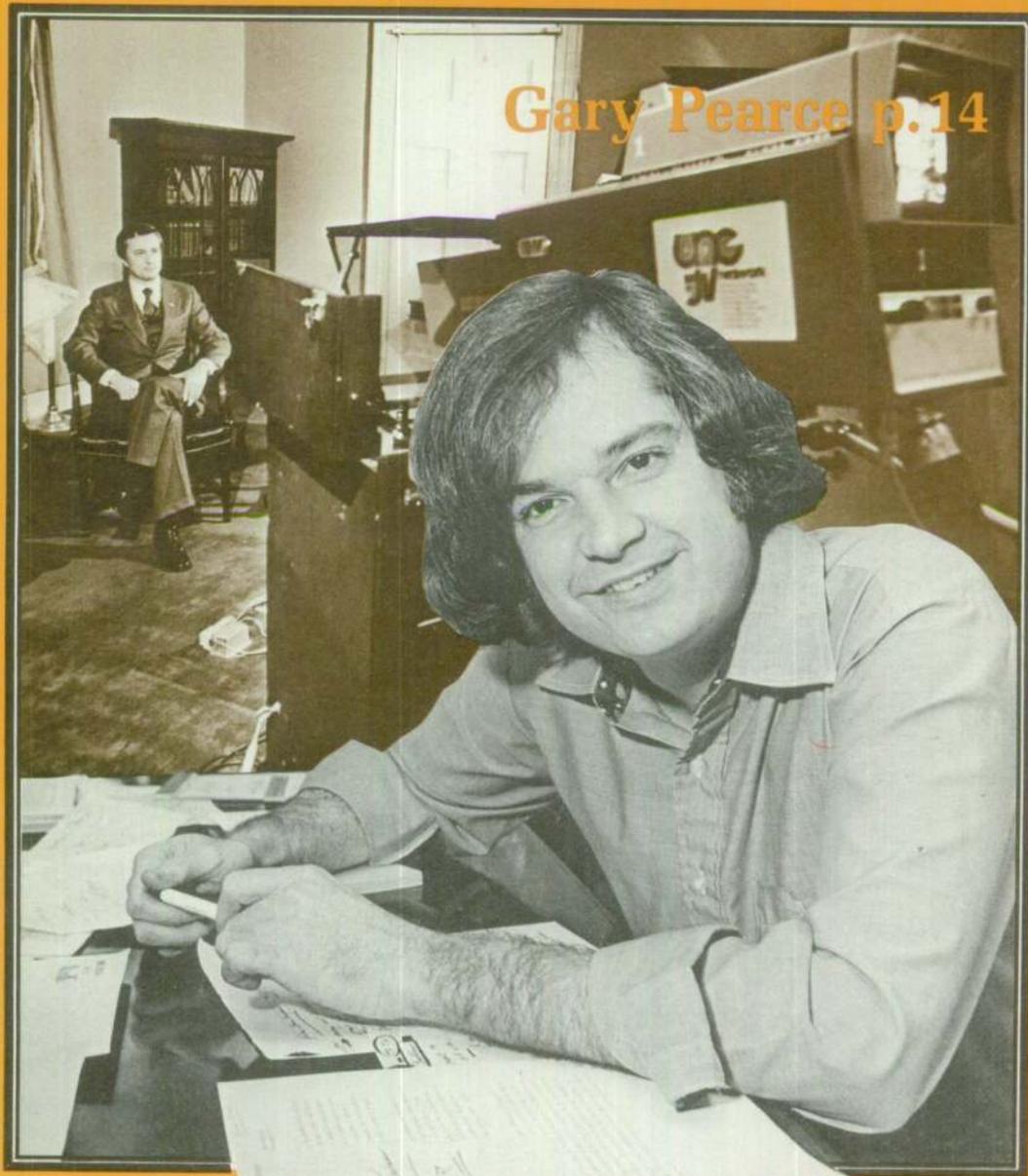


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FROM THE CENTER OUT

An Operator-Dominated Commission

by Henry Wefing

Advocates of state regulation of day-care centers had to overcome strong resistance to gain passage of a day-care licensing law in 1971. Operators of private day-care facilities lobbied vigorously against regulation, and some legislators argued that regulating day-care centers was a step toward socialism and government control over families.

The 1971 law clearly represented a compromise. It set only minimal standards for the operation of day-care facilities, most of them having to do with basic health and safety considerations, and it provided that operators of day-care facilities would have seven of the 15 seats on the board set up to license day-care centers. "We couldn't have gotten any other bill through at the time," says Jane Patterson, who lobbied for a licensing law as a member of the Greensboro League of Women Voters and is now Assistant Secretary for Personnel and Programs in the state Department of Administration.

In terms of a compromise, the make-up of the licensing board (it became a commission after state government reorganization in 1975) appeared to be reasonable. Operators would have a strong voice, but they would not be a majority. The commission's minutes show, however, that operators have been a majority at seven of the last 13 meetings (since January, 1976) and half of the members present at three meetings. They have been a minority at only three of the meetings.

Besides the operators, five of whom must represent for-profit facilities and two of whom must represent non-profit facilities, the commission is composed of three citizens who are neither employed by nor have an interest in day-care facilities (two of them must be the parents of pre-school children at the time of their appointments) and five ex officio members—the Governor, the Commissioner of Insurance, the Superintendent of Public Instruction, the Secretary of Human Resources, and the Attorney General. (Before the reorganization of 1975, the ex officio members were the Commissioner of Insurance, the Superintendent of Public Instruction, the State Health Director, the Commissioner of Mental Health, and the Commissioner of Social Services.)

Even if the attendance of the other members were perfect, the operators would be able to exert strong influence because of their numbers and their common interest. Holding only three seats on the commission, the citizen members are not a powerful block. The representatives of several of the ex officio members, whose departments have little involvement with day-care, are not inclined to play strong roles on the commission.

One ex officio member of the commission, Mrs. Patterson, has played a strong role at recent meetings. She has two reasons for seeking to influence commission directions—she represents a governor who has expressed keen interest in day-care, and she speaks for her boss, Secretary of Administration Joseph W. Grimsley, whose department has jurisdiction over the licensing commission.

But the dominant role on the commission should be played neither by state officials nor by operators of private day-care centers. It should be played by citizen members with no financial interest in day-care facilities who are chosen to represent the interests of the public—particularly the interests of the more than 80,000 children served by day-care centers.

The existing operator-dominated commission has taken a passive approach to the task of regulating day-care centers. Prompted by a fire in a Winston-Salem nursery in December, 1975, which took the lives of two children, the 1977 General Assembly passed legislation that gave the commission power to seek injunctive relief (*continued on inside back cover*)

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Without the veto, the governor must use patronage, the budget and whatever "green stamps" he has to achieve his goal.

the north carolina Governorship: An Agenda

by Thad L. Beyle

In 1971, the Citizens' Conference on State Legislatures (now Legis 50) published a study of the capabilities of the 50 state legislatures (*The Sometimes Governments*). North Carolina's General Assembly was ranked 47th. Since the publication of that report, the North Carolina legislature has taken a number of steps to improve its capabilities. A legislative research and fiscal division now provides it with information and analysis. Annual sessions have replaced biennial sessions to bring the legislature's decision-making process, especially in the budget area, closer to the day-to-day fiscal realities of state government and the economic situation in the state. The legislators have raised their own salaries and "perks" so that service in the General Assembly will now be compensated at a rate more in line with the responsibilities and costs of providing that service. A new legislative building will provide better quarters for legislators, staffs and committees to work in. While these measures may only allow the North Carolina General Assembly to "Keep up with the Joneses" among state legislatures, each represents a positive step toward making our General Assembly more capable and effective.

At virtually the same time the CCSL report was issued, a study comparing the governorships of the 50 states was published. This study of the formal powers of the governors was conducted by political scientist Joseph A. Schlesinger of Michigan State University and was printed in a state government textbook used fairly widely on college campuses (Herbert Jacob and Kenneth Vines, *Politics and Policy in the American States*). The study focuses on the formal powers which each governor had or lacked: appointments, budget, tenure and veto. Schlesinger evaluated each governorship on these formal powers, assigning a score for the level achieved in each state. He then summed the scores to provide

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an overall score and ranked the states from top to bottom.

