



IN THE LEGISLATURE

Legislative Demographics: Where Have All the Lawyers Gone?

by Paul T. O'Connor

This regular Insight feature focuses on the makeup and process of the N.C. General Assembly and how they affect public policy-making. This column examines how the membership of the General Assembly has changed in the past 15 years.

If a time-traveler from 1971 could have visited the 1986 short session of the General Assembly, he would have been amazed by the striking changes that have occurred in the racial, sexual, political, and occupational makeup of the legislature. And the record (see Tables 1 and 2) confirms that there has been something of an interstellar explosion in legislative demographics in the past 15 years.

Over the course of the last eight assemblies, sizable delegations of blacks and women have joined the assembly while the number of lawyer-legislators has dropped dramatically—from 40 percent of the total membership in 1971 to only 24 percent in 1985. In the same period, the number of Republicans has grown dramatically, and so has the number of legislators who are elderly and retired.

Does the trend tell us that legislatures 15 years in the future will have more contributions from women and blacks, but less legal expertise? Or that the membership will continue to age, and that its members will generally be wealthier because they are the only ones who can afford to run? We won't know, of course, until the year 2001, and by that time, no doubt, new trends will be identifiable.

But we do know what the past has held. In 1971, lawyers held 22 of the Senate's 50 seats and 46 of the House's 120 seats. By 1981, the total number of lawyer-legislators had dropped 47 percent, from 68 to only 36 in the two chambers. From 1981 to 1985, the number inched back up to 41—17 in the Senate, 24 in the House—but there

still were 40 percent fewer lawyers than there had been in 1971.

This precipitous drop in the number of lawyer-legislators concerns the attorneys who continue to serve. "The N.C. Bar Association is concerned about the drop and is encouraging young lawyers to run for public office," says Sen. R. C. Soles (D-Columbus), a lawyer and chairman of the Senate Judiciary IV Committee. "We need a good balance of all professions [in the legislature], but having fewer and fewer lawyers is a problem because we [lawyers] do see things from a different perspective. We are trained to deal with the technical issues that come before the General Assembly."

Sen. Dennis Winner (D-Buncombe), a former Superior Court judge, adds, "You need at least one lawyer on each committee. The legislative staff [which employs 20 lawyers] is good, but they don't have much experience."

Lawyer-legislators are unanimous in their appraisals of the reason for the drop in their numbers: money.¹ Lawyers say they can't afford to serve in the legislature anymore. "I was talking to one lawyer who left the General Assembly and he said—and I don't think this is a figure that is out of line for most lawyer-legislators—that he was losing \$25,000 a year to serve in the legislature," Winner explains.

Rep. Paul Pulley (D-Durham), a lawyer and chairman of the House Judiciary IV Committee who is retiring from the statehouse after four terms, says, "Your clients expect your service. You see clients you used to serve on the street and they say, 'I would have called you, but I thought you were in Raleigh.'"

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J. Allen Adams, a Raleigh lawyer and lobbyist and a former five-term representative, says he retired from the legislature because he couldn't ask his law partners to subsidize his service any longer. He says most large law firms have been discouraging their law partners from serving in the legislature. "The main reason for lawyers not being in this body is the urbanization of law firms," Adams contends. These firms represent many business clients and they are concerned that a lawyer in their firm could "offend the interests of one of those clients" by the actions the legislator took in the assembly. Adams still is in the legislature frequently, but this time he is a lobby-

ist for a number of major corporate and institutional clients. (For more on the link between former legislators and effective lobbyists, see "From the Center Out," p. 52).

Rep. Dwight Quinn (D-Cabarrus), a legislative veteran, scoffs at the lawyers' laments. He says the voters, not the lawyers, are responsible for the drop in the number of lawyer-legislators. "It's not that lawyers are not running, it's the mood of the people out there. The courts have handed down positions the mass of people haven't agreed with. . . . The people think the lawyers come to the General Assembly just to look after the legal profession," charges Quinn.

