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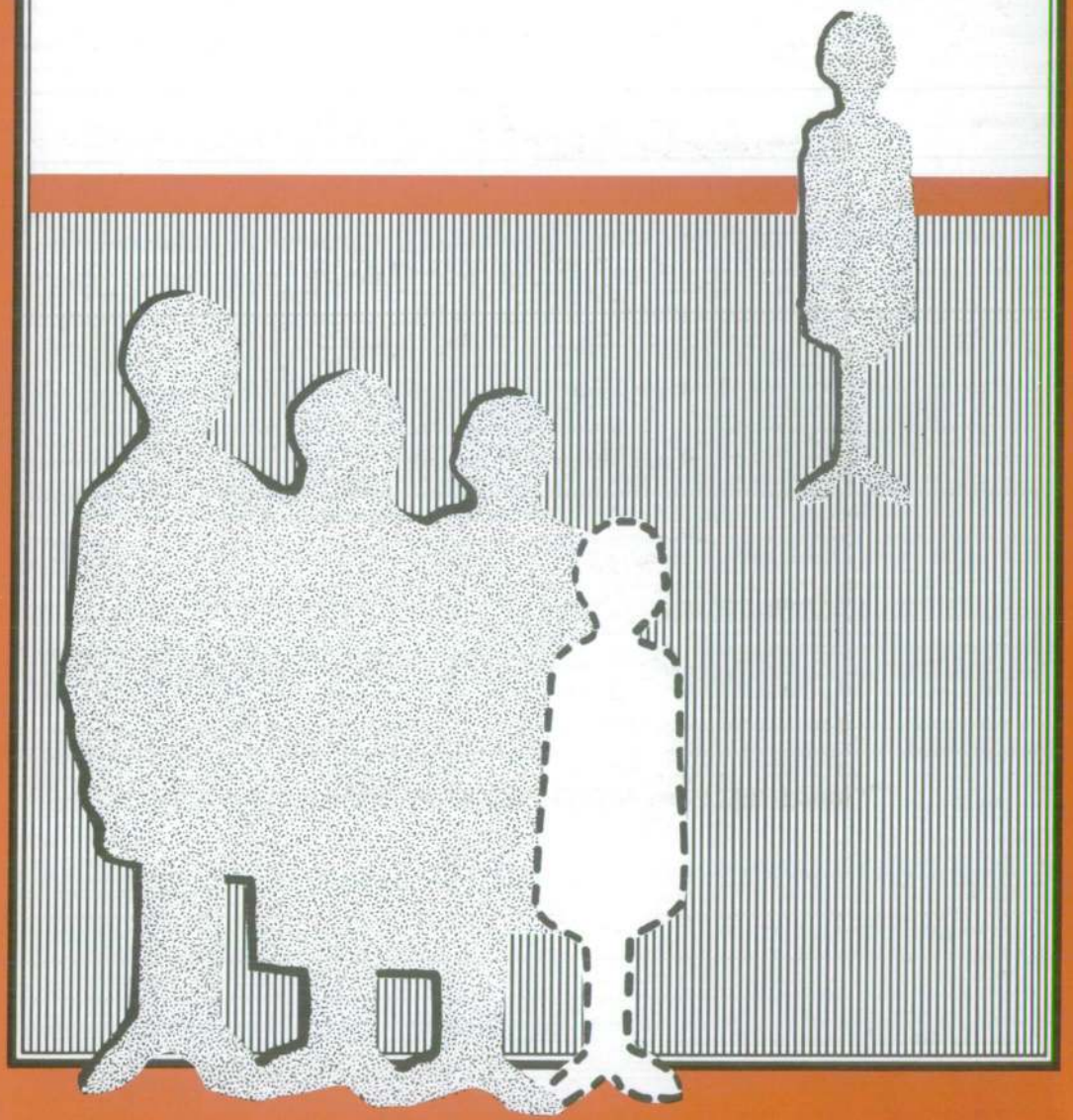

The Labor Center's Defeat
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Notes from Washington

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NCINSIGHT

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A BALANCE OF INTERESTS
Dealing with the juvenile offender

by Brad Stuart

In 1972, the authors of a North Carolina Bar Association study of the state's training schools wrote that their findings should be received with "indignation, even outrage." The system of training schools for juvenile offenders was "a total failure."

Ostensibly set up to provide education and counseling to wayward children, the eight training schools were in fact little more than prisons. Bleak, understaffed, they did not even provide their charges with basic dental and eye care, let alone deal with the more difficult problems of emotional and mental development. The report, titled *As the Twig Is Bent*, spoke of neglect and "mistreatment of helpless children."

While physical brutality by school personnel was rare, some school authorities were said to encourage their wards to pursue and to beat up children who attempted to escape. The study concluded that "it is difficult to inculcate moral principles in a young child who lives under custodial conditions, sleeps in an overcrowded dormitory, is deprived of family identification, and who if he tries to escape may be hunted by his fellows like an animal and punished by being isolated in a cell equipped with only a mattress."

Into this system the state poured not only its violent and larcenous young, but children under the ill-defined legal label "undisciplined" --- the runaway, the truant, the unmanageable, the unwanted. These undisciplined children (so-called status offenders because offenses such as truancy are illegal only because of the offenders' status as children) helped swell the commitment rolls to the point that North Carolina had more children per capita in training schools than any other state in the nation. The Bar Association called the training schools "a dumping ground for unfortunate children, most of whom have committed no crime whatsoever."

It took three years for the legislature to respond, but in 1975 the N. C. General Assembly passed a bill to help implement the central recommendation of *As the Twig Is Bent:* the creation statewide of community-based alternatives to training schools. Instead of being dumped in training schools, status offenders---and delinquents other than hard-core incorrigibles---were to be helped by foster care, group homes, counselors, special school programs and mental health therapy in their own communities.

There is a kicker to the bill, a provision which helps make House Bill 456 one of the most important and controversial changes in state juvenile law since the creation of a separate juvenile court in 1919. The provision,* in effect, forbids the commitment of minors to training schools on account of any status offense---any offense which is not a crime if committed by adults. In fact, the state's power to keep nondelinquent but undisciplined children in any type of long-term custody has been eliminated.

The effective date of the provision was delayed two years. As the 1977 implementation date drew near, the legislature saw that communities around the state weren't ready to deal with all the runaways, truants, and unmanageable children who

*Before the ban on incarceration of juvenile status offenders took effect July 1, many children were committed to the state training schools in a two-stage process. First, the juvenile court would adjudicate them as status offenders because of being truant, running away or being generally out of control of their parents, and would place them on probation. The terms of probation generally required the child to stop committing the offenses that brought him to the attention of the court. If the original offense were truancy, the probation order would order the child to go to school. Secondly, when the children repeated their status offenses following probation --- persisting in their truancy, for instance --- they were declared "delinquent" for violating a court order. As delinquents, they could be incarcerated in training schools.

The wording of the section of House Bill 456 that bans incarceration for status offenses can be understood only if this two-stage process is understood. The section states that G. S. 7A-278(2), which gives the legal definition of delinquency, "is rewritten to omit the words 'or a child who has violated the conditions of his probation.' " This means that children can no longer be declared "delinquent" solely because of probation violation. And, if not delinquent, they can not be sent to training school.

Brad Stuart is an associate director of the Center.

"I'm concerned with civil rights. But some people, at a given time in their lives, need help when they aren't prepared to accept it."

—Judge Gil Burnett

had before been sent to training schools. The provision was delayed again. It went into effect July 1, 1978.

"Deinstitutionalization" of status offenders---a goal of federal juvenile justice policy and a requirement for state receipt of federal funds under the Juvenile Justice and Delinquency Prevention (JJDP) Act---is now an accomplished fact in North Carolina. The overall rate of commitment to training schools has dropped by about one third. From July through October of this year, 222 children were committed to training schools, compared to 363 during the same months in 1977. As of December 4, 1978, there were 685 children in training schools, as compared with more than 1,600 in 1972.