Again, North Carolina fell toward the bottom, tied at 43 with three other states (New Mexico, Mississippi, Indiana). Only the governorships of Florida, South Carolina, West Virginia and Texas ranked as having weaker formal powers. The reasons for the low ranking of the North Carolina governorship are fairly obvious: no veto power, a one-term limit, shared budget-making power with the General Assembly, and separately elected executive officers in a Council of State. (Of course the North Carolina governor has considerable other sources of power that have been well used by the incumbents to achieve their goals. They were discussed in an article by Bob Dozier in the summer issue of *N. C. Insight*).

Since the Schlesinger study, two major steps have been taken to alleviate the structural problems and lack of power in the governorship. A major state government reorganization reduced significantly the more than 200 separate and even independent agencies and grouped the remaining into a series of nine departments headed by gubernatorially appointed secretaries. Only the eight separately elected Council of State offices and their departments and the lieutenant governor remained outside gubernatorial control. The voters of the state approved a constitutional amendment that will allow a governor to serve two consecutive four-year terms.

Thus, two branches of North Carolina state government that were ranked toward the very bottom of the ladder as the 1970s opened have been considerably strengthened.

On the governor's side, however, an agenda remains to provide that office with essential powers that are now restricted in part or even lacking. This agenda is important despite the series of strong and able governors we have had the good fortune to elect over the past few decades---a series of governors who were strong and able despite constitutional and statutory restraints on their ability to govern. The agenda for a stronger governorship in North Carolina still includes the following items:

The Veto

There are many variations on the veto---total, item, amendatory---just as there are variations on how a legislature can override a governor's veto---the votes of a majority elected, two-thirds present, or two-thirds elected. North Carolina's variation, no veto at all, is unique in the states, and careful participants and observers must ask whether the other 49 states or we are out of line.

The veto gives the governor one more check on legislative action, but still leaves the basic power in legislative hands. The legislators can override an unpopular or unwise veto. The veto gives the governor one more weapon with which to fight for his program and to stop what might be unwise or poorly written legislation and policy. Without the veto, the governor must fall back on his negotiating and persuasive powers. He must use patronage, the budget and whatever other "green stamps" he has to achieve his goal.

The veto, however, may not be as fearful a weapon as some would suppose. In a 1976 survey by the National Governors' Association, 23 of the 31 governor's offices that responded indicated use of the veto is not the same as a legislator's vote for or against a particular bill. Rather they presumed that a bill passing both houses should be signed unless the governor had very strong objections to it. Only three of 30 responded that even if the bill were a "bad" bill (one for which the governor would not vote were he a legislator), should it be vetoed. Thus, the use of the veto in other states indicates a rather judicious approach by the governors, and one should anticipate that it would be used in a similar manner in North Carolina.

The Governor's Budget

North Carolina's state budget system has strong and weak aspects. Chief among the weak aspects is the power which the 12-member, executive-legislative Advisory Budget Commission has in the development---and in some cases---execution of the budget. While the budget presented to the General Assembly is often called "The Governor's Budget," this is a misnomer. It really reflects a series of compromises and decisions already struck between the governor and the members of the Advisory Budget Commission, whose majority is appointed by and who are key legislative leaders.

Joint executive-legislative preparation of the budget was a rather common practice across the states in the past, but most states have moved toward a governor's budget, developed by his or her staff and presented to the legislature for its consideration. As in North Carolina, other state legislatures have

increased their capacity to anticipate, analyze and react to the governor's budget by staffing separate legislative budget offices. Although there are certain political advantages in having early legislative leadership involvement on the budget, the state should investigate the potential advantages of having a governor's budget *and* a strong, separate legislative budget office.

Completing Reorganization

The reorganization of state government in the early 1970s left the administrative organization of the state only partially reorganized. The nine cabinet departments bring together many agencies and provide the governor with a means of coordinating certain state government activities. However, nine separately elected officials still remain outside gubernatorial control, as do the agencies they head. Some of these offices should remain separately elected since their independence furthers citizen control over state government and ensures a "check and balance" on too much accumulated authority in any one office. These would include the Attorney General (elected in 42 states) and the Auditor (elected in 25 states), who in part or totally perform "watchdog" functions over the rest of state government.

While 18 states elect their chief state school officer, the general trend in the states over the past few years has been to have the superintendent appointed by boards of education. These boards are appointed by the governor, appointed by the governor and the legislative leadership, or---in 12 states---separately elected. With an appointed Superintendent of Public Instruction, electoral politics are removed from the administrative head of the department and placed explicitly in the board or the governor's office. The recent Renfrow report to the General Assembly explored the methods of selecting the superintendent for North Carolina. Its findings and suggestions should be re-reviewed and considered seriously.

A state government wag once suggested that the "Treasurer's Office ought to be abolished and its responsibilities given to a bank, and the Secretary of State's job done away with and given to a couple of secretaries." While that is obviously an overstatement, there are valid reasons for suggesting that these offices might not be of separately elected constitutional status even though both are elected positions in 38 states. While not a sharp trend, reorganization efforts across the states in the middle 1970s have leaned toward making these two offices appointive and bringing them under gubernatorial control. The argument that this would provide the governor with too much fiscal power is rebutted by maintaining and enhancing the separately elected Auditor's and Attorney General's offices with their oversight functions.

The Agenda in Brief

- Veto power for the governor
- A governor's budget that is in fact the governor's.
- Appointment of most cabinet officers
- Team election of the governor and the lieutenant governor
- Removal of the lieutenant governor's legislative duties

The trends are clear for three other separately elected offices in the Council of State. An increasingly fewer number of states now separately elect their Secretaries of Agriculture (12 states), Insurance (11) and Labor (5). These are viewed as executive departments, with functions and activities not unlike other executive departments, which should fall under the direct control---policy, appointive, budgetary, and managerial---of the governor. Furthermore, if these are separately elected, there could just as logically be separately elected heads of other executive departments such as Natural and Economic Resources, Social Services, Transportation and so on.

The departments of agriculture, insurance, and labor serve interested and involved constituencies. Any change in these departments will be of concern to those constituencies. The three departments are also currently headed by strong, politically identifiable personalities. Removing them from the electoral process represents a challenge to their own political ambitions. But again, North Carolina stands out clearly as one of the few states with so many constitutionally elected officials, when so many other states are moving in the opposite direction---and for good and solid reasons.

The Lieutenant Governor

These are five basic models of the duties and functions of the lieutenant governorship across the 50 states:

- Traditional Plan (24 states). Presides over the Senate and has some executive branch responsibilities, serving as a "combination" officer with both executive and legislative duties.
- Executive Plan (9 states). Is exclusively an executive officer with no legislative responsibilities.
- Legislative Plan (6 states). May perform some executive duties, but has legislative duties primarily (presides and has significant legislative powers).
- Administrative Plan (6 states). Performs Secretary of State functions or Secretary of State is first in line of succession.
- Senate Leader Plan (5 states). Is the leader of the Senate, Speaker or President, is in the direct line of succession, and is selected from the Senate membership rather than by the voters.

The North Carolina Lieutenant Governor clearly falls into the Legislative Plan. The lieutenant governor not only presides over the Senate but appoints committees and their chairmen. In the National Governors' Association survey in 1976, incumbent and former governors were asked whether they gave any assignments to their lieutenant governors. The results were clear---and striking. Governors were considerably more likely to provide assignments---and important ones too---to their lieutenant governor and to take steps to make these heir apparents ready for the job of governor *if* the lieutenant governor had *no* legislative assignments. While the governors did make some assignments if the lieutenant governors' legislative duties were only minimal, e.g. presiding as in the Traditional Plan, the message was still there: the lieutenant governor can not have a second constituency in state government, especially if the constituency is in the legislature, and still be close to the governor. If the real power and responsibility of the lieutenant governor do lie in his or her potential to be governor, then being close to the governor is of paramount importance. While North Carolina has seen a varying set of relationships between governors and lieutenant governors over the years, the cooperation that often occurs must overcome severe constitutional, constituency and political obstacles.