**Table 1. Changes in Occupations of Members of
The North Carolina General Assembly**

Occupation	Year and Number of Members per Category							
	1971	1973	1975	1977	1979	1981	1983	1985
Senate								
Banking	1	1	2	2	2	3	1	2
Business and sales	17	13	14	18	13	20	19	21
Construction and contracting	1	0	0	0	2	3	3	2
Education	1	1	3	5	4	4	4	3
Farming	4	3	2	4	3	5	6	6
Homemaker	0	1	1	0	2	0	4	2
Insurance	2	5	5	5	6	7	6	4
Law	22	19	15	14	13	10	14	17
Manufacturing	2	3	4	2	3	3	3	2
Health care	1	1	1	1	1	0	0	0
Minister	1	1	1	1	1	0	0	0
Real estate	1	2	5	5	7	12	8	8
Retired	4	2	2	0	3	4	6	6
House of Representatives								
Banking	3	2	3	3	2	3	3	3
Business and sales	49	28	35	41	37	43	45	45
Construction and contracting	2	0	2	2	2	3	1	2
Education	6	11	16	16	10	11	10	15
Farming	17	14	20	22	22	18	24	16
Homemaker	1	2	3	4	4	4	4	3
Insurance	7	7	12	11	13	10	6	10
Law	46	37	36	26	25	26	26	24
Manufacturing	3	3	1	0	4	2	2	2
Health care	0	2	3	3	6	3	5	4
Minister	3	3	1	1	0	1	3	7
Real estate	6	5	9	7	10	15	19	20
Retired	7	4	5	8	6	15	12	13

(Note: Some legislators list more than one occupation; thus, the total number of occupations may be higher than the actual number of members.)

Chart prepared by Kim Keschull, an intern at the N.C. Center for Public Policy Research

The verdict is still out on whether Adams or Quinn has identified the real trend. While the number of lawyers in the legislature is down markedly from 1971, that number has grown slightly in the past two elections, and Winner says there is a good chance that the 1987 Senate will have 20 lawyer members, up three from the current number. A similar gain was made in the Senate in 1985 over the 1983 Senate, which itself was a gain from the low of 10 lawyer-senators in 1981.

Other Occupational Shifts

Concurrent with the drop in lawyer-legislators has been a rise in the number of legislators describing themselves as retired or in the field of education. "You didn't see this 30 years ago because their retirement systems then weren't adequate," Quinn says of educators and retired people. "Now you can retire at a reasonable age and serve in the General Assembly as part of the enjoyment of retirement."

The number of legislators listing themselves as retired has increased from 11 in 1971 to 19 in 1985, although the number actually retired appears to be higher. Many retired legislators still list their pre-retirement professions. For example, the majority of the 18 legislators who call themselves educators have actually retired from the occupation.

At least one retired legislator is concerned that people in his age bracket hold so many legislative seats. Rep. Vernon James (D-Pasquotank) is 76. He says, "I think it is unfortunate that our legislature is being made up of retired people," and he points out that the economics of serving in the legislature discourage service by younger people unless they are rich. The result is an aging of the assembly. "You look down the list [of candidates for the 1987 assembly] and you will see very few people under 50 who are coming to the legislature," James says. "I don't think we have a good cross-section."

In 1971, there were seven legislators who listed education as their occupation. The election of 1976 brought in a peak load of 21 educator-legislators. Now there are 18, still more than twice as many as in 1971. But of all those, only Rep. Dave Diamont (D-Surry), a history and civics teacher, actually makes his living teaching in public schools. Most of the rest are retired teachers and administrators. True, they can relate to the impact a new law may have on classroom operations, but only Diamont actually experiences it.