The overwhelming majority of professionals involved in children's services generally support the changes that are occurring and back the intent of House Bill 456.

In conversations with officials in Raleigh and with professionals elsewhere in the state, however, two basic concerns emerged. Most feel that state and local governments have appropriated only a fraction of the funds needed to make community services a viable alternative to training schools. And some feel H. B. 456 went too far in placing an absolute ban on incarceration of minors for status offenses. Opponents argue for repeal of this provision, arguing that it removes any "stick" the courts have to enforce compulsory school attendance laws and allows rebellious runaways to remain on the street.

UNMET NEEDS

There is no comprehensive body of data on the needs of troubled youth in North Carolina, nor is there a simple estimate of the amount of money required to provide adequate juvenile services, according to Ken Foster, director of the Community-Based Alternatives (CBA) program of the Division of Youth Services. There is little doubt, however, that, three years after its passage, the resources have not been provided to carry out the intent of House Bill 456.

The legislation appropriated only $15,000 for each of the next two years. The money went to set up CBA, a planning program in the Department of Human Resources. Despite scant funds, former CBA director Dennis Grady and Foster, his successor, are generally credited with doing an excellent job of organizing county participation. County governments were to be the major actors in the community-based program. Ninety-seven counties agreed to join in the effort.

In February, 1977, the Legislative Commission on Correctional Programs (the Knox Commission) recommended that the General Assembly appropriate $3 million for each year of the 1977-79 biennium for the support of community-based alternatives. The legislature chose to appropriate only half of that: $1 million the first year, $2 million the second. Counties were asked to chip in a maximum of 30 percent of that in match monies. Because many counties didn't have the funds, according to Foster, they were allowed to use "in kind" matches in the form of program facilities already in place.

By the time the state money is distributed to the 97 participating counties, it is stretched pretty thin.

"Last year, Forsyth County, one of the most populous counties in the state, received $30,000 in state CBA funds," said Ann Ryder, who supervises child mental health programs for the North Central Region, a quarter of the state. "How can that money spread among eight local agencies keep children in the community and give them the help they need? I can't think of any case where a community has supplemented state money enough to make a really viable community-based alternative to training schools."

There are some federal funds available: $1.6 million per year from the JJDP Act, North Carolina's reward for passing House Bill 456. But according to Barbara Sarudi, chairman of the state Juvenile Justice Planning Committee, which helps allocate federal grant monies, JJDP funds will be used to make up for other federal funds --- seed monies from the Law Enforcement Assistance Administration --- which are drying up. She added that North Carolina's fiscal commitment to community-based services for juveniles is small in comparison to other states'. She said, for example, that Minnesota spends $30 million and neighboring Virginia spends $18 million annually.

When a complaint is brought against a child for a status offense, it is the counselors of the juvenile court who try to locate the group home, alternative schooling or other services the youth may need. One of them, intake counselor Danny Smith of Lillington, had these bitter comments: "What the state has said in effect is, 'You can't put your problem kids in state institutions, but we're not going to give you the resources to deal with their problems at home.' It costs $16,000 a year to keep a kid in training school. They let him out and throw us a few pennies."

Many of the service needs of status offenders

are shared by other troubled youths, including delinquents and children with mental problems.

Some kids become status offenders by running away from family fights. They need a decent place to stay --- perhaps a temporary shelter home with house parents --- until things simmer down enough for them to go home. Others need longer-term care away from home. Some have been abused by their parents (a study by Yale law students R. Hale Andrews and Andrew H. Cohn found that in over a third of the cases of children being brought into the New York state courts on status offense petitions in 1974 the parents could have been charged with statutory abuse or neglect.) Some have learning disabilities or are emotionally disturbed and need intensive therapy.

The lack of temporary shelters and foster homes for runaways was cited repeatedly in interviews. Even in Wake County, where Wake House serves as a shelter, court counselors reported that runaways are often locked up in the county's juvenile detention center because there is no room in the shelter.

This writer spent two days at the Wake County Courthouse, observing juvenile court and interviewing court officials. All of one afternoon a 14-year-old boy sat in a room outside the counselors' offices waiting for a place to stay. He had fled from home after being repeatedly beaten by his brother, a counselor said. When no place was found for him, he finally went back to his first refuge, the home of a friend whose parents didn't want him in the house. His parents, the counselor said, had not phoned the boy in the two weeks he had been away.

Other children without access to friends' houses or shelter homes don't fare so well. When the state's eight detention centers* are too full or too far away for police to drive, children are locked up in county jails. A total of 2,600 --- delinquents, disturbed children and status offenders alike --- were lodged in jails last year, according to Wiley Teal, state juvenile detention director. Since the law forbids contact with adult prisoners, children are segregated in solitary lock-ups. Though the average stay is eight to ten days, Teal said he knew of cases in the recent past of children remaining in jail cells for up to a month.

"We had a girl in here from [a small community outside Raleigh]," said Steve Williams, chief court counselor for District 10. "She said, 'My mama and daddy are drunk; they were beating me. I'm not going home.' The emergency shelter was full. There were no foster homes. What do we do with her? We locked her up. Absolutely insane."

State officials and professionals cited a long list of children's service needs now unmet. Two which were mentioned regularly were the lack of programs for borderline retarded children who, without special help, can become truants and discipline problems, and so-called "multi-handicapped" children who are emotionally disturbed and retarded. Both kinds of children are generally excluded by the entrance requirements of existing programs and hence fall through the cracks.

The lack of adequate mental health services in North Carolina is most clearly seen in cases of the most seriously disturbed, the kids who, when untreated, cause the most trouble.

This writer observed a hearing in a Wake County courtroom for a 15-year-old delinquent girl charged with violation of probation. The girl was seriously mentally ill, both counselor and judge agreed. She needed intensive inpatient therapy. Because the state Dorothea Dix Hospital's juvenile unit was full, she was "temporarily" committed to training school. Later in the morning, another disturbed youngster appeared in the courtroom. A gangly boy wearing no shoes and an odd smile, he, too, had been turned away from Dix. Sent home on medication, by afternoon he had court officials scrambling for a detention order. As one of them put it, "That boy who went crazy over the weekend? He's done it again! Went home, tore all the lights out of the house and tried to kill his mama! He's downstairs in a straitjacket."

Child mental health specialist Ryder said that the John Umstead Hospital, which serves the North Central region, also regularly turns away children who need intensive care, "including ones who are dangerous to others."

Dr. Lenore Behar, the head of the state's mental health programs for children, acknowledged that the hospitals are turning away acutely ill youngsters. She spoke of a cruel trade-off, saying the need to provide adequate outpatient community services competes with the need to provide decent care and facilities in institutions. In both areas, she said, there is a critical shortage of funds.

Despite the glaring deficiencies, recent progress in providing services for troubled children is substantial, and in recent years the funding picture has improved markedly. The CBA unit intends to ask for a doubling of funds this legislative session --- to $4 million --- according to Foster. Mental health funds for children have more than doubled in the past three years, the current annual budget being $25.8 million. CBA resources for problem students have been greatly magnified by the cooperation of the public schools in creating programs for disruptive students and truants. In-school suspension programs have decreased the number of students

*The only state-operated juvenile detention facility is in Fayetteville. Because of stipulations attached to the federal funds used to build it, the center won't accept status offenders. County-operated detention centers are in Asheville, Charlotte, Winston-Salem, Greensboro, Durham, Raleigh and Wilmington.

expelled from school in some areas. Alternative schools, such as Ocean Sciences Institute in Wilmington, have been created. In mental health, the state-supported Wilderness Camping program operated by the Eckerd Foundation has reportedly helped some of the most severely disruptive and disturbed boys to become self-reliant, mentally and physically fit. In the juvenile courts, trained counselors have been hired in all court districts, and their caseloads (averaging 42 cases per month) are not generally seen as excessive.

Certainly not all of these efforts were in direct response to House Bill 456. But the bill has been the primary impetus of new programs for troubled children. And it is the "kicker" provision of the bill which many say has been the key force for change.