North Carolina should explore making better use of its lieutenant governors in state administration so they might be considerably more able to make a smooth transition to the governor's chair should that be necessary. Two immediate steps should be considered: team election of the governor and lieutenant governor and elimination of the office's legislative duties so the lieutenant governor can become a working part of the executive branch of state government and the governor's administration.

The team election of the governor and lieutenant governor has two possible variations, only one of which would appear possible in North Carolina. One option is to have governor-lieutenant governor teams run in the primary for party endorsement and then have the team choices of each party vie jointly for victory in the general election (four states use this method). This would considerably alter the political abacus of primary politics in the state and unduly restrict the primary process. The second option is to have separately contested governor and lieutenant governor primaries and then have the governor and lieutenant governor choices in each

party run as teams in the general election (21 states use this method). While separate constituencies are at the heart of the party primaries, the party's constituency elects the team to office. The major purposes for the team election approach are to avoid the embarrassment of having two individuals from different parties (as was true in the Holshouser-Hunt situation) and to minimize the tension if they are of different factions within the same party (as is true in the Hunt-Green situation).

The shifting of lieutenant governor responsibilities away from a legislative base and toward a more executive-gubernatorial base is a trend developing across the states. In 1950, only four states had lieutenant governors with no legislative functions. In 1976, there were 15. Divorcing the lieutenant governor from legislative powers evidently allows the governor to consider the lieutenant governor as a member of his or her administration and to delegate responsibilities such as liaison work with the legislature, state agencies, groups, and governments and officials at other levels in the federal system. The lieutenant governor is also likely to get specific administrative and policy assignments and to be called upon to perform certain ceremonial functions. It is still up to the governor to provide the assignments, but the lieutenant governor is in a much better position structurally to undertake an assignment.

Again, current personalities and the so-called "political ladder" may seem to militate against taking such steps. But our leaders should adopt the kind of approach taken in the successful passage of the gubernatorial succession amendment and step above these arguments to see what leads to better state

government for North Carolina and its citizens.

The lieutenant governor cannot have a second constituency in state government, especially if the constituency is in the legislature, and still be close to the governor.

This is the short agenda for action. There are other items which some observers may feel have greater priority. But as the debate intensifies over whether government can operate effectively to solve our problems at all, and as the feeling that policy solutions and administration of programs can not continually be shifted to Washington where they don't seem to work, the spotlight is shifting to the state capitals and their governors and legislatures. Is the capability there? Anachronistic methods, antiquated restrictions and inability to fulfill mandates can lead only to serious questioning of the states' ability to carry out their part of the federal bargain. The serious consideration and adoption of these agenda items could help North Carolina and its state government to fulfill its own part of that bargain for us, its citizens. □



Cartoon by Dwane Powell, Raleigh News & Observer

And yet another surprise

N.C. School of Science and Mathematics

by Peggy Payne

“12. North Carolina High School for Science and Mathematics. The North Carolina High School for Science and Mathematics received in 1977-78 a \$25,000 grant from the Mary Reynolds Babcock Foundation to develop the idea of such a school. Recommended is \$150,000 **to begin the implementation** of the North Carolina High School for Science and Mathematics. Supervision will be provided by the Planning Committee and with the aid of consultants will bring limited faculty, private industry and university scientists together for determining criteria for selection of students, development of curriculum, program design and facility requirements. These professionals will also prepare proposals to seek at least the same sum (\$150,000) from federal sources and at least \$150,000 from private sources including industry and foundations.”

—Recommendations of the Governor
and the Advisory Budget Commission

“N.C. School of Science and Mathematics Board of Trustees
Sec. 42. The sum of one hundred fifty thousand dollars (\$150,000) which is appropriated to the Department of Public Education for the North Carolina School of Science and Mathematics in Section 2 of the 1978-79 fiscal year Operating and Capital Budget Bill (1977 Session Laws Chapter 1136) shall be used **to establish** the North Carolina School of Science and Mathematics which shall operate under the general auspices of the State Board of Education, but which shall be governed by the following new Article which is inserted in Chapter 115 of the General Statutes...”

—Chapter 1219 of Senate Bill 971

Last June, in the closing hours of a 17-day budget session, the General Assembly voted---after some confusion---to "establish" the North Carolina School of Science and Mathematics. The idea of setting up such a school had been around for years. An old college friend of Jim Hunt had mentioned it when he came down from New York for a visit with the newly elected governor. Letters, some meetings at the executive mansion, and the work of a planning committee followed. The proposal hit the General Assembly the way a wide quiet creek enters a narrow gorge and emerges as a fast-moving river. The idea picked up \$150,000 and a board of trustees. In the course of that progress there was a lot of splashing.

The confusion was---and is---over the difference between establishing and planning a school. A question that some legislators answer differently from others is whether the General Assembly has, in effect, committed itself to the creation of the school. However the decision is interpreted, it was made during a 17-day session. Some of the legislators felt that they had been initially misled or that the time for deliberation had been too brief. And the action was taken, not by a straightforward bill to set up a school, but by means of a special provision lining the budget package (See spring, 1978, *N. C. Insight* article by Fred Harwell, "A Surprise Package Called Appropriations"). This is a practice that allows policy to be made without full committee and floor debate. Insufficient time and reluctance on the part of legislators to "break the budget" bill make full consideration difficult.

The idea of a state high school for science and math is many years old. It was part of a proposal that novelist John Ehle made to Governor Terry Sanford when he was a special consultant in the Sanford administration. The idea was to set up specialized high schools in several subject areas. The school that emerged then is the North Carolina School of the Arts.

Eli Evans, president of the Charles H. Revson Foundation, was the person who mentioned the possibility of a math and science high school to Hunt. Evans, author of *The Provincials*, is from Durham. The matter had been filed away for a while, Ehle said, because "we didn't see any possibility of getting the thing done until a governor who was interested in education came into office again. Eli tried it out on Governor Hunt and Governor Hunt responded favorably."

"I think he (Hunt)," Evans said, "saw this as Sanford saw the School of the Arts in the early

60s---as a way to focus the attention of the state and the country on a new innovation in education in North Carolina... I think the governor felt that this was a way to excite people around the country and say to them that North Carolina was back... in the forefront of education innovation."

After the conversation between Hunt and Evans and meetings attended by the governor and other advisors, letters asking for opinions were sent to about 200 scientists, mathematicians, and educators. Of the 139 responses, 66 percent were classed as highly favorable. Nine percent were clearly unfavorable. After receiving the responses, Hunt appointed a planning committee that included Fred Coe, president of Burroughs Wellcome Co.; Dr. William O. Baker, president of Bell Laboratories; Dr. Frank Press of the President's Office of Science and Technology Policy, and several North Carolina educators. During this "exploratory period," Hunt met with Press and with the head of the National Science Foundation in Washington and received favorable response to the idea, Evans said.

Letters were written to superintendents, principals, and math and science teachers in North Carolina. Eight meetings were held across the state to solicit comments from educators, parents, students, and others. "We discussed the thing round and round and round," Ehle said. "We encountered certain opposition from public school people, one of the problems being who was to run the school." The reaction of educators in response to the letters, however, was predominantly favorable. Of about 400 replies, 74 percent were highly in favor of the proposal. Nine percent were opposed. Most of the others expressed praise with reservations.

The planning committee recommended to the governor on May 8 that steps be taken to establish the school. It called for the hiring of a core of outstanding full-time faculty members and hiring public school teachers for fixed periods of time to supplement the faculty. It recommended a low student-faculty ratio with an average of 12 to 15 students per teacher suggested as a guideline. Students should be selected, according to the committee's recommendations, on the basis of their abilities in science and mathematics with attention given to balanced composition by sex and race, and students with limited money and prior training should get full consideration. The school should enroll high school juniors and seniors and have the flexibility to offer an extra "early admissions" year. Not more than 15 percent of the two upper classes would be from out of state, and early admissions students would be only from North Carolina. The committee recommended that the school be related to but not controlled by the State Board of Education. It recommended no site.

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“Nobody’s ever been able to figure it out. Somebody screwed up somewhere and it didn’t get explained right.”

