



FROM THE CENTER OUT

June - July - August 1987

The North Carolina Center for Public Policy Research
Invites all Center Members to a Reception and Dinner in
CELEBRATION OF THE CENTER'S 10th ANNIVERSARY

Featuring: A retrospective on what the Center has accomplished in the last decade
Two speakers giving their visions of the future of North Carolina
Friday, September 25, 1987
Sheraton Crabtree Hotel
Raleigh, NC

Cocktail hour at 6:30 p.m.

R.S.V.P.

Dinner at 7:30 p.m.

\$25.00 per person

Speakers at 8:15 p.m.

We will be mailing invitations to all Center members next month

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LATEST INSIGHT FEATURES LOOK AT MERIT SELECTION OF JUDGES

In the June 1987 issue of Insight, the Center presented a feature package by Associate Editor Jack Betts on the movement to reform the way the state chooses its trial and appellate judges. "The fact is that most judgeships are not filled by election," noted Betts. "In practice, most state judgeship vacancies are filled by appointment of the Governor, which does not require the confirmation of the legislature or the consent of the electorate. So the question naturally arises whether this is the best method of choosing those who must interpret the law."

Of the state's 234 judgeships subject to elections, 138 were actually filled originally by appointment of the governor -- nearly 60 percent -- while only 96 judgeships were filled by election. This means North Carolina has a predominantly appointed judiciary even though the state Constitution (Article IV, Section 19) requires judgeships to be filled by regular elections, except when vacancies occur between elections.

Judicial vacancies usually occur because of retirement or death and come between elections, so governors normally fill those vacancies by appointment. Those appointed judges usually run for election to the same judgeship in the next regular election and usually win the election. This tradition of appointments leading to election of a judge raises the question whether North Carolina should adopt a formal system for the nomination and appointment of new judges -- known as merit selection.

Like most southern states, North Carolina traditionally has elected its judges. But increasingly since the turn of the century, states have experimented with other ways of choosing judges. Seventeen states now use a formal merit selection plan, and 22 others use some component of merit selection. Merit selection plans usually entail:

-- a nominating commission to screen potential candidates for a judicial vacancy;

-- appointment by the governor of a judge who has been recommended by the nominating commission, sometimes subject to legislative confirmation; and

-- a retention vote, usually after the judge has served one full term, that allows the electorate to say whether a judge should be retained in office.

Insight's merit selection package of articles was designed to aid the legislature, state policymakers, the news media, and the general public sort through the complicated factors involved in judicial election reform. The three-part package included a pro-con debate. The "pro" merit selection article was written by former state Rep. H. Parks Helms of Charlotte, while the "con" arguments were written by N.C. State University political science professors Joel Rosch and Eva R. Rubin. Betts' introduction laid out the background for the merit selection debate.

The Center's research included six tables, showing which states use certain forms of judicial selection, how many judges in North Carolina first reached office by appointment, and how many were first elected to a judgeship. The Center also listed the ten state judges who have been removed or censured by misconduct in office since 1973.

In the 1986 judicial elections, voters were treated to a lively and sometimes bitter spectacle as former Associate Justice James Exum and then-Chief Justice Rhoda Billings tangled for the post of Chief Justice. Exum, the Democratic nominee, prevailed in the end, and in January 1987, Exum asked the N.C. Courts Commission to endorse a study of merit selection which would make a recommendation to the 1989 General Assembly. Legislation (Senate Bill 31) introduced by Sen. Charles Hipps (D-Haywood) and backed by Lt. Gov. Robert B. Jordan would create a commission of 20 members to research the various methods of judicial selection in the United States, devise a new plan for North Carolina, and report to the 1989 legislature. This bill is pending before the Senate Appropriations Committee.

In addition to the merit selection package of articles, the June Insight also included a guide to the use of the state's public records law, a story on the decline of radio journalism in North Carolina, a comparison of the competing economic development plans of Gov. Jim Martin and Lt. Gov. Bob Jordan, a look at three key trends that have shaped the N.C. General Assembly since 1971, and a recap of Insight Editor Bill Finger's recent presentation on state policies affecting the elderly to the Aging Committee of the N.C. House of Representatives.

The Associated Press did a story on the merit selection research which was printed in various newspapers across the state. Also, Paul O'Connor, columnist for the 53-member N.C. Association of Afternoon Newspapers, wrote a piece on the Insight article on N.C.'s public records law.