The ban on committing status offenders to training schools "is forcing us to do what needs to be done," said Ms. Ryder. "It was too easy to send these kids out of town. And once out of sight you usually forget them. Even the most dedicated professionals do. Because you've always got a new face in front of you."

"The court used to be seen as the answer, somebody you could pass the kid to when you gave up," said Goldsboro court counselor Donna Ramsey. "The courts could pass him on to training schools. They could send him home and the cycle would start all over again. Now that cycle has stopped."

REPEAL SOUGHT

Opposition to the new law focuses on its central paradox --- that the bill designed to encourage community-based programs for status offenders allows children to refuse those programs and to hit the streets instead.

Twice since 456 was passed, the North Carolina Association of District Court Judges has called for repeal of the section banning forcible confinement of status offenders. One opponent whose voice carries very far on this issue is Gil Burnett, chief judge of the Fifth District (New Hanover County). Well-known for his advocacy of children's services, Judge Burnett helped initiate Ocean Sciences Institute and is also credited with developing an evaluation program for juvenile offenders in his court which is perhaps the most systematic and thorough of any in the juvenile court system.

Judge Burnett argues that the commitment ban makes the courts incapable of enforcing the laws forbidding status offenses. "It kills the compulsory school attendance law. It kills the legal right of a parent to control his child."

He argues that children under 16 are too immature and vulnerable to get along on the street and says that unless the court has the ultimate sanction of training school, the street is where many kids will end up.

"Before the law was changed, the threat of training school was used as a lever to get these children into [education and mental health programs]. I'm concerned with civil rights. But some people, at a given time in their lives, need help when they aren't prepared to accept it."

There are preliminary indications that the problem Judge Burnett points to is already surfacing. Apparently, some children are successfully refusing any custody whatsoever. Bill Safriet, supervisor of child mental health services for the eastern region, said group homes for girls in his region had been nearly empty since the law's passage. The same was not the case with boys' groups homes, which, unlike the girls' homes, had never held many status offenders. Williams, the district court counselor, reported the group home in Wake County also had difficulty in convincing girls to stay there. Both Williams and Safriet attributed the attendance problems to the effect of the new 456 provision.

Judge Burnett wants the law changed so that it demands that judges use (not just consider) community services for status offenders, but with training school commitment possible as a last resort.

Other court officials would make an either-or request of the legislature. "A lot of judges feel they should either give us the ultimate sanction necessary to enforce court orders or get status offenders entirely out of the jurisdiction of the juvenile court," said Fred Elkins, chief court counselor in Durham.

Despite the opposition among court officials, one jurist may have inoculated the 456 provision against repeal. His intent was exactly the reverse.

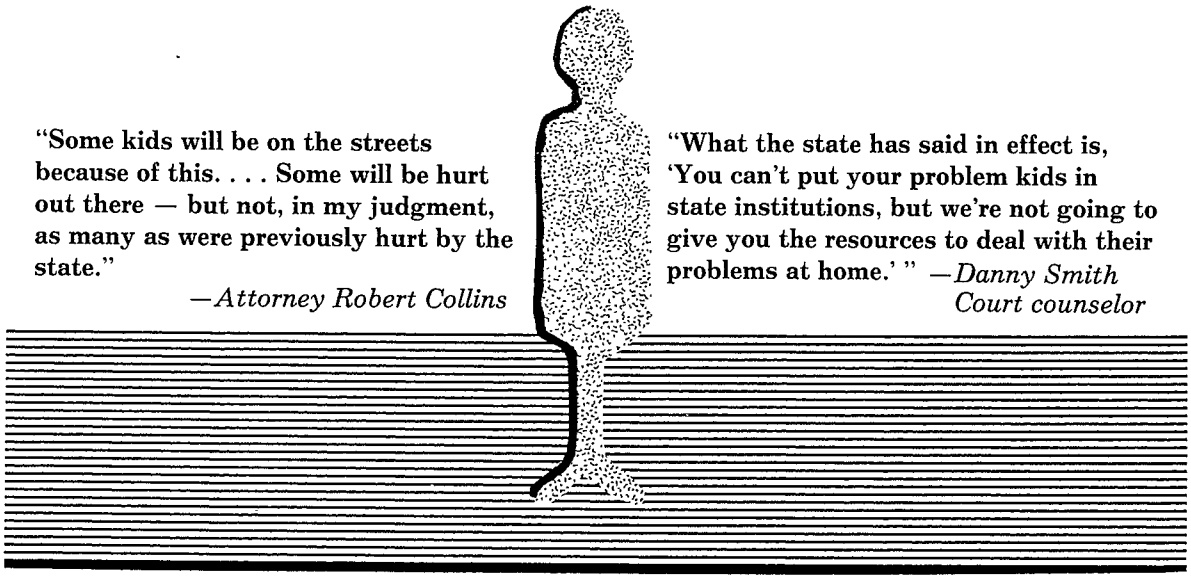
George Bason, chief district court judge for the Tenth District (Wake County) won permission from N. C. Supreme Court Chief Justice Susie Sharp to put House Bill 456 into effect in Wake County one year ahead of the rest of the state. Part of his motivation, he now says, was his belief that the experiment would discredit the law before it became effective.

Eschewing the only means of enforcing probation --- the threat of training school commitment --- Judge Bason's court placed kids adjudicated as status offenders under "informal and voluntary court supervision." This meant that court counselors would direct them to community services and try to persuade them to accept services offered, but could not force the kids to do anything. (As was the case previously, most of the children with complaints of status offenses lodged against them were dealt with solely by intake counselors. They never appeared in court for adjudication).

The experiment made reluctant converts of both the judge and chief court counselor Williams. Both said the voluntary supervision procedure was

"Some kids will be on the streets because of this. . . . Some will be hurt out there — but not, in my judgment, as many as were previously hurt by the state."

—Attorney Robert Collins



"What the state has said in effect is, 'You can't put your problem kids in state institutions, but we're not going to give you the resources to deal with their problems at home.' " *—Danny Smith*
Court counselor

generally as effective as probation in addressing status offenders' problem behavior.

Many kids continue with undisciplined behavior in either instance, Judge Bason said. "They (incorrigibles) didn't respond to probation and training school and they won't respond to 456. One difference is that now they're not sent to schools of crime, elbow to elbow with murderers and rapists."

Only seven of the 209 status offense cases studied during the experiment were judged by court counselors to be "less successful" than they would have been under the old system. On the other hand, only five were judged to be "more successful."

Students in local schools were informed that the new provision was in effect. Truancy did not increase.

The relative success of the experiment is all the more important because Judge Bason is chairman of the Juvenile Justice Code Revision Committee, which will advise this session of the legislature on needed changes in juvenile law. The committee will "endorse 456," he said. Moreover, he is adamantly opposed to removing status offenders from the jurisdiction of the courts. The ability of police to pursue and apprehend runaways, he says, is often crucial to their protection. Without jurisdiction, adults who exploit runaways could not be prosecuted for contributing to the delinquency of minors.

Juvenile court jurisdiction also allows the courts to punish parents who don't try to stop their children from committing offenses. Responding to the new law's removal of sanctions against truants themselves, Judge William H. Freeman recently sentenced two Winston-Salem women to 30-day jail terms for allowing their children to skip school. The Juvenile Justice Code Revision Committee, according to Judge Bason, is seeking legislation to expand on this concept, making parents subject to contempt citations if they do not fully cooperate in their children's court-ordered treatment programs. Another reason for jurisdiction is that "court counselors in some multicounty districts represent the only real resource [for troubled children] for 40 or 50 miles. Without jurisdiction, this resource would be lost," Judge Bason said.

Neither Judge Bason nor counselor Williams is absolutely sanguine about 456, however, and with the possible exception of Grady and Foster in Youth Services, neither is anyone else we spoke to.

"I'm as little concerned about the lack of an ultimate sanction as anyone," said Williams. "But I am concerned, because I have seen how some children can be positively coerced into accepting some discipline, settle down and be O.K. I'd like to have a training school in Timbuktu, and never send anyone to it, but have kids know it's there so they're willing to accept something else."