—Gary Pearce

The committee’s recommendation to establish the school was acted on during the special legislative session last June. The governor and the Advisory Budget Commission recommended spending \$150,000 to “begin the implementation” of the school. That expenditure was approved by the Appropriations Committee. Then came the language of the supplemental budget bill (Senate Bill 971) that said the school is “established” and set up a board of trustees. That bill received both committee and Senate approval. But it ran into trouble in the House, where Rep. Dave Diamont moved to take out the board of trustees and to study rather than to establish the school. House Speaker Carl Stewart broke a 48-48 tie vote by voting against the amendment. On the following day, the last day of the session, the amendment was offered again. After an overnight personal campaign by the governor, it was overwhelmingly defeated.

The confusion apparently began in committee. “I don’t know what happened in the Appropriations Committee,” said Gary Pearce, Hunt’s press secretary. “Nobody’s ever been able to figure it out. Somebody screwed up somewhere and it didn’t get explained right. The amendment proposed in the House “just sprang up on the floor and caught us completely by surprise,” Pearce said. “The hang-up apparently was over the word ‘establishment.’ They had gotten the impression . . . in the Appropriations Committee . . . all they were approving was some planning money for the school. Then they see the appropriations bill . . . They obviously got one impression in the Appropriations Committee and a completely different impression on the floor of the House. Why that is and who’s to blame, I can’t say . . . That’s why it was important that they hear it from the governor.”

Rep. Hartwell Campbell of Hunt’s home county was one who heard from the governor. “We felt like we had been misled,” Campbell said, “in the sense that we were favoring the establishment of the money to plan and determine the feasibility and . . . here, lo and behold, it’s already established.” Diamont, a U. S. history teacher and football coach from Pilot Mountain, had been collecting information on the science and math school since he first heard about the idea at a district meeting of the state school board association. Campbell, Diamont said, had suggested offering an amendment to the special provision budget legislation.

Diamont offered his amendment on Thursday, June 15. Stewart, who broke the tie by voting against

the amendment, said he was voting with the Appropriations Committee recommendation. He does not characterize himself as a strong supporter of the school. “About all I know about the school is what I’ve read in the newspapers and what I heard on the floor. In my situation it was largely a matter of breaking the tie having listened to relatively short debate. Normally in a matter such as that, I would vote with the committee recommendation . . .” Undue significance should not be attached to his vote, he said.

Before the session ended that night, there was an objection to the final reading of the supplemental budget bill. On the following and final day of the session, Friday, June 16, Diamont would offer his amendment again. Between the Thursday and Friday sessions, Diamont said, “a lot of lobbying went on.” Diamont was invited to come to the governor’s office. “Quite frankly, I was scared when I went in there. I don’t get called to the governor’s office. I’m not in the ‘in crowd.’ The only time I get called is when I jump up and down in the middle of the road.”

Hunt’s reasoning, he said, for establishing the board of trustees was that the action would lend credence to the seriousness of efforts to attract foundation and federal funding. “I was saying that when you establish the board that the General Assembly is not going to stop that, that there would be pressure on us to go ahead and fund it all.” Hunt argued that the General Assembly would still have the option to back the school or not. Diamont said Hunt didn’t pressure him. “He made it easy for me to do what I had to do.” He offered the amendment again on Friday.

In the meantime, Campbell had also been called in by Hunt and offered the same arguments for passing the proposal as it was. Campbell said that when the money was first voted into the budget bill, the committee members were told that it was for planning. He had not seen the language establishing the board until he was on the floor. After Hunt’s argument for establishing credibility, Campbell voted against the Diamont amendment.

That Friday, Diamont said, Campbell told the House that the governor had explained the matter to him. A couple of other legislators mentioned that Hunt had called. “I knew I was whipped,” Diamont says. Rep. Bruce Ethridge of Onslow County voted for the amendment both times and he spoke for it. On the second day, “I could see the change,” he said. “I knew when I got up that

that amendment was dead."

By a margin of almost 50 votes, the amendment was defeated. "The motion just got pulverized because of all the politics that went on the night before and that morning," said Rep. James Ezzell of Nash County. The governor, Charles Winberry, Hunt's legislative liaison, and several legislative supporters had gotten to work talking to people. Pearce said, "The governor was the thing that turned it around. I don't think there's any question about that."

Though the vote went in favor of establishing a board of trustees, the school is "not irrevocably established," Pearce said. The legislature could refuse further funding. Diamont thinks the school is "nailed down" and that the legislature is not likely to reverse itself. Senate Appropriations chairman Harold Hardison thinks the legislature is committed to the idea of the school. Senator Kenneth Royall, who sponsored the provision for the school, says a school can't be established without the funding.

Speaker Stewart doesn't expect a turn-around in a later session, but he doesn't think "it's a 100 percent sure thing. That was the tone of the debate on the House floor---that there was still going to be some pretty rigorous examination when it comes back in." Campbell says he doesn't know what will happen next session. He doesn't think the General Assembly is committed. "Within the legislature, I didn't feel any real strong upsurge of support for it." Asked what he thinks of the actual proposal, Campbell said, "I don't know. We did not have full opportunity to study the thing. You can't determine something in 10 days." Rep. Margaret Tennille, a strong supporter of the school, thinks there would have been more support the first day in the House if there had been hearings in the legislature. All the legislators had the material they needed to make a decision, she said. But "I felt like they just simply had not had an opportunity to take the time necessary to really read and study it."

The lines for a full debate on the merits of the school, the kind of debate that did not take place during last summer's abbreviated session, have already been suggested. Supporters of the school argue that highly talented students in science and mathematics are not being adequately challenged now. They note that there are special programs for the handicapped and other groups, but that little is done, particularly in rural counties, for students specially gifted in science and math. They say both the students and the state's level of math and science teaching would benefit from the school. Its graduates, Hunt writes in a booklet outlining plans for the school, "will emerge, over time, among the leading scientists and mathematicians of the world. From the experience of operating the best school of its kind in this nation

or any nation, we will master those methods of teaching that will inspire excellence in mathematics and science in all North Carolina schools."

Plans to set up the school have drawn favorable comments from a number of scientists and thinkers. Gerard Piel, publisher of *Scientific American*, wrote that much could be done in such a school that would not be possible in the typical day school. "You are intuitively inspired in a very important direction," wrote theorist and author Buckminster Fuller. Said anthropologist Margaret Mead, "Caution, but I believe there is a need for higher level secondary schools, especially for rural and disadvantaged young people with high aptitudes but poor preparation."

Some of those who responded with reservations to the idea of the school stressed the importance of assuring all students a broad general education. Some argued that the science and math school would siphon off funds and the best students from the other public schools and consequently weaken those schools. Rep. Trish Hunt of Chapel Hill told her fellow legislators during floor debate on Diamont's amendment that they would find that the people who work in the public schools are opposed to the idea. Joab Thomas, the chancellor of North Carolina State University, said in a comment to the planning committee that he had reservations about the school because he thinks a good home life is important to students of high school age.

Even though there has not yet been full legislative debate, officials in a number of North Carolina cities, including Durham, Charlotte, and Raleigh, have expressed interest in providing a home for the school. Diamont says that towns are putting together their proposals "like they're competing for the Olympics." In Durham, an 18-member citizens committee has been formed to make "an official effort" to bring the school to that city, according to Robert Booth, executive vice-president of the Durham Chamber of Commerce.

What the school would cost depends in part on where it would be. Several communities have offered land and buildings that might serve as school facilities. Assuming that facilities could be found, the annual cost of the school as proposed is estimated at about \$5 million. If all goes as the school's proponents hope, the first class could be admitted in the fall of 1980.

Barring unforeseen changes, the legislature will meet during that year for another short budget session. If the legislators have long enough memories to recall the confusion over "establishing" the School of Science and Mathematics, they will pay close attention to those "special provisions" in the budget package and insist that policy initiatives be handled during a regular session as subjects meriting full consideration and debate. □

UNDISCLOSED DISCLOSURES?

A Passive Approach to Campaign Finance Reporting

by Martin Donsky

The Campaign Reporting Office of the state Board of Elections, set up to administer the campaign finance reporting law enacted by the General Assembly in 1974, has focused exclusively since it was established on processing reports of contributions and expenditures required to be filed under the law. Two full-time clerks spend most of their time reading the reports looking for obvious errors such as the failure to list the address or full name of a contributor, checking the arithmetic, and filing the reports neatly away.