Another trend in legislative demographics is the emergence of the lawmaker who makes his liv-

ing in real estate. Since 1971, the number of legislators listing real estate as their occupation has jumped from seven to 28, a fourfold increase. "It's one of those endeavors where you can be involved in public affairs and maintain some semblance of a livelihood," says Rep. Joe Hege (R-Davidson), a Lexington broker. Also, the number of farmers in the assembly has grown slightly from 21 in 1971 to 22 in 1986, despite the marked decrease in farm population and the rapid urbanization of the state's population.

Number of Blacks Increasing, But Women at a Plateau

Much more obvious changes in the General Assembly have come in the areas of gender and race. Women made their big inroads into the legislature in the mid-70s, during the height of the Equal Rights Amendment drive. The number of black legislators has increased markedly after the redistricting of the 1981 and 1983 assemblies.

In 1971, there were two women in the House, while the Senate was all-male. But in the next three elections, women took nine, 15, and 23 legislative seats, respectively. Since that time, female representation in the assembly has hovered at that level, though it reached a high of 24 in 1983 before dipping to 20 in 1985.

"I really can't explain it," Sen. Helen Marvin (D-Gaston) says of the leveling off of female representation since 1977. "I've wondered about it myself. It could be that the success of the women's movement in efforts that affect women and children. . . has somewhat depressed the motivation of some women to run for public office. Or it could be that the movement for ERA began to stall in the mid-70's. When ERA finally failed, a lot of women lost their momentum, not their interest."

Marvin says future growth in the female delegation might come from the Republican side. There are now seven Republican women in the House, and both Marvin and Rep. Betsy Cochrane (R-Davie), House minority leader, say the GOP has, in some ways, been more open to female candidates than has the Democratic Party. "Republicans in many areas of the country did not have the entrenched good old boys against which women were reluctant to run," Marvin says. With the GOP in North Carolina beginning to grow, women have more opportunities to run and win, she says.

Blacks, on the other hand, never held more than six legislative seats until the 1981 assembly

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**Table 2. Changes in the Elected Composition* of
the North Carolina General Assembly**

Category	Year and Number of Members per Category							
	1971	1973	1975	1977	1979	1981	1983	1985
Blacks								
Senate	0	0	2	2	1	1	1	3
House	2	3	4	4	3	3	11	13
Total number	2	3	6	6	4	4	12	16
Total percent	1%	2%	4%	4%	3%	3%	7%	9%
Women								
Senate	0	1	2	4	5	3	5	4
House	2	8	13	19	17	19	19	16
Total number	2	9	15	23	22	22	24	20
Total percent	1%	5%	9%	14%	13%	13%	14%	12%
Indian								
Senate	0	0	0	0	0	0	0	0
House	0	1	1	1	1	1	0	0
Total number	0	1	1	1	1	1	0	0
Total percent	0%	1%	1%	1%	1%	1%	0%	0%
Democrats								
Senate	43	35	49	46	45	40	44	38
House	96	85	111	114	105	96	102	82
Total number	139	120	160	160	150	136	146	120
Total percent	82%	71%	94%	94%	88%	80%	86%	71%
Republicans								
Senate	7	15	1	4	5	10	6	12
House	24	35	9	6	15	24	18	38
Total number	31	50	10	10	20	34	24	50
Total percent	18%	29%	6%	6%	12%	20%	14%	29%
Turnover Ratios								
Senate								
Number New Members Elected	18	15	21	11	7	8	9	18
Percent New Members Elected	36%	30%	42%	22%	14%	16%	18%	36%
House								
Number New Members Elected	43	50	49	24	30	33	31	39
Percent New Members Elected	36%	42%	41%	20%	25%	28%	26%	33%

(Note: If a member had served in the House during the immediate past session, he or she is not considered a new member. If a member had served in either chamber during sessions prior to the immediate past session, however, he or she is considered a new member.)

*This research was drawn largely from editions of the North Carolina Manual, and does not reflect members who first reached the General Assembly by appointment to legislative vacancies caused by death or resignations.