Robert Collins, staff attorney for the Juvenile Justice Code Revision Committee, sums up the position of those supporters of 456 who realize some kids will be hurt by it:

"Some people say training school should be available as a lever to coerce kids," he said. "But if a lever means anything, it has to be used. And to incarcerate a person who hasn't committed a crime is absolutely unjust.

"What we're talking about is a balance of interests. Some kids will be on the streets because of this. Some of them will grow up all right; some will be hurt out there --- but not, in my judgment, as many as were previously hurt by the state. Give the state the option of training school for kids who have committed no crime and those places will always be dumping grounds. We've tried that way. Let's give the new way a chance." □

'That Freakish Thing'

A memo dooms the labor center

by Jerry Adams

On Thursday evening, Sept. 7, 1978, the votes of nine members of the University of North Carolina's Board of Governors killed a proposal to establish a Center for Labor Education and Research on the campus of North Carolina Central University in Durham. The vote, taken in the board's planning committee, was a symbolic *coup de grace*, although it was not the last shot to be fired in a much larger conflict between pro-union and anti-union forces in North Carolina.

The proposal to establish the Labor Center was debated as an educational issue. But the debate took place against the backdrop of deep, lingering attitudes. "It's no longer socially acceptable to be anti-black in North Carolina," said one observer who was privy to the committee's deliberations. "That's frowned upon. But it's still all right to be anti-union."

Anti-union feelings are to be expected in a state that is the nation's least unionized (less than seven percent of the work force) and yet is among the South's most industrialized. But the strength of the feelings revealed during the debate over the Labor Center surprised some observers.

Dr. E. Walton Jones, the UNC vice president who worked with the committee and NCCU on the Labor Center proposal, was impressed with the intensity of committee members' feelings about organized labor and their concern for labor's capacity to be "disruptive" and overwhelm the school's administration. "They were worried," Jones recalls, "about the university maintaining its objectivity in running the program." As for their general feeling about unions, Jones adds, "It runs very deep. I know I had not recognized the intensity of it until working on this project."

Neither Jones nor other members of UNC President William C. Friday's staff familiar with the Labor Center issue were willing to talk in detail about the committee's deliberations. The committee members themselves tend to recount the process leading to the rejection of the proposal in highly personal ways. Some of them, understandably, can no longer remember the details of the discussions.

Thus, the resolution of an issue of importance to North Carolina citizens and a decision that is theoretically the product of informed debate remains shrouded from public scrutiny. Minutes of the committee meetings are laconic. They reveal almost nothing.

Board of Governors committee meetings (except those parts that deal with personnel matters) are open to the public and the press. However, John P. Kennedy, Jr., secretary to the board, points out that the only reporter likely to attend a committee meeting is one from the *Daily Tar Heel*, the campus newspaper at the University of North Carolina at Chapel Hill. With regard to the Labor Center, Kennedy adds, "They (*Daily Tar Heel* reporters) don't care much about that sort of thing." Press coverage of the committee's deliberations, therefore, was sparing, to say the least.

Interviews with participants in and first-hand observers of the Labor Center discussions in the committee make clear that committee members knew they were dealing with a sensitive issue in the political, industrial, and educational life of North Carolina. But it was a document that fell into committee members' hands by chance --- a document that President Friday describes as "that freakish thing" --- that offered committee members what they considered conclusive evidence that the establishment of a Labor Center had far more significance than the establishment of just one more university program.

The story of the Labor Center begins shortly after the gubernatorial campaign of James B. Hunt, Jr., which had, as a Democratic prerogative, labor support. After Hunt's election, Wilbur Hobby, state AFL-CIO president, and his research director, Christopher Scott, sent the governor-elect a memorandum. It was dated Dec. 23, 1976, 16 days before the inauguration. "North Carolina workers need to have technical assistance available to them much as farmers and businessmen make use of the agricultural extension and industrial extension services," the memo began. Such assistance could best be provided through a Labor Center like those in other states, the memo continued, one that could be established for $250,000 in "this tough budget year."

The memo concluded: "It is clear that such a center must have a separate faculty and staff from those who provide similar instruction to

Jerry Adams is a free-lance writer who works in Winston-Salem.

business and industry. This is one area where it is virtually impossible to remain academically 'objective' in either content or style."

On February 16, 1977, a month into the new administration, which would appoint Scott to a $27,000 job, a second memo from Hobby and Scott to Hunt announced that "plans for the creation of a Center for Labor Education and Research appear to be taking shape." The memo outlined how the center should be organized.

That spring, at a monthly meeting of the 16 chancellors with President Friday, Dr. Albert N. Whiting heard Friday mention the idea of a Labor Center. It immediately struck Whiting as made to order for his campus at North Carolina Central, a natural fit with the school's continuing education program. Whiting remembers thinking that the Labor Center would give his institution "a different thrust than the other institutions have." That latter consideration, he thought, would be important to the U. S. Department of Health, Education and Welfare, which has been arguing since early 1970 that the historically black campuses in North Carolina should be considered for innovative, integrated programs. Whiting's campus was selected to develop a proposal, and he assigned Dr. Waltz Maynor, director of continuing education, to work with Jones of the consolidated university staff. Whiting says the help of Hobby and other labor leaders went into the proposal, which took the form of a suggested charter. It was presented to the planning committee Oct. 13, 1977.

John R. Jordan, a Raleigh lawyer and lobbyist, then committee vice chairman, recalls that he and George Watts Hill, chairman of the board of Central Carolina Bank, extensively rewrote the suggested charter. "It was a much different animal when it came out of committee," he says. An examination of the two drafts makes clear that one change was critical. Deleted was a provision that "at least six of the advisory board members be directly associated with organized labor." The second draft provided for the chancellor of NCCU to appoint all 11 members without mention of representation for labor or any other interest.

The original draft of the suggested charter was the first indication for some committee members that the center was being designed to be, in committee member Harley F. Shuford Jr.'s phrase, "the pet of organized labor." Shuford, president of a furniture company, became the most outspoken opponent of the center, according to observers. Daniel C. Gunter Jr., president of a textile firm, then a committee member, also objected to the charter and to efforts to redraft it at the meeting. He made a motion to re-refer the suggested charter to the staff.

But the charter, as redrafted, was approved on a motion by Dr. E. B. Turner, a dentist, and the center proposal was recommended to the full board. The minutes reveal nothing about the discussion or the vote.

Two weeks after the meeting, Maynor wrote to Hobby expressing confidence that approval was imminent, telling him of staff being hired, and thanking him for his "efforts" on behalf of the center.

Chancellor Whiting of North Carolina Central University viewed the Labor Center as a natural for his institution.

But on Nov. 11, at the full board's next meeting a month later, Dr. Hugh Daniel Jr., an ophthalmologist, then chairman of the planning committee, asked the board to ignore his committee's stamp of approval and resubmit the proposal for further consideration.

John R. Jordan, who shortly thereafter took over as chairman of the committee, remembers that in the month between the two meetings "questions began to arise." Asking the questions, he says, were "many chambers of commerce and merchants bureaus and that sort of thing." But Jordan and others on the committee insist that it was a calm, reasoned consideration of facts, not pressure from the business community, that was beginning to turn the tide against the Labor Center proposal. Shuford and fellow committee members F. P. Bodenheimer, president of a mortgage-banking firm, and Mrs. Hugh Morton talk of the committee's beginning to consider alternatives they viewed as more suitable than the establishment of a Labor Center.

Bodenheimer and Shuford cite the alternative of broadening the course offerings at Chapel Hill and North Carolina State University as well as other state campuses. Shuford makes the argument that a business school's curriculum ought not to be so narrowly designed that it is just for management-bound students. (Hobby responds to that argument by citing the case of a management seminar for which the School of Business Administration at Chapel Hill provided site and faculty to instruct business people, according to the sponsor's invitation, "in opposition to this compulsory, one-sided, unfair, pro-union legislation" then before Congress. The bill that was the subject of the seminar, whose provisions were designed basically to speed up procedures involved in union-local elections, was defeated in 1978.) Several committee members argue that the community college system would be a more appropriate vehicle for Labor Center-type courses.