By no means is this processing unimportant. The law, enacted to replace the old, loophole-strewn Corrupt Practices Act, requires candidates to register with the Campaign Reporting Office and, during the campaign, to file periodic reports of contributions and expenditures. The reports, which are open to public inspection, must identify all contributors who give more than \$50, and they must itemize all expenditures. But checking the reports is only one of several things that must be done to insure that Tar Heel voters know as much as possible about campaign money---the "mother's milk" of electoral politics.

The law itself has some key weaknesses, and there is no reason why the elections board should not actively lobby for the needed changes. For example, the campaign law does not require identification of contributors' occupations. Without such information, it is difficult to determine which interest groups are lining up behind which candidates.

An analyst thoroughly versed in Tar Heel biography should be able to pick out the most prominent contributors to specific campaigns, but unless occupations are identified there is no way to determine the full extent to which members of any particular interest group, be they doctors, lawyers, bankers, textile executives, anti-abortionists, or environmentalists, are providing money to selected candidates. As a result, there is no way to examine a politician's voting behavior after the election in terms of his

Martin Donsky specialized in campaign financing when he covered state government for the Durham Morning Herald and the Raleigh News & Observer. He now works for Congressional Quarterly in Washington.

financial backers.

The elections office could do more with the information it already receives from candidates. It could easily publish periodic reports listing the amounts of money raised and spent by candidates in various campaigns. It could also, on its own initiative, inform the public of how much money was spent in different campaigns and during an entire election season. All this information could be provided in an annual report. After several years, the Campaign Reporting Office could begin charting contributions and expenditures, watching to see whether each succeeding campaign is more or less expensive than the preceding ones. Further, the Campaign Reporting Office, simply by spending some time reviewing the reports, could also provide information on such topics as media expenditures, use of campaign consultants, dependency on bank loans, and candidates' use of personal funds to campaign for office.

None of this is currently being done. The reason is simple. The officials charged with day-to-day administration of the law---state elections director Alex K. Brock and Mrs. Rosemary Stowe, head clerk of the reporting office---do not see their roles as requiring aggressive monitoring of the financial underpinning of political campaigns.

Take Brock's approach to the budget of the Campaign Reporting Office. Since the office's inception, he said in an interview, the yearly budget has been about \$60,000 or \$70,000. He has never sought an increase from the General Assembly. (The office also has a reserve fund. The legislature appropriated \$50,000 in 1974. Brock said \$32,000 of that \$50,000 is left).

Mrs. Stowe, a former legal secretary, and another clerk are the only full-time employees in the reporting office. During campaign seasons, Brock hires two part-time clerks, usually using secretaries who worked in the General Assembly. Brock said it would be possible for the Campaign Reporting Office to issue periodic public reports, but "We have the information here. If the press or anybody else for that matter wants it they can print it."

Brock acknowledges that he does not take an activist view of monitoring campaign finance. He uses two words to describe the reporting office's chief job---"administer" and "process." He says the office is primarily concerned with making sure that candidates register when they declare their candidacies,

Elections director Alex Brock says the reporting office's job is to **ADMINISTER** and **PROCESS**.

and file required reports of contributions and expenditures on time with the Campaign Reporting Office.

The results of that attitude are perhaps best demonstrated by the case of a political committee that calls itself the North Carolina chapter of the National Committee for a Two-Party System. The committee was formed in the early 1970s by some prominent black politicians, including Soul City developer Floyd McKissick and Larnie Horton, former president of Kittrell College who served as a political aide to former Gov. James E. Holshouser Jr. The committee's primary purpose was to promote black involvement in the Republican Party which, in North Carolina as elsewhere, has been largely white.

In the fall of 1974, the committee contributed at least \$5,000 to Tar Heel candidates on the ballot that November. Among the recipients of funds was William E. Stevens, the GOP candidate for the U. S. Senate.

Following the disclosure requirements of the campaign reporting law, the candidates listed the contributions in their official reports filed with the Campaign Reporting Office. Three of the candidates, all of whom were seeking seats in the N. C. House of Representatives, reported contributions of \$1,000 each from the committee---fairly sizeable gifts for a race at that level.

The law also requires political committees such as the McKissick-Horton organization to disclose their financing with the reporting office. But the organization never bothered to take the first step in the public disclosure process---simply registering as a political committee with the Campaign Reporting Office. The committee did not register, or file any statements of contributions or expenditures, until the fall of 1975, nearly 12 months after the elections. And it did not register until after newspaper reporters, examining records in the Campaign Reporting Office, discovered on their own that the committee had made political contributions but had neither registered as a committee nor filed reports of contributions and expenditures.

Mrs. Stowe was quoted in a Sept. 23, 1975, article in the *Durham Morning Herald* as saying she was unaware of the group's existence until she was shown records in the previous two weeks of candidates who reported receiving money from the committee. Subsequently, the committee, under pressure

from the elections board (which, in turn, was under pressure from the news media), registered and filed a financial report.

One question remained. Why didn't the clerks in the Campaign Reporting Office detect the violations on their own? After all, both Brock and Mrs. Stowe have said on several occasions that the office "audits" all reports (Neither will discuss the audit procedures, because, they say, they don't want to give away any secrets). I asked Mrs. Stowe that question. She shrugged her shoulders, gave me a puzzled look, and said simply that she had never heard of the organization until I asked her about it.

The Campaign Reporting Office did not discover in its own "auditing" of campaign reports that the committee was not registered because nobody bothered to check. But isn't checking precisely the job of the office?

Brock, a skilled politician who has served as elections director for more than a decade with little controversy, defends the reporting office's conduct in the matter of the Horton-McKissick political committee. The reporting office does not have staff or the time to search out would-be violators. The office, he said, relies on the press and others to provide it with such information.

To search out violators---to aggressively monitor the law---Brock declared, would anger the General Assembly. The legislature, he contends, has never liked the disclosure law and, even though it has had nearly five years to get used to the law, is still leary about it. "We have found that with the sentiment being what it is in the General Assembly that our operation has had to prove itself to members of the legislature. We feel we are performing the exact role the legislature wanted," he said.

Brock clearly believes that his thinking is in tune with the General Assembly. That may be true, but it is highly questionable whether the legislature is in tune with the public.

Public disclosure of campaign financing is here to stay. The politician who occupies the governor's office now was the moving force behind adoption of the 1974 law (it was an issue in his 1972 campaign for lieutenant governor) and has been a staunch defender of it since then. Perhaps it is time for Jim Hunt's 1976 campaign theme---a "new beginning"---to be applied to the Campaign Reporting Office. □

the unelected: Gary Pearce

Press Secretary and Political Advisor

“I don’t believe you can be in this job and have your own crusade to push. Only one of us was elected.”

— Gary Pearce

At 8:30 on three or four mornings a week, three men sit down together in the library of the executive mansion. They are James B. Hunt Jr., the governor of North Carolina, John A. Williams, the governor’s executive assistant and head of the State Budget Office, and Gary Pearce, the governor’s press secretary. The governor and Williams sit at opposite ends of a sofa, the governor with a briefcase at his feet, Williams with a thick file folder in his lap. Pearce sprawls on a sofa across from the other two men.

On one particular morning, the conversation touches on a broad range of subjects—from the allocation of social services funds to the latest letter from the U. S. Department of Health, Education, and Welfare on the University of North Carolina’s desegregation plan. The subjects are raised by Williams, who pulls letters, reports, and memoranda out of his folder and hands them to Hunt for comment or instructions. Pearce does more than listen. The press secretary plays an active part in this meeting of the inner circle of the Hunt administration.

He interrupts Hunt, for example, during discussion of a pending minor appointment in the energy field to suggest that the governor might want to “look at it again” in light of the fact that the man under consideration has been unsympathetic to the development of unconventional sources of energy. Hunt acknowledges Pearce’s observation and raises names of other potential appointees.

Later, the governor would characterize Pearce’s comment on the appointment as “one small example” of the way the press secretary influences his decisions. But there are others.