Chart prepared by Kim Kebschull, an intern at the N.C. Center for Public Policy Research

really goes on in Raleigh. Those viewers may be reaching for the morning paper to find out—and having to read it in stories filed by inexperienced reporters. ☐☐☐

FOOTNOTES

¹For a fuller discussion of the problems of covering state government with small bureaus, see "Improving News Coverage," *State Legislatures* magazine, March 1985, pps. 29-31.

²Article III, Section 3, The Constitution of North Carolina.

³For more on this issue, see *Special Provisions in Budget Bills: A Pandora's Box for North Carolina's Citizens* by Ran Coble, N.C. Center for Public Policy Research, June 1986.

⁴Senate Resolution 861, "To Amend the Permanent Rules of the Senate," adopted June 11, 1986.

⁵Stations which had full-time reporters or stringers in Raleigh included WBTV in Charlotte, WLOS in Asheville, WXII in Winston-Salem, WGHP in High Point, WFMY in Greensboro, WTVD in Durham, WRAL in Raleigh, WNCT in Greenville, and WITN in Washington.

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engaged in a marathon redistricting battle. Forced by the courts and the U.S. Justice Department to end the dilution of black voting strength, and, in some cases to carve out predominantly black districts, the 1981 assembly set the stage for 1982 elections in which 12 blacks won seats. By 1985, 16 blacks were in the legislature—three in the Senate, 13 in the House.

Rep. H. M. "Mickey" Michaux (D-Durham), a black, says redistricting made the big difference, and adds that black leaders in the mid-70s were also partly to blame for the paucity of black legislators at that time. Much black political effort went into the election of a Democratic president in 1976 and towards the attainment of goals like affirmative action through the executive branch of government, he says.

Michaux, the leader of a legislative movement to do away with primary runoffs,² says even the attainment of that goal will not significantly boost black numbers in the assembly. Any increase of blacks beyond the current plateau of 16 seats, or 9 percent of total representation, depends on three factors. "We need greater black voter participation, more acceptance of black candidates by whites, and the diminution of race as an issue," Michaux says. As an indication that blacks are gaining white acceptance and that race is diminishing as an issue, Michaux points to the election of Harvey Gantt as a two-term mayor of Charlotte and the nomination of William Freeman as a Democratic House candidate from rural, and very conservative, southern Wake County. Both Gantt and Freeman are black.

A Partisan Roller-Coaster

The partisan make-up of the General Assembly remains on a roller-coaster. Generally, Republicans gain seats in presidential election years, and they lose them two years later. If the Jimmy Carter election of 1976 is put aside, that pattern holds true for every election since 1970. Republicans had a nadir of 10 legislative victories in 1974 (when 40 GOP seats were lost in the post-Watergate election) and zeniths of 50 seats in both 1972 and 1984. In recent years, the Republican lows have been 20 and 24 seats in the non-presidential election years of 1978 and 1982.

But Republicans are hoping they won't drop back again in the 1986 election. Sen. Donald Kincaid (R-Caldwell), who was the lone Republican in the 1975 Senate, does not expect the GOP to hold all 50 seats it won in 1984, but says that party efforts at candidate recruitment, and the popularity of Republican Gov. James G. Martin, should help the party to one of its best showings in a non-presidential election this fall.

As legislators look ahead 15 years, they wonder about the makeup of future General Assemblies. Will there be continued change, through a greater diversity of occupations, gender, race, and political parties? Or will the elements of economics and aging dominate to the extent that the General Assembly of 2001 might be comprised mostly, or even solely, of the wealthy and the elderly? ☐☐☐

FOOTNOTE

¹For more on this point, see "Survey: Lawmakers Wealthier, Whiter Than Constituents," by Tim Funk, *The Charlotte Observer*, March 2, 1985.

²See "The Runoff Primary—A Path to Victory," *North Carolina Insight*, Vol. 6, No. 1, June 1983, p. 18.