The original draft of a charter indicated to committee members that the Labor Center was being designed to be "the pet of organized labor."

Committee members say the consideration of alternatives to establishing a Labor Center was beginning to shape opinion on the committee. The panel was also considering the question of whether certain federal funds should be used in planning the Center.

But when the planning committee next met, on February 4, the proposal to establish the Labor Center seemed to be moving ahead smoothly. President Friday reported that federal funding would cover the first year of operations and that "a three-phase scheme for the planning, trial and evaluation of the Center is now contemplated." Friday said he wanted Whiting to undertake a feasibility study.

Committee member William A. Dees Jr., a lawyer, made the motion that Whiting be authorized to go ahead with a study "to determine whether a need exists" for the Center. To be "feasible," then, was not to be "capable of being accomplished" but rather "suitable." Both are acceptable meanings for "feasible," and the committee was choosing the latter.

At the committee's next meeting, on February 10, Shuford showed members a copy of a document that was to make all other considerations moot.

Shuford had a copy of yet another Hobby memorandum. This one had been meant only for the eyes of his executive committee and the presidents of international unions with members in North Carolina. Hobby estimates the intended circulation at about 50 people.

The lengthy memo, written early in 1977, outlined AFL-CIO activities, extolled the virtues of the new governor, and presented an "eight-year plan." The new administration, the memo asserted, would represent "a turning point in how government relates to unions.

"North Carolina is the labor movement's greatest potential," it said. "CLEAR [The Center for Labor Education and Research] will have the mission of statewide extension to Central Bodies and local unions . . . The North Carolina AFL-CIO expects, in effect, to hire the director and staff and design the Center's programs."

Accompanying the copy of that memo was a copy of the Dec. 23, 1976 memo to Hunt from Hobby and Scott, the one written shortly before the new governor's inauguration.

Shuford's document "really cooked it," says one observer. Although politically experienced committee members had always assumed the existence of a Hunt-Hobby connection behind the Labor Center proposal, they had not talked about it. When Shuford produced the Hobby memoranda, according to another observer, the committee members "got pretty excited." Persons who attended the meeting say Friday did not know what, suddenly, was happening. He later described the document Shuford had as "that freakish thing."

The committee reacted immediately. Committee member Reginald McCoy, president of a real estate company, moved that the charter approval and the authorization for a study be rescinded. After a bit of parliamentary confusion, the charter approval was rescinded but, on a 6-5 vote, the committee agreed to allow the study.

But committee members insisted on taking a hand in designing the opinion survey that would be the heart of the study. Whiting says he was "somewhat disturbed" by committee members' insistence on shaping research otherwise designed by university experts in the Triangle area. But when he mildly objected, he says, he was told by a committee member: "There are no experts beyond us."

Bodenheimer's suggestions for the conduct of the survey later ran to three single-spaced pages, and he expressed an opinion that was by then widespread on the committee --- that the Center was going to do much more harm than good. The N. C. Citizens Association, which represents managers from more than 1,300 companies in the state and maintains a 10,000-name mailing list that is updated monthly, spread the alarm to its membership and on August 30 sent a letter to the Board of Governors saying it had made "an objective analysis" and reached the conclusion the Center was a bad idea.

Whatever observers and participants may say after the fact, it is clear that the divulging of the Hobby memoranda turned the tide, confirming fears about union activities in connection with the Labor Center and crystallizing objections to the Center.

How did the copy of the Hobby memorandum get out of the hands of the persons for whom it was intended? Someone connected with labor left a copy behind when checking out of Raleigh's Royal Villa Motel. It was picked up by someone who took it to Stephen J. O'Brien, formerly manager of the General Electric plant on U. S. 70 across

'The North Carolina AFL-CIO expects, in effect, to hire the director and staff and design the Center's programs.'

—A memo from Wilbur Hobby

from the Research Triangle Park. He showed it to B. D. Combs, the plant personnel manager. He showed it to George Shelton, executive vice president of Capital Associated Industries, Inc., a management consulting firm in Raleigh. Capital Associated is one of five similar organizations in North Carolina, which, according to committee chairman Jordan, "keep an eye on union activity."

Shelton and Frank Krieger, president of Capital Associated, say their company stays in touch with client companies, but they prefer not to say how many client companies there are. "Our premise," Shelton says, "is that if you're doing the managerial things you should be doing, there's no need for a union." As for the memo Combs brought to him, Shelton says, "There might have been some limited distribution. We might have discussed it with some groups."

Shuford says he got his copy of the memo from a member of the Board of Governors who is not on the planning committee.

There has been no explanation of how the Dec. 23, 1976 memo to Hunt came to be included with the later memo to union people. Hobby says it could not have come from his files. Hunt says through a spokesman that he has no idea how the memo might have gotten out, but notes that it was received during the gubernatorial transition period when "things were in kind of a mess."

On September 7, the results of the need study --- a survey of 48 respondents, including 27 business leaders --- were presented to the committee. Eighty-one percent of the respondents indicated a great or moderate need for the Center. Whiting was confident of approval. Friday asked for a year's trial of the idea.

The committee, with two members absent and only George Watts Hill in favor, rejected the Center 9-1.

Hunt was asked in December whether there is any future for the idea of establishing a Labor Center. "I haven't heard of any possibility of reviving the idea," the governor replied. □

Economic Development and Industrialization in North Carolina

Which way now ?

Although North Carolina is largely a rural agricultural state of small cities, it is also highly industrialized. The state has the eighth largest manufacturing work force in the nation and more of its industrial workers are employed in manufacturing than is the case in any other state. Since Governor Luther Hodges called attention to it in 1957, North Carolina has seen industrialization as a way to provide more jobs and higher incomes for its citizens. Today it remains an important part of the "balanced growth policy" of the Hunt administration.

Yet, with new plants arriving at an unprecedented rate, there are serious questions about the effectiveness of past and present programs and policies to stimulate industrial growth, about the effects of industrialization, and about the state's ability to manage economic development.

In a report to be released in February, the Center considers these and other questions in the light of national and regional trends, concentrating on the experiences of ten counties since 1960. The recommendations will be important to the future development of state policy and to the ability of citizens to understand and influence the growth of their communities.

To reserve a copy of this report, return the coupon to P. O. Box 10886, Raleigh, N. C. 27605.

I'd like to reserve a copy of the Center's report on economic development to be published in February. Enclosed is $4.00 which includes tax and postage.

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Motor vehicle accidents kill more children than any other single type of accident and far outweigh disease-related causes of deaths.

Protecting Children in Cars

Will this state pass a law?

by Henry Wefing

IN SOME DOCTORS' OFFICES and health clinics around the state, parents are now getting advice on how their children should ride in automobiles. Members of the staff of the University of North Carolina's Highway Safety Research Center (HSRC) have been urging pediatricians and other health professionals to recommend the use of child restraint devices in automobiles as routinely as they recommend immunization against childhood diseases.

The state's highway safety experts are focusing on the medical profession because information campaigns aimed at the general public have proved ineffective and because some research suggests that people will heed advice on safety that comes from their doctors. But they are also hoping that strong support from the medical profession will lead to passage of a law requiring that children ride in restraint devices. Tennessee is the only state in the nation that now has such a law.

Henry Wefing is an associate director of the Center.

THE CASE for making children safer in automobiles and for recommending the use of child restraint devices is persuasive. "It is of great importance to note," says a study by the Highway Safety Research Center, "that motor vehicle accidents kill more children than any other *single* type of accident and far outweigh disease-related causes of death." The researchers note that a child in North Carolina between the ages of one and five is 40 to 50 times more likely to die from injuries sustained in a car crash than from a combination of the common childhood diseases against which children are immunized.