Pearce is one of two men who meet with the governor

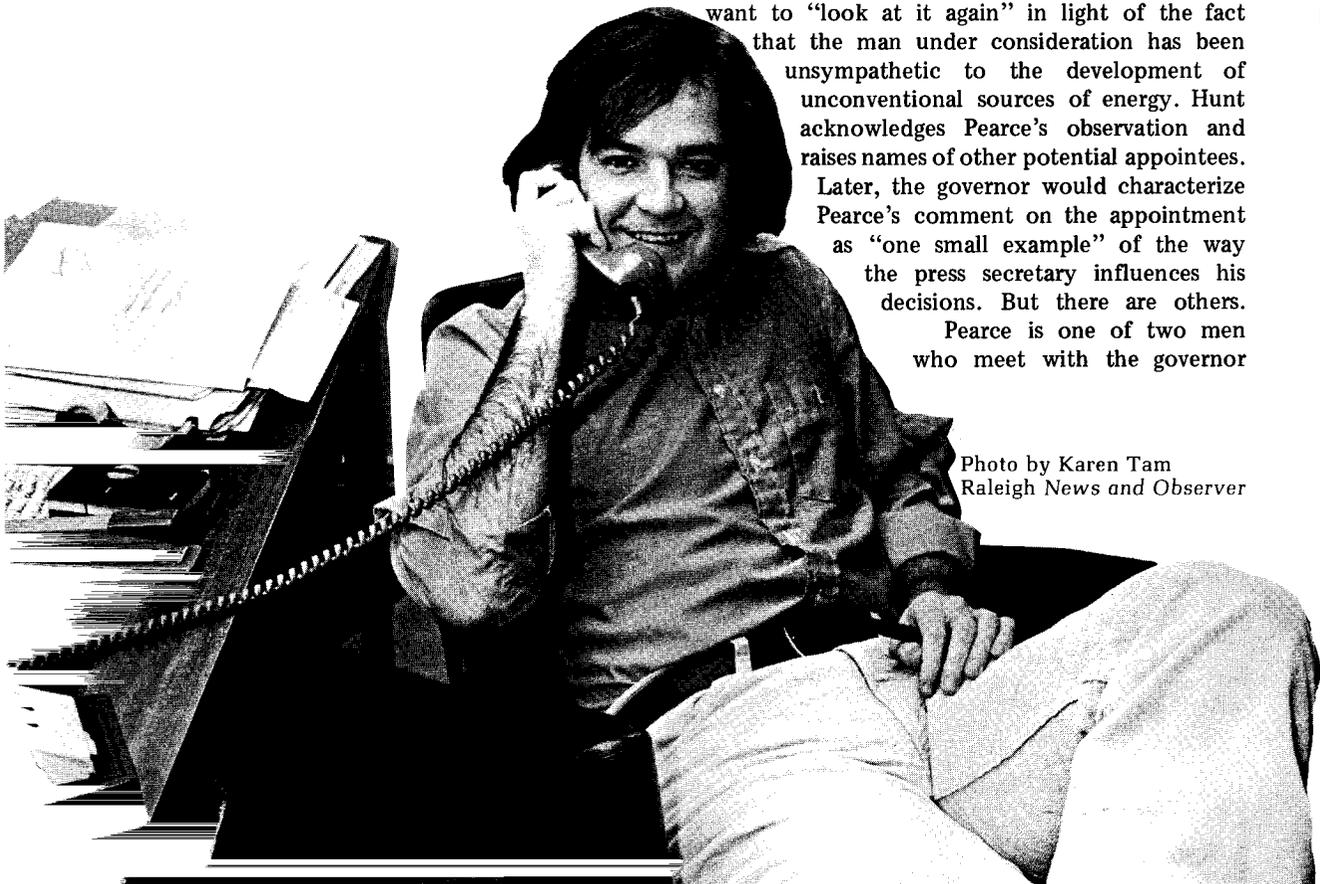


Photo by Karen Tam
Raleigh News and Observer

during the first hour-and-a-half of most working days, and he attends those meetings as a participant rather than as an observer. He does the final drafting of all of Hunt's major speeches. He usually travels with the governor, and, by his estimate, he spends more time with the governor than anyone in state government except the governor's security guards. Gary Pearce is more than the governor's press secretary. He is Jim Hunt's advisor, confidante, aide, and friend.

But Hunt and Pearce choose their words carefully when describing the way in which the press secretary exerts his influence in state government matters. Neither will cite specific state policies that bear the stamp of Gary Pearce. Pearce is a policy advisor, according to the governor, in the sense that the Supreme Court makes law, the analogy suggesting that Pearce's role is to react to policy initiatives rather than to introduce them.

Hunt describes Pearce as someone who helps him think things out and reason through his decisions, as someone whose influence is communicated in "a subtle, reflective way" to make the governor aware of different sides of an issue. Hunt also sees Pearce as an advisor who, because of his inside knowledge of the bureaucracy and his contacts with many people in and out of state government, is able to give him a sense of "how things are going, how people are feeling."

Pearce sees his influence as deriving largely from the fact that he sits in on so many of the governor's key discussions. In some of those discussions, he is able to give "a little bit of a push or a nudge" to affect a policy. But the press secretary does not pretend to offer the governor a point of view he would not hear otherwise. Because of his penchant for seeking out many views on all subjects, Pearce says, the governor would get from one source or another the same kind of counsel even if his press secretary were not there. Perhaps and perhaps not. The point is that Pearce is there.

Pearce owes his job to his friendship with Paul Essex, the governor's special assistant for federal-state relations. Essex was wire editor of the *Raleigh News & Observer*, where Pearce worked as a copy boy while he was a student at North Carolina State University. Pearce was hired, by his account, on the basis of Essex's recommendation and an hour's conversation with Hunt over lunch. Pearce was not unknown to Hunt; he had covered the General Assembly for the *News & Observer* in 1975, when Hunt was lieutenant governor. But it was not until after he had been hired that he and the governor discussed the press secretary's role fully. That discussion, Pearce recalls, took place on a cold, winter day when he and Hunt drove back to Raleigh from a campaign appearance in High Point and Hunt stayed overnight with Pearce and his wife, Donna.

Hunt and Pearce agreed on what would be their

cardinal principles in dealing with the press---accessibility and openness---and during that discussion the two men first began to develop the deep respect and mutual trust that now characterizes their relationship. Hunt: "I have never met a more honest man than Gary Pearce." Pearce: "He (Hunt) is one of the most open-minded, tolerant people I have ever met."

"The fact that Hunt chose him gave me more confidence in Hunt's judgment of people."

—A reporter

Outwardly, Hunt and Pearce are, as a newspaper once phrased it, an "odd couple." At the governor's weekly press conferences, for example, the two men present a study in contrast. Hunt stands behind a lectern, his posture duly formal, if not stiff. His hair is neatly trimmed and styled, and he wears a coat and tie. Pearce lounges on a bench or a chair at the side of the room. His hair is long and rumpled, and he wears neither coat nor tie.

Pearce's habit of dressing casually in the business-like world of state government has earned him a small measure of notoriety---notoriety the press secretary appears to enjoy. Although he professes to be wary of embarrassing the governor by his informal attire, he wears coat and tie only for sit-down dinners. He walks the corridors of the state Capitol in open-necked sport shirt, slacks and loafers. He says the fact that the governor has never said anything to him about his dress or long hair except in a joking way "says a lot about him." He sees Hunt's tolerance of his personal style as symbolic of the governor's broader tolerance and his willingness to consider new ways of doing things.

Pearce attributes his own willingness to consider new ways of doing things to the climate in which he grew up. He was a student during the late 1960s, that much-chronicled period of student protest. He participated in demonstrations against the Vietnam War while he was at State, and he had a hand in organizing some of them, including a joint UNC-State march on the Capitol in 1970 in the wake of the shootings at Kent State University. Other participants in that march included Stephanie Bass, who now works as Pearce's assistant, and Jack Cozort, the governor's legal counsel. Although he describes himself and his fellow demonstrators as "young and naive" and partially motivated by fears of being drafted, Pearce has no regrets about his involvement in the protest movement. He describes the experiences of his generation as "one of the good things we bring to government." Many of his peers became cynical about government and politics

According to one reporter, talking to Gary Pearce is "like talking to the governor himself."

and swore off involvement in public life. Those like himself who decided to work in government, he argues, tend to dismiss the automatic, easy approaches to government problems and to ask why new approaches can't be tried. "There is nothing government needs more."