CENTER RESEARCH INFLUENCES LEGISLATIVE AGENDA

The seeds of three Center research projects are yielding legislative fruit this session. Aging Policy Plan -- In the last issue of Insight, we printed the text of Bill Finger's presentation before the N.C. House of Representatives Aging Committee. In that presentation, Finger recommended that the General Assembly "ask the Secretary of Human Resources to present a plan documenting the needs of the elderly and what the state's role should be in meeting those needs." Rep. Betty Wiser (D-Wake) who is also a member of the Center's Board of Directors, liked that suggestion and introduced a bill to require the Secretary of Human Resources to submit an Aging Policy Plan to the legislature by December 31, 1987. The bill passed and was signed into law on June 4th.

Credit Insurance -- Almost two years ago, the November 1985 issue of Insight contained research which found that among the 50 states North Carolina ranked last in the portion of credit insurance premiums used to pay off policy claims. Credit insurance pays off a debt if a borrower dies or defaults on a loan. It is typically purchased as part of a car loan or an installment purchase of home appliances or furniture. The Center identified several options for helping N.C. consumers get more for their dollar. On May 13, the N.C. House passed (by a large margin) a bill that would reduce credit insurance rates by 12.4 percent. The bill is backed by Insurance Commissioner Jim Long, who said it would save ratepayers \$28 million in 1988 if passed. At this writing, the bill is pending before the Senate Commerce Committee. Even if the Senate does not take action in 1987, the bill could be considered in the short session in 1988.

Special Provisions -- Finally, the Center has long criticized the legislature's use of special provisions. These are changes in state laws which are piggybacked onto the budget bill but which have nothing to do with the budget. The Center has objected to such provisions because they are adopted in the frenzied final days of the session -- without public debate and frequently without the knowledge of the rank-and-file in the legislature. Gov. Jim Martin and Lt. Gov. Bob Jordan have both been critical of the practice. Jordan recently led a move in the Senate to ban special provisions from the budget bill. On May 26, the Senate passed the bill. However, because the House leadership is opposed to limits on special provisions, the bill is unlikely to pass this session.

WHO'S TALKING ABOUT RUNNING FOR STATEWIDE OFFICE IN 1988?

For Governor

For Lieutenant Governor

Gov. Jim Martin (R)
Lt. Gov. Bob Jordan (D)
Rep. Billy Watkins (D)

Republicans
Rep. William Boyd
1984 nominee John Carrington
Former Congressman Jim Gardner
Former State Sen. Wendell Sawyer

Democrats
Rep. Jim Crawford
Sen. Harold Hardison
Former Rep. Parks Helms
Sen. Tony Rand

For Superintendent of Public Instruction

Rep. David Diamont (D)
Rep. Bobby R. Etheridge (D)

Former Commerce Secretary Howard Haworth (R)
Pitt County School Supt. Edwin West (D)

FOUNDATION GRANTS, CORPORATE CONTRIBUTORS, AND INDIVIDUAL DONATIONS

The John William Pope Foundation of Raleigh has made a generous grant of \$5000 for the Center's upcoming study of higher education policy in North Carolina. This study will begin late this year and is expected to take several years. This is the first grant support for this project, and we wish to thank the Pope Foundation.

The Center wishes to acknowledge and thank these new corporate contributors:

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|--|--------|
| Alcoa Foundation | \$2000 |
| Public Service Company of North Carolina | 1000 |
| Spanco Industries, Inc. | 1000 |
| The Winston-Salem Journal | 1000 |
| Raleigh Federal Savings Bank | 500 |
| American Television & Communications Corporation | 250 |
| N.C. Retail Merchants Association | 250 |
| Adams Outdoor Advertising | 100 |

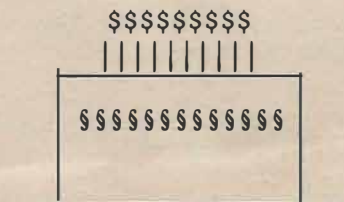
And the Center's continuing thanks go to those corporations who recently renewed their support for the Center. They include the following:

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|---|--------|
| Ecusta Corporation | \$1000 |
| North Carolina Power Company | 750 |
| N.C. Farm Bureau Mutual Insurance Company | 500 |
| Planters National Bank | 500 |
| Southern National Bank | 500 |
| Georgia-Pacific Corporation | 250 |

We also want to thank Helen Laughery of Rocky Mount and Zachary Smith of Winston-Salem for their individual contributions of \$100 each to the Center. Laughery is a Center Board member and Smith serves on the Board of Trustees for both the Z. Smith Reynolds and Mary Reynolds Babcock Foundations, so both of these people contribute to the Center in many ways.