Each year, between 20 and 30 children 5 years old or younger are killed in North Carolina automobile accidents, and hundreds of children are seriously injured. According to safety experts, between 60 to 80 percent of those lives could be saved and the severity of the injuries reduced if every child rode in a crash-tested, properly installed child restraint.*

But North Carolina drivers, like drivers around the nation, are markedly indifferent to the importance of restraining their children during automobile rides. Forrest M. Council, deputy director of the Highway Safety Research Center, estimates --- based on his study of North Carolina accident reports and information gathered by observations of drivers --- that only 10 to 15 percent of the state's drivers use child restraints in their vehicles.

How can drivers be persuaded to use child restraint devices and thus reduce the number of young children killed or seriously injured in automobile accidents?

One way is to educate them to the importance of using the devices. But members of the HSRC staff were mindful of the failure of public education campaigns designed to increase adults' use of seat belts. Instead of planning a general public education campaign, they chose to work through doctors and other health professionals. With a $60,000 grant from the Governor's Highway Safety Program and the support of an advisory committee that included representatives of the state's medical profession as well as state officials and safety experts, the Highway Safety Research Center designed a program aimed at educating parents through pediatricians and other members of the

*There are three main types of child restraints: infant carriers, which face the rear of the car and are secured to the seat of the car by an adult seat belt; child seats, which protect the child by a shield or a harness and which are secured by adult seat belts; and safety harnesses, which are installed in the center of the rear seat and anchored to the rear seat belt and the window shelf behind the rear seat. A brochure which lists the names, manufacturers, and prices of a number of crash-tested child restraints is available from the Highway Safety Research Center, Chapel Hill, N. C. 27514.

health professions.

During the fiscal year that ended September 30, 1978, the research center distributed 22,000 pamphlets and 470 posters. Most of the educational materials went to doctor's offices, clinics, public health departments, and civic groups. Members of the center's staff wrote public service announcements for radio and articles for various newsletters distributed around the state. They gave talks to a number of medical, safety, and civic groups.

During this year, the second year of the project, the Highway Safety Research Center will continue its effort to educate the public through health professionals. It will try to test the effectiveness of its program through the collection of data on the use of child restraints. And it will study the feasibility of puchasing some child restraints for distribution to poor families.

At the same time, the safety experts will be seeking support from the medical profession for a mandatory restraint law. "It appears," says the HSRC's report on the first year of its educational campaign, "that the strategy of attempting an educational campaign to build support for child restraint efforts may also be building support for future legislative actions. Many of the physicians have asked about the possibility of a mandatory child restraint law in North Carolina and indicated that they would be in favor of such a law if the educational campaign is not effective."

DR. ROBERT S. SANDERS, a pediatrician, is modest in describing his role in gaining passage of Tennessee's Child Passenger Protection Act. But Sanders, director of the Rutherford County Health Department in Murfreesboro, is widely credited for mobilizing the state's medical profession as a potent lobbying force. Seven major medical groups in Tennessee endorsed the legislation, and many individual doctors made personal appeals to legislators.

The law, which took effect Jan. 1, 1978, requires parents of children under four to use child passenger restraint systems. Violators are subject to a fine of from $2 to $10. The law contains a provision that Sanders and other advocates of child restraints hope will be eliminated by a future session of the Tennessee legislature. They call the provision the "babes in arms" amendment.

As related by Sanders at the 5th Annual North Carolina Conference on Highway Safety in November, the amendment was introduced unexpectedly by a Tennessee legislator who told his colleagues that the happiest day of his daughter's life was the day she brought her new-born infant home from the hospital in her arms. The result of that legislator's argument was a provision that permits drivers to ride without child restraints in their

Safety experts estimate the use of child restraints could reduce the number of young children killed in automobile accidents by 60 to 80 percent.

Posters produced by the University of North Carolina Highway Safety Research Center.

Strong backing from the medical profession led to passage of a mandatory child restraint law in Tennessee.

vehicles if a child passenger "is held in the arms of an older person riding as a passenger in the motor vehicle." Highway safety experts oppose that provision because they know no adult can hold onto a child in an automobile crash. As a pamphlet from Physicians for Automotive Safety puts it in a warning to parents: "Even if you are wearing a lap and shoulder belt yourself, the child would be torn from your grasp by the violent forces of a collision."

The Tennessee law has been in effect for a year. During the first six months of 1978, Tennessee highway patrolmen and other law enforcement officers issued warnings to drivers who violated the law. Since July 1, officers have had orders to ticket drivers for failing to use child restraints. But, according to a spokesman for the highway patrol, most of the approximately 33 citations that had been handed out by Dec. 1 were issued in connection with other violations. "We're not setting up roadblocks or anything like that," the spokesman said.

Sanders says some enforcement of the law is essential so that drivers will "know the law is not a paper tiger." But he clearly views the law as an instrument to be used for educating, not punishing, drivers. Implementation of the law has been accompanied by a public information campaign sponsored by the National Highway Traffic Safety Administration and the Tennessee Governor's Highway Safety Program. Brochures and posters have been distributed around the state. In Nashville, there has been an intensive educational effort that includes liberal use of such publicity devices as public service spots on television and billboards as well as distribution of brochures and posters. Similar efforts are planned for Memphis and Chattanooga.

A study released last August by the Transportation Center of the University of Tennessee shows that the use of child restraints has increased significantly since the law went into effect. Usage rates rose from 14 percent to 25.2 percent in Nashville, from an average of 11.3 percent to 18.2 percent in four other Tennessee cities, and from 6.5 to 15.1 percent in rural areas of the state.

THE PROSPECTS for passing a mandatory restraint law for North Carolina during the current session of the General Assembly are poor. It is possible, in fact, that no legislation will even be introduced. George W. Miller Jr. is the legislator to whom the state's highway safety experts turn when they need a sympathetic and forceful spokesman for major legislative initiatives. Miller is strongly in favor of requiring drivers by law to use child restraints in their automobiles. But the Durham legislator thinks it will take "a lot of hard work" over the course of several legislative terms to win passage of such legislation. He said in December that he had not decided whether he would introduce a bill this session.

The prospects might improve if there were a ground swell of support for a law from the state's medical profession. It was vigorous backing from the medical community that led to passage of Tennessee's law.

But the campaign in this state to involve the medical profession in educating parents about the importance of child restraints and --- as a spinoff --- to marshall the medical profession's support for a law has been under way for only a year. There are stirrings of interest in a mandatory restraint law, but it is a long way from stirrings of interest to the widespread and active support from the medical community that preceded passage of Tennessee's law. And there has yet to emerge a doctor or health professional to play a major leadership role in mobilizing the medical profession --- the kind of role Sanders played in Tennessee.

Dr. Carolyn Cort, a Burnsville pediatrician, favors a mandatory restraint law, and she has been active in the current educational effort. But Dr. Cort, who is chairman of the transportation safety committee of the North Carolina Pediatric Society, notes that the campaign to reach physicians is still in an early stage. The first attempt to bring the issue to the attention of a broad audience of doctors was made only last summer when members of the staff of the Highway Safety Research Center made a presentation at a meeting of the pediatric society. She said she would like to lead a drive to gain passage of a law but that her professional and family commitments would not permit her to expend the amount of time that would be required. "I hope someone else can," she said.

For now, North Carolina's highway safety experts are focusing on the effort to educate parents through health professionals. Their strategy is to build support for legislation through their contacts with the medical profession. Like Sanders, the successful advocate of Tennessee's law, they believe legislation would improve their ability to get the attention of drivers and consequently reduce the number of children killed and seriously injured in automobile accidents. But they acknowledge that they are not likely to be able to persuade the legislature until they have the clout of the medical profession behind them. The ball, in short, is in the physicians' court.□

Resolving Rights and Representation

The 95th Congress passed two resolutions that are bound to appear on the agenda of the North Carolina General Assembly in the coming years. One resolution extended the deadline for states to ratify the Equal Rights Amendment from this March until June, 1982. That will give the North Carolina legislature, which has already rejected ratification three times, two more regular sessions to debate the issue. Congress also gave state legislatures another constitutional question to resolve --- full voting representation in both the U. S. House of Representatives and the U. S. Senate for the 700,000 inhabitants of the District of Columbia.