The rapport between Hunt and Pearce has made Pearce a more effective press secretary. The members of the capital press corps view him as an advisor to Hunt, and they consequently have confidence in his ability to represent the governor's view with an insider's knowledge. Talking to Gary Pearce is "like talking to the governor himself," according to Martin Donsky, who covered state government for the *News & Observer* and the *Durham Morning Herald* and now works in Washington. Pearce says he makes a conscious effort to use the governor's own words when he discusses a state policy with the press.

Pearce's style, of course, is not at all like the governor's. One capital reporter, talking off-the-record about Pearce, distinguished between the form and the substance of the press secretary's representation of the governor. He noted that Pearce refers to the governor as "Hunt," the same way a reporter refers to him, "and sort of rolls his eyes," but the content of what he says is "that Hunt's a great governor." That reporter and others remember that Pearce was known during his coverage of the legislature for his imitations of state officials. Hunt was one of his favorite subjects.

The capital reporters value Pearce's openness and his willingness to make the governor available to them---through a hurried interview during a brief break in the governor's schedule, through a telephone call when Hunt is traveling, and through the weekly press conferences. Hunt describes the press conferences as a joint idea of his and Pearce's and as "one of the best things we've ever done." The press conferences, the governor says, make him accessible to the press on a regular and frequent basis, and they help him spot problems in state government. Pearce thinks the biggest advantage of the press conferences is that they help the governor do a better job because "every week he's got to be on top of everything." The press conferences have also helped Hunt and Pearce benefit from the comparison reporters inevitably make of press relations in the Holshouser and Hunt administrations. The former governor held infrequent news conferences, and some of those he held were limited to discussion of a single topic.

Reporters say they can rely on Pearce to be truthful. "I've never known him to lie," says A.L. May, who covers the governor for the *News & Observer*. "If there is any deception, if it can be called that, it's in not telling something he knows. On the whole, he does a damned good job." Pearce

does not pretend that he tells reporters everything he knows. A reporter who walks into the press office and asks him "What's happening," is not likely to get a juicy news tip. But if the reporter has a specific question, he is likely to get an answer. "He's as open as anybody in that kind of public relations, public information position as any of us have ever seen," says Susan Jetton of the *Charlotte Observer*. Pearce insists, in return for being open with the press, that reporters tell the governor's side of issues. Most of the reporters who cover the governor can cite instances of Pearce's being "mad as hell" about stories that were critical of the governor without presenting Hunt's side. Pearce acknowledges that he responds promptly and strongly when a reporter writes a story without touching base with him or the governor. His assumption in responding is that the next time the reporter will tell the governor's side "to keep Pearce from getting on my ass."

A press secretary, in the words of one of the reporters who covers Hunt, is "a weird animal," a person who has to be loyal to the man whose views he represents and yet open and truthful with reporters who see themselves as adversaries of his boss. He is also required to articulate and defend positions with which he may not agree. Pearce says he has no diffi-

culty with that requirement because he is given an opportunity to argue his point of view while a decision is being discussed. Once the decision has been made, though, he becomes the governor's spokesman. "My only reason for existing," he says, "is because the governor doesn't have time to sit down with each reporter . . . I don't believe you can be in this job and have your own crusade to push. Only one of us was elected." Pearce is comfortable in his job because he is able, as he puts it, "to get my two cents in." The other side of the coin is that reporters feel comfortable dealing with the press secretary because they know he has been in on the decision-making. "The key to professionalizing press relations," wrote Joseph P. McLaughlin Jr., a former campaign press officer and reporter, in an article in *State Government* (winter, 1977), "is to hire a press officer who is capable of providing policy advice and to involve him in the decision-making process . . . Eventually, reporters and editors will recognize the press officer not as just a messenger told to deliver a particular version of a decision but as someone who was there when the decision was made and who may even have influenced it."

Gary Pearce is recognized as that kind of press officer.

—Henry Wefing

LETTERS

You asked for it and now you are really going to get it! In the lower right-hand corner of the second page of your summer, 1978, issue you solicit views from the readers on articles related to state government, on what the Center is doing and what it should be doing.*

Splendid, splendid, simply splendid. That's my view of the work of the Center thus far. The articles to date have been factual, obviously well researched and thought out and without a hint of sensationalism. Probably the most pleasing aspect of the publication, *N. C. Insight*, is that the staff most certainly has the best interest of the state at heart. Pointing out weaknesses, shortcomings and areas where improvements are, sometimes drastically, needed, while viewed by some as unwelcome, assuredly will do a service for the people of North Carolina in future days.

The focus of the Center is clear. Your approach is level-headed, without frills and equitable. The publication itself is understandable, graphically appealing, useful and concise.

Before your hat size increases, however, be forewarned that the zeal of your readers will accept no backsliding from the standard of impartiality and excellence you have set for yourselves. We will vigorously boo your failures just as we applaud your triumphs.

But . . . so far, so good.

Edward Ellis
Editor and Promotions Director
N. C. State Government Employees' Association, Inc.

***We're still soliciting**

Who knows?

-Fred Harwell

It is March 2, 1966, and in Chapel Hill early blossoms have appeared to signal the quiet approach of spring. More than 1,200 students and professors have gathered peacefully in the chilly stillness of the gray afternoon on the grassy expanse of Polk Place just inside a low stone wall that marks the northern boundary of the campus. On the sidewalk beyond the wall stands Frank Wilkinson, lean and wavy-haired, a man who has been prohibited by the state speaker ban law from delivering an address on university property. Wilkinson is here for his own reasons: he is the leader of a national movement to disband the House Un-American Activities Committee. Though they may agree with Frank Wilkinson, most of those huddled together near the wall have come not so much to hear him speak from the sidewalk as to protest the law that forces him to do so. But are there others in the crowd—state agents sent clandestinely not to protest but to monitor the protestors?

In July, 1978, the Attorney General of North Carolina revealed for the first time that files of the State Bureau of Investigation had once contained the names of people who took part in campus demonstrations during the 1960s and early 1970s. Attorney General Rufus Edmisten's disclosure was provoked by an article in the summer issue of *N. C. Insight* entitled "Government Secrecy vs. Public Access: Has the SBI Become a State Bureau of Intrusion?" The article examined North Carolina's public documents statute and the implications of various exceptions to it before calling for passage of a state freedom of information act (FOIA) to open the files of all state

agencies to greater public scrutiny. One of the most sweeping exceptions to the current state public documents law pertains to "records and evidence" compiled by the SBI. A state FOIA similar to the federal law would open files of past SBI investigations and, for the first time, give the citizens of the state an opportunity to assess both the legality and the competence of the Bureau's work.

Ironically, Edmisten's reaction to the proposal was hostile and disingenuous. Even as he was revealing that SBI agents had collected and maintained data on people guilty of nothing more than the exercise of their constitutional rights, he was attacking the integrity of the article and the suggestion that greater constraints on potential abuses of police power are needed. "It's apparent to me that this organization (the Center) doesn't know anything about law enforcement," he told a reporter for the *Raleigh News & Observer* before he had read the magazine. Later, after he had read the article, he told a WPTF-TV interviewer that "this group that did the research . . . doesn't know what they're talking about."

It came as a surprise, therefore, to learn from the Attorney General himself that months ago he had instructed two of his senior staff attorneys to study the need for a North Carolina statute similar to the federal freedom of information law. "I have asked (Senior Deputy Attorney General) Andy Vanore and (SBI Counsel) Mike Carpenter to be looking into the possibility—checking into a possible act of that nature," Edmisten remarked a few days after the WPTF-TV interview had appeared. "I said, 'let's get together on some kind of freedom of information act relative to state government.'" But nothing has been done about Edmisten's request since this con-

Oil—Closing the barn door . . .

A little over a year ago, Gov. James B. Hunt Jr. announced that North Carolina would spend \$1.4 million to establish the first plant in the United States to use a process developed by the Phillips Petroleum Co. for the recycling of waste oil from automobiles. The state program, which was recommended by the governor and approved by the legislature and the Advisory Budget Commission, was the subject of a critical article in the winter, 1978, issue of *N. C. Insight*. The article made the point that the state had entered into a contract to buy the Phillips plant with little assurance of the quality of the re-refined oil it would produce, insufficient study of used oil collection and distribution problems, and inadequate consideration of alternatives for accomplishing the same general conservation purposes.