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HELP WISH US A HAPPY BIRTHDAY



Invest in the future of North Carolina with a one-time, one dollar contribution for each year of the first ten years of the Center's existence, and for each year in the next decade...\$20

Your interest in the Center over the course of the last decade had a ripple effect on North Carolina: Your investments in the Center produced a more accountable state government and a better informed citizenry. Watch for a summary of this work in our upcoming Tenth Anniversary issue of Insight.

Your 10th Birthday \$20 contribution will help produce additional educational and research efforts of interest to you for the next 10 years. We hope you'll help us celebrate. We will list all contributors who give before August 24 in the Tenth Anniversary issue. The Center thanks you.

A WARM WELCOME TO THESE NEW MEMBERS

Ben D. Barker
Mr. and Mrs. Logan D. Delaney
R. Lee Farmer
Mary Nell Hassell
Robert N. Hunter Jr.
Eugene S. Mayer
Kim McGuire
N.C. Council on Economic Education
N.C. Literacy Association

John S. Olmsted
Gordon E. Poole
Rocky Mount Academy
League of Women Voters of New Hanover County
Rural Economic Development Center
Morris Thompson
Raymond J. Twery
University Research Park, Inc.

CHANGES ON THE CENTER'S BOARD AND STAFF; SUMMER INTERNS

The Center regrets announcing Dershie McDevitt's (of Asheville) resignation from the Board of Directors. Dershie has served on the Board since January 1985, and has been one of our sets of eyes and ears in the western part of the state.

The Center is pleased to welcome its new Development Coordinator, Katherine Bray Merrell. Katherine started with the Center in May and previously worked at UNC-CH's M.B.A. Admissions Office. She is a graduate of Davidson College.

Summer interns providing invaluable services and energy to the Center are Lee Cheek, an MPA student at Western Carolina University; Vanessa Goodman, a rising senior and political science/journalism major at Meredith College; Lisa Huff who is pursuing her Masters in Forestry at Duke; and Whitney Warren, a rising senior and English major at UNC-CH.

INS AND OUTS IN STATE GOVERNMENT AND ELSEWHERE

Ins: Former state Rep. L.M. "Mutt" Brinkley (D-Hertford) as assistant to Senate President Pro-Tem J.J. "Monk" Harrington (D-Bertie)...Walter E. Brown as director of civil rights at the Dept. of Transportation...William A. Crews, formerly at Crime Control and Public Safety, as assistant secretary of the Dept. of Correction....Dr. Paul H. Frampton as project director in N.C.'s effort to get the Superconducting Super Collider....Dr. Leslie H. Garner, formerly at UNC-CH, named president of N.C. Wesleyan College....Seddon "Rusty" Goode Jr. of Charlotte appointed to N.C. Board of Transportation....Richard H. Hagemyer appointed executive director of the N.C. Commission on Literacy....Billy Ray Hall as acting director of the N.C. Rural Economic Development Center....W. Scott Harvey, formerly at the Dept. of Correction, as assistant secretary at the Dept. of Commerce....Betsy Y. Justus appointed chair of the state Employment Security Commission....William G. Marley as assistant highway administrator at the Dept. of Transportation....Donald D. Pollock of Kinston appointed to the State Board of Education....Goldsboro newspaper editor Eugene Price appointed chair of the N.C. Wildlife Resources Commission....Former state senator McNeill Smith as chair of the Committee on Constitutional Integrity, a nonprofit group interested in strengthening the separation of powers between branches of state government....E. Stephen Stroud elected new president and CEO of the N.C. Railroad....Charles B. Sutton appointed chair of the N.C. Museum of Art Board of Trustees....John Tanner as deputy director of the Division of Aging in Human Resources.....Nancy Team Temple, formerly of Human Resources, as deputy chief of staff for Gov. Martin....Margaret Webb as director of the legislature's new public information office.

Outs: Ted P. Williamson, Jr. resigned as deputy secretary at Dept. of Administration.

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