Equal Rights Amendment

The outlines of the ERA debate should be familiar to most North Carolinians. Since Congress first passed the ERA resolution in 1972, the North Carolina General Assembly has grappled with the issue three times. Each time, after long, arduous debates, the legislature narrowly rejected ratification. In 1977, proponents achieved a victory when the state House voted to approve ratification. But an aggressive lobbying campaign by opponents, who had critical help from Lt. Gov. Jimmy Green, narrowly blocked ratification in the state Senate.

The effort to extend the national deadline for ratification reflects the fact that the drive to ratify the amendment has stalled in the last couple of years. Thirty-five of the required 38 states have approved the amendment, but proponents have failed in virtually every attempt since late 1976.

The original deadline was March 22, 1979 --- seven years after initial congressional approval --- but more and more it appeared that the magic number of 38 would not be reached by the deadline. Proponents argued that the seven-year ratification period was arbitrary and could be extended by Congress. Backed by President Carter and key congressional leaders, ERA advocates lined up the votes to get the extension. North Carolina's congressional delegation split on the issue. In the House, Reps. Richardson Preyer, Charles Rose, Stephen Neal, and Lamar Gudger supported extension. The other seven members of the House delegation, Walter Jones, L. H. Fountain, Charles Whitley, Ike Andrews, Bill Hefner, Jim Martin, and Jim Broyhill opposed the extension. The state's two senators, Democrat Robert Morgan and Republican Jesse Helms, also voted against the extension.

None of the Tar Heels played any significant role in the debate, although Gudger's vote was considered crucial to win approval in the House Judiciary Committee. Gudger was opposed to initial efforts to win a seven-year extension, but later accepted a compromise extending the deadline by three years and three months.

For ERA supporters in North Carolina, the extension may be crucial. ERA advocates, in their head count of the state Senate elected last November, found 29 opponents and 21 proponents. Under the new deadline, states have until June 30, 1982, to ratify. Assuming they lose this year, ERA backers would have another full session (1981) to make a fifth try. Gov. Jim Hunt, an ERA supporter, will probably push for ratification again, as he did in 1977. And, most likely, Lt. Gov. Green will fight it.

District of Columbia Amendment

There has not been much talk in North Carolina political circles about the D. C. representation amendment. That is not surprising. Most people outside the district do not see the issue as one that touches them directly. But for the 700,000 or so residents of the District of Columbia, the issue is probably the most important in the district's history.

The residents of the district pay federal and district taxes (they paid some $1.4 billion in federal taxes in fiscal 1977, an amount greater than the taxes paid by residents in 11 states), are subject to military service when the draft is in effect (237 died in the Vietnam conflict), and, since 1961, vote for president.

But they can not vote for the lawmakers --- senators and representatives --- who determine how much taxes they pay, or whether they will be subject to military service. Since 1971, the district has had a delegate in the House. He can participate in debate, introduce and co-sponsor legislation, and participate in committee work. But he can not vote.

To some, like Sen. Edward Kennedy of Massachusetts, the chief sponsor in the Senate, it is a clear case of taxation without representation, a matter of "fundamental rights and human justice"

Martin Donsky, a former reporter for North Carolina newspapers, writes for Congressional Quarterly.

for D. C. residents.

Opponents, including both Morgan and Helms, challenged the voting rights proposition on several counts. They argued that the district was not a state, and therefore should not have the same rights as the 50 states. To support their position, they pointed to Article V of the Constitution, which declares that "no state, without its consent, shall be deprived of its equal suffrage in the Senate."

Morgan and Helms, both of whom participated in floor debate, professed their support for voting rights for district residents, but said the district should be considered part of Maryland for purposes of representation in the Senate. They had no qualms with giving the district a seat in the House, but vehemently opposed Senate representation.

Helms offered an argument used repeatedly by opponents --- the Senate was created by the founding fathers to represent the various states, not the citizens within the states. The House was created, he said, to represent the citizens. Said Morgan, "I do not believe that two senators who would represent no farmers, no rural citizens, no manufacturing, no heavy industry, no mining, should be in the Senate."

The District of Columbia was created to be the seat of the federal government. In 1800, the district had a population of just 14,000. It was viewed solely as the seat of the national government. Today, it is a city of some 700,000 people, many of them black and poor (some 70 percent of the city's population is black).

How the North Carolina legislature will react is uncertain. Some observers think several issues broached during the congressional debate may surface in the conservative legislature. "Some members," Kennedy contended during the debate (without naming them), "fear that Senators elected from the District of Columbia may be too liberal, too urban, too black or too Democratic."

Opponents rebutted that argument. "For 175 years the amendment was not adopted and the District was not predominantly black until the 1960s," Morgan declared. Although Morgan and Helms opposed the constitutional amendment, all but one of the 11 North Carolina members in the House endorsed it. Only Martin voted against the resolution.

Governor Hunt's press secretary, Gary Pearce, said Hunt has generally supported measures designed to increase voting rights. He added, however, that the governor has not yet studied the specifics of the D. C. proposal and was not ready to take a stand on it. House Speaker Carl Stewart, who is believed to support the proposal, was not ready either to endorse it publicly.

So far, one legislature, New Jersey's, has ratified the amendment. But the legislatures of California, Pennsylvania and Delaware have either rejected or delayed action.

Some politicians think the ratification debate, as it develops across the country, will become quite controversial. "If Senators feel like the ERA battle across the country is heated, they will find that the ERA matter is a cakewalk compared to the (D. C.) amendment," Helms predicted during the Senate debate. □

And furthermore

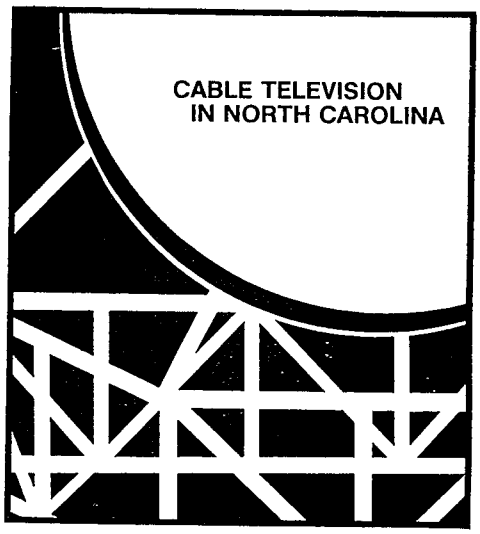
State register proposal draws support

An article in the spring, 1978, issue of *N. C. Insight* told of the beginnings of a drive by Thomas L. Covington to persuade state and local officials to back the idea of establishing a state register, similar to the *Federal Register*, for the publication of agency regulations and other important state government information.

Covington, grants coordinator for Buncombe County, has pressed tenaciously for acceptance of his idea, and his tenacity appears to have paid off. He has assembled, along with a detailed proposal for a feasibility study, an impressive stack of endorsement letters from federal, state, and local officials. At least one North Carolina legislator has offered to sponsor legislation authorizing a feasibility study.

At the same time that Covington was marshalling support for his state register proposal, a committee of the State Goals and Policy Board was making a six-month study of government accountability and communications. It concluded that a state register was needed. Acting on the committee's recommendations, the full board voted at its September meeting to recommend "that a report on state government regulations and administrative activities, similar to the *Federal Register*, be issued at regular intervals to local governments." The North Carolina Local Government Advocacy Council and the North Carolina Association of County Commissioners have also endorsed the concept of establishing a state register.

CENTER REPORTS SUMMARIES



Cable Television in North Carolina, a report by the Center, was published in November. The report's preface offered this capsule of its findings: "The study found, in brief, that the current system of regulating cable television in North Carolina, which gives major control over the operations of cable systems to local governments, should continue. It should continue because decisions on the extent and nature of the programming and services cable systems offer belong properly to the communities they serve. But the study also found that many of the local government officials who have to make those decisions are not adequately informed on cable television. Its potential as a medium for local expression and for delivering services has not been considered in many communities. Toward the end of informing and stimulating local discussion of cable television, the Center has recommended that the state establish a Cable Communications Commission . . . ."