In an action that calls to mind the old saying about closing the barn door after the horse has left,

the state Department of Administration has now applied to the U. S. Department of Energy for a \$1.6 million grant to evaluate the state's oil recycling "demonstration." The first two objectives of the proposed evaluation are:

- "1. To determine and demonstrate whether or not properly processed re-refined oil is adequate for long-term automobile engine lubrication;" and
- "2. To determine the logistical problems involved in the large scale collection of used crankcase oil, continuous reprocessing plant operation, and distribution of product oil on a regional and state-wide basis."

The first objective verifies the conclusion of the Center article that the administration, the legislature, and the Advisory Budget Commission did not have adequate information about the quality of the product of the Phillips plant when they decided to buy the plant in 1977. The second objective reveals, as the Center article pointed out at the time, that

versation, according to Andrew Vanore. No memoranda have been prepared on the subject; Vanore had not even read the federal statute until after the appearance of the summer issue of *N. C. Insight*. Neither Vanore nor Carpenter mentioned the Attorney General's order to research the FOIA matter when they were interviewed in connection with the magazine article, though both interviews involved extensive discussions about citizen access to state government documents. Edmisten, who was not interviewed for the article, insisted that his interest in a state FOIA had predated the summer magazine, but did concede that the article had "intensified it."

Has the SBI become a State Bureau of Intrusion? Were state agents watching that day in 1966 when students and professors listened to a man banned from using public property to speak only because he had taken the Fifth Amendment before a congressional committee? It will be difficult to know, even if a state freedom of information act is passed by the upcoming General Assembly. Not only did the Attorney General reveal the previous existence of SBI files on campus protestors, he also disclosed that such files have been destroyed by agents in a systematic "housecleaning" operation.

Whose names appeared in these files?

What was said in them?

What use was made of these records?

To what other police agencies were they sent?

We may never find out—but the people of North Carolina should have the means to try.

Fred Harwell, a writer and a lawyer, is an associate director of the Center.

reliable information was also lacking on the logistics and costs of collecting waste oil and distributing re-refined oil.

Although it is apparent that these uncertainties still exist, there was no hint of them when the governor announced the purchase of the plant in August, 1977. At that time, the press release from his office flatly stated that "the quality of the recycled product is comparable to virgin oil" and that "in five years, the plant will have paid for itself." If those statements had been correct when they were made, there would be no reason to ask the federal government now for \$1.6 million to prove or disprove them.

All of this suggests that the state's \$1.4 million investment in the Phillips plant is a speculative venture. It may indeed pay off. But it ought to have been presented for what it was and not as a sure-fire solution to waste oil disposal problems.

—Mercer Doty

Continued from page two

that gave the commission power to seek injunctive relief to close down day-care centers where hazardous conditions exist. The campaign to secure passage of that legislation was led by The Children's 100, a statewide advocacy group, not by the licensing commission.

The commission has failed to lobby aggressively for increased funding for the Office of Child Day-Care Licensing. Lack of sufficient funds has prevented the office from issuing an AA license, a license designed to recognize day-care centers that offer quality programs and to encourage centers to upgrade programs, and from developing a comprehensive system for inspecting day-care centers. (As the result of a supplemental appropriation approved by the legislature last summer, seven years after the licensing law was passed, the office has been able to hire sufficient staff to make annual inspections possible.)

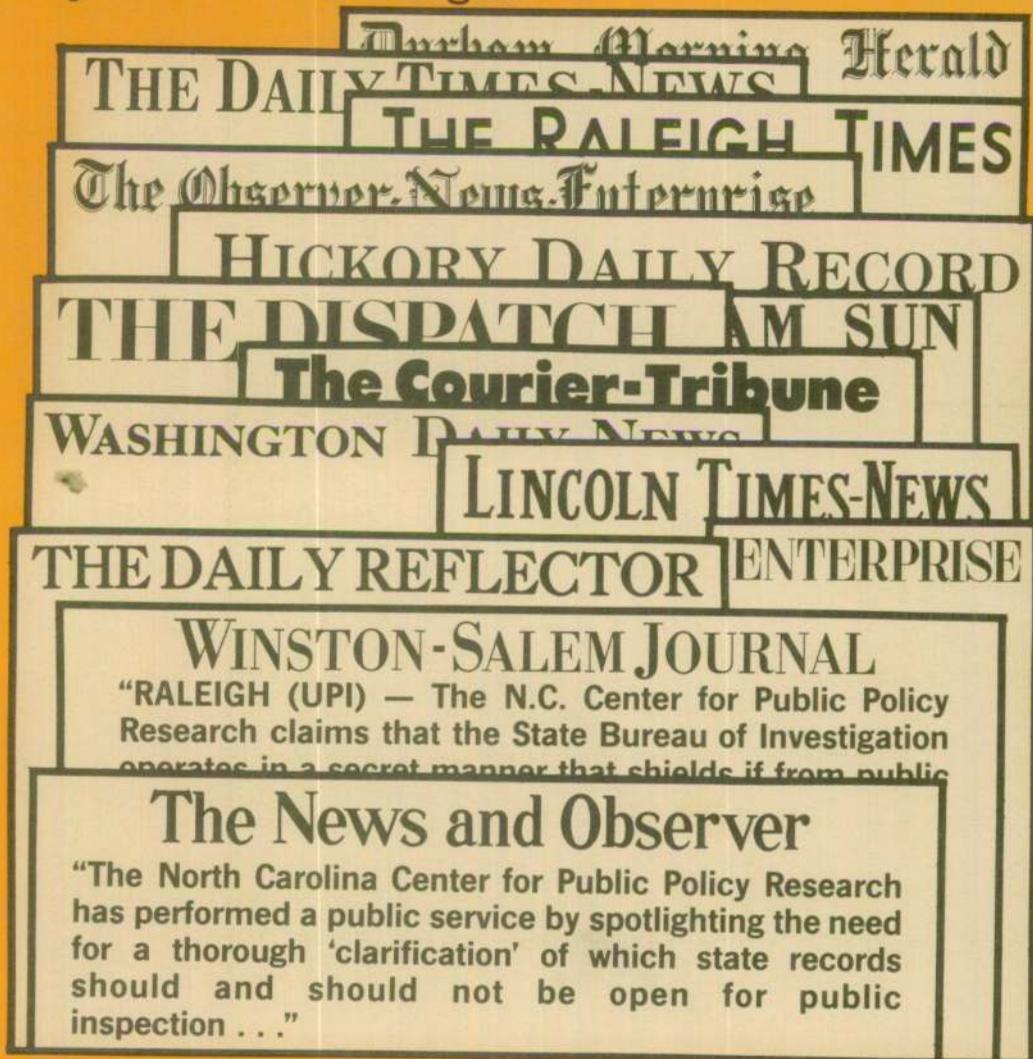
A move to increase consumer representation on the licensing commission will have strong support from within the Hunt administration. The Governor favors increasing the number of consumers, although he has not yet recommended a specific change in the make-up of the commission. The Governor's Advocacy Commission on Children and Youth has recommended that parents of preschool children and other citizens with no financial interests in day-care have at least eight seats, that operators have five seats, and that the remaining two seats be filled by representatives appointed by the Governor and the Secretary of Human Resources, "the two state officials with the greatest responsibilities for day-care."

The advocacy commission's recommendation is a good one. The composition it suggests would give citizens with no special interests the majority voice on the commission. At the same time, it would give operators of day-care facilities a strong voice. And it would result in removing from the commission representatives of state departments that have little to do with the operation of day-care facilities.

An effort to increase the number of citizen members and decrease the number of operators on the day-care licensing commission could be seen as part of a major thrust of the Hunt administration: to increase consumer representation on regulatory bodies. With strong backing from the governor, a bill to alter the composition of the commission would have a good chance of winning approval from the 1979 General Assembly. □



1,083,351* people had the opportunity to read about the N.C. Center for Public Policy Research last summer in their newspapers. The newspaper stories and editorials were prompted by articles in the July issue of N.C. Insight.



Why not become part of an organization that is having an impact across the state? (see enclosed card)

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