The report included a number of features designed to make it a useful document for local government officials and interested members of the public: a map showing the locations of North Carolina's cable systems, a chart listing the rates charged to cable subscribers in the 123 communities served by cable television, a list of the owners of the state's cable systems, and a list of selected sources and resources.

The following is excerpted from the report's final section, "Recommendations":

Decisions on the nature and extent of programming and services delivered by cable systems should be made on the local level. Past experience shows that cable television's potential as a vehicle for community expression and for the delivery of community services can not be realized without strong local support. But the decisions should be made by local government officials who are fully informed on cable television and its potential.

The Center recommends, therefore, that the General Assembly establish a Cable Communications Commission. The commission would have as its major purpose the development of cable television in North Carolina as a medium for serving community interests and needs. It would have no regulatory role. It would neither issue franchises nor certify them, and it would collect no franchise fees. It would work to attain its goals, not by regulating the cable industry, but by providing assistance to local governments.

The commission would be unique in that it would seek to influence the development of cable television in a state without exerting any regulatory control. But the Minnesota Cable Communications Board, even though it certifies franchises and has powers broader than those envisioned for the North Carolina commission, may serve as a model in several aspects of its work. It publishes a large amount of information on cable television, provides extensive consultation services to municipalities, encourages local cable programming, and explores avenues for bringing cable television to the rural areas of Minnesota.

The North Carolina commission would have two main functions: information and stimulation.

The commission should maintain current information on:

- Cable operations in North Carolina, including services, rates, requests for rate increases, applications for franchises and actions on franchise applications.
- Changes in FCC regulations.
- National and state legislation affecting cable television.
- Cable services and rates around the country.
- Developments in cable television technology.

The commission should disseminate that information free to North Carolina's local governments and cable companies in a periodic publication. It should also prepare or make available suitable publications on such subjects as cable technology, franchising, community use of access channels, and formation of non-profit corporations to support local programming.

The members of the commission's professional staff should be available for consultation with local officials on all aspects of cable television operations, but particularly on the negotiation and renegotiation of franchise agreements.

The commission should actively promote the growth of cable television in North Carolina, particularly in the rural areas of the state. In conjunction with local governments, regional organizations, and appropriate state agencies, it should explore technological and financial avenues for encouraging the extension of cable television to sparsely populated areas. It should work especially closely with the North Carolina Task Force on Telecommunications, which is studying the appropriateness of various technologies for serving North Carolinians and which has conducted an exhaustive series of interviews to determine which state services might be delivered by a telecommunications network. The task force was appointed by Gov. James B. Hunt early in 1978. It is expected to make preliminary recommendations in December, 1978.

The commission should also encourage local governments to explore the full variety of public programming and community services that cable television is capable of providing. In that regard, the commission's information program should make local governments aware of cable television's potential. But the commission should also work with local governments to spur the formation of local non-profit corporations to serve as conduits for the funding of local programming experiments. It should encourage municipalities and counties to establish citizen advisory committees on cable television. The commission's staff should also, in cooperation with local governments and cable companies, hold workshops to train the public in the use of production equipment and encourage persons trained in those workshops to train others.

Press Reaction

The recommendations of *Cable Television in North Carolina* were disseminated widely through the state's news media. Some newspapers were prompted by publication of the report to question cable television companies in their communities on public access to television production.

In a story headlined "Become A Star on Cable TV," the *Wilmington Star* quoted a Wilmington cable operator as saying that a public access channel and television equipment were available but that no one had ever requested to use them. Another New Hanover County cable operator told the reporter that he had two cameras that could be used by the public. "We definitely would work with anyone that was interested," he was quoted as saying.

Editorial reaction was mixed. The view of the *Durham Morning Herald* was obvious from the title of its editorial, "A Commission We Don't Need." The editorial noted that the contract between the city of Durham and Durham Cablevision, a contract cited by the report as a model, was drawn up without the help of a state communications commission. "Resources," the editorial said, "are available already through the Federal Communications Commission, the League of Municipalities, other cities with cable contracts---including Durham, of course---and other sources." The editorial concluded: "A better idea might be to get into the hands of officials of every city and county considering a cable contract copies of the center's lucid, well-documented and informative study."

The *Fayetteville Observer* endorsed the report's recommendations in an editorial, "Cable TV in N. C." The editorial concluded: "The Center's report is a first step toward making good information on cablevision available to public officials. And the idea of having all this and much more information available from a state agency is refreshingly superior to one more level of regulation. At least it ought to be given a chance."

The *Lexington Dispatch* said in an editorial that it supported the report's major recommendation "even though we basically are against the formation of new state commissions and agencies, which have proliferated needlessly in the last decade or two." The editorial concluded: "We think a state commission, of a purely advisory nature, would be helpful."

—Henry Wefing

The Right to Be Able to Know

Public Access to Public Information

How democratic is the democracy in which we live?

The answers to such a question always vary according to the ways in which democracy is measured---by the availability of the voting franchise, by the opportunity for political involvement and mobility, by the degree to which citizens are able to obtain information about the performance of government bureaux and of government officials. By any standard regarding the flow of information, governments in this country at both the state and federal levels are far less democratic than the language of the Constitution and the rhetoric of July 4th might suggest. And North Carolina, unfortunately, is no exception.

Laws in this state purport to guarantee access to virtually all government documents, as well as public attendance at most meetings of government agencies. But various exceptions and exemptions in such statutes too often result in the denial of access rather than in the disclosure of information. North Carolina has both a public records law and an open meetings law; yet, its citizens are assured neither the right to obtain government reports nor the opportunity to attend many government meetings at which important decisions are made.

Proposals for broad reforms in these state laws of access to make the disclosure of information more routine and less costly were recently advanced by the Center in a report called *The Right to be Able to Know: Public Access to Public Information.* The report was prepared in two component parts: a discussion of "access" as a public policy issue, and an analysis of various access laws passed recently by Congress and by state legislatures, including the North Carolina General Assembly.

The report, issued in late December, urged major legislative action in five areas:

• *Passage of a state freedom of information statute* modeled on the federal Freedom of Information Act. Enactment of such legislation would change North Carolina law in at least two significant ways. First, the burden of justifying the refusal to disclose documentary information would be on the government, rather than on any citizen seeking a government report. Secondly, the expense of litigating the government's refusal to disclose information would be borne by the state in cases where such a refusal was subsequently shown in court to have been without legal justification.

• *Passage of a comprehensive open meetings law* which includes provisions for voiding actions taken at meetings closed without legal justifications and for the imposition of penalties on public officials who arbitrarily meet behind closed doors. A legislative study commission will propose new "sunshine" legislation during the 1979 General Assembly. The current law, amended in 1978, has notice provisions and a clear definition of the groups which are subject to the statute, but it is also rife with exceptions and exemptions. The Center's report proposed the elimination of all exemptions, and the restriction of statutory exceptions to those circumstances in which closed meetings can be clearly justified.

• *Passage of revisions in the state Personnel Privacy Act* to permit greater access by the public to the performance records of government employees.

• *Consideration by a legislative commission of a forthcoming proposed uniform state privacy act,* a model law which if enacted would permit greater access by individuals to the records the government compiles with information about them.

• *Passage of a qualified reporter's "shield" law* in North Carolina to establish as a matter of public policy the right of journalists to withhold the names of confidential sources and the contents of confidential information at least until the party seeking disclosure has proved in court that the information is material and relevant to a judicial proceeding and is otherwise unobtainable. The protection of reporters' sources is important if the press is to be effective in gathering and reporting on matters of public concern; yet an absolute reporter's "privilege" to withhold confidential information might amount to an unconstitutional proscription of the rights of others---criminal defendants, for example. Half the states have "shield" laws, many of which have been passed during the past six years.

—Fred Harwell

Look what you missed*

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