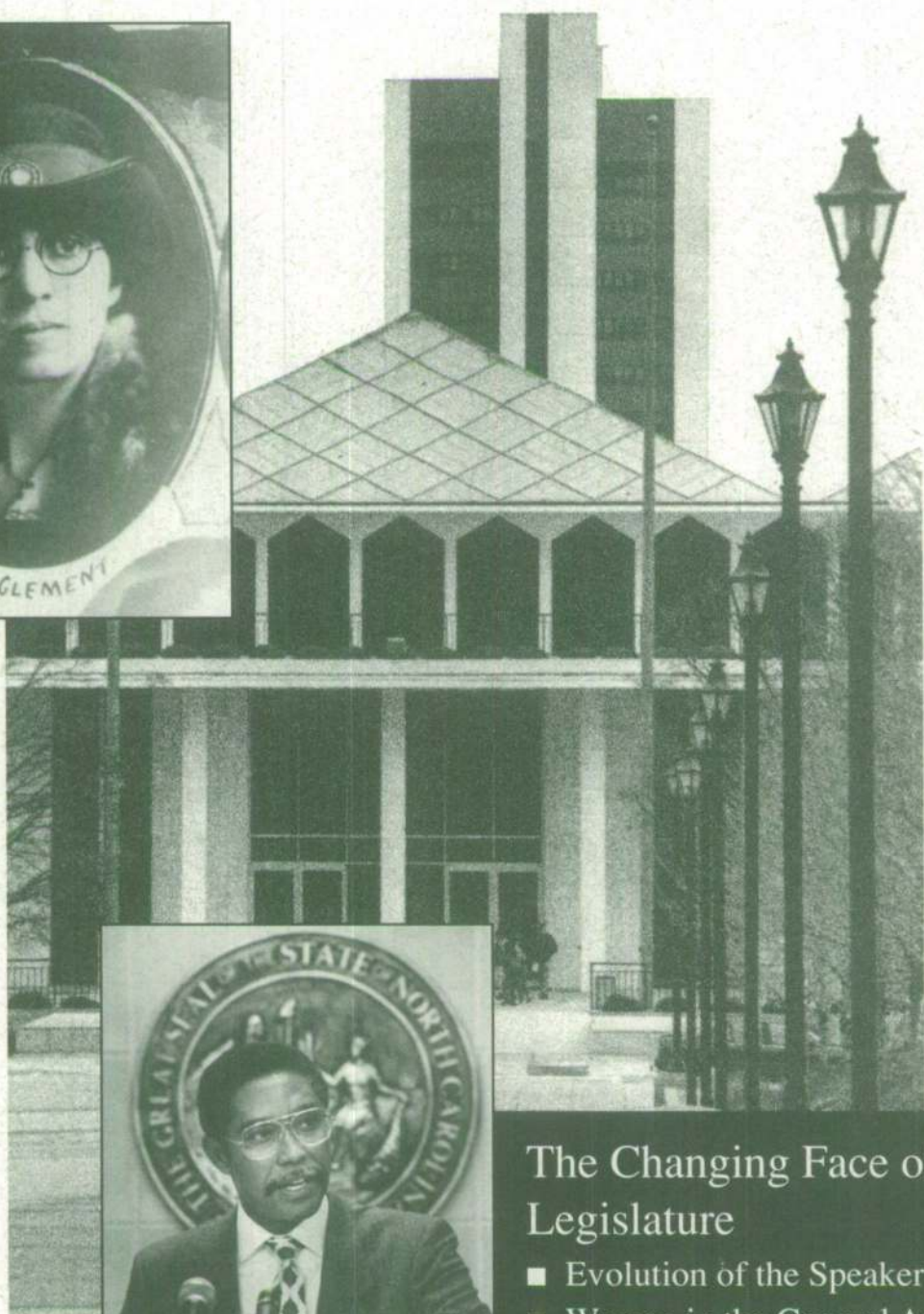


North
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Insight

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Vol. 15, No. 1



The Changing Face of the Legislature

- Evolution of the Speaker's Office
 - Women in the General Assembly
- plus: Polls in the 1992 Election*



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WOMEN IN THE LEGISLATURE: A Force for the Future

by Betty Mitchell Gray

The year 1993 was a banner one for women in the General Assembly, with a record 31 female lawmakers serving. The increasing clout of women had an impact on everything from making it a crime for a husband to rape his wife to increasing funding for domestic violence centers.

Such successes were partly due to the increasing number of women in the General Assembly. In 1992, 51 women sought election to the legislature, and 61 percent were successful. The surge of candidates was part of a trend that saw record numbers of women running for public office nationwide. One traditional obstacle for women—raising money for campaigns—apparently has been overcome. On average, winning female candidates for the North Carolina House and Senate raised more money for 1992 campaigns than did their male counterparts.

Still, female lawmakers make up only 18.2 percent of the North Carolina General Assembly and nearly 52 percent of the state's population. This underrepresentation of women may limit the effectiveness of female legislators, although numbers are only one of the factors that influence effectiveness in the legislature.

Due to partisan differences, the Women's Legislative Caucus limits its efforts to reach consensus on issues coming before the General Assembly. Thus, its role as a power broker is limited. Women in the legislature also note that they are not a homogenous group. They say there are few issues upon which gender alone would determine how a legislator votes. Finally, female lawmakers say men still control the purse strings, and through the purse strings, the General Assembly.

Just before the start of the 1993 General Assembly, freshman Sen. Linda Gunter stopped at the security booth in the legislative parking garage to get the key to her office. When she identified herself as a newly elected senator from Wake County, the guard seemed skeptical. "You don't look like a legislator," he told her.

"You have this stereotype of what a senator is," says Gunter, a 43-year-old teacher. "In my generation, women were secretaries, nurses, and teachers."

The story is a familiar one to freshman Rep. Erin Kuczmarski (D-Wake). Kuczmarski was one of several House members chosen to escort Vice President Al Gore to the House floor when he addressed a joint session of the General Assembly during the 1993 session. About an hour later, Kuczmarski was barred by a Secret Service agent from returning to her office. She too was told she didn't look like a legislator.

But the look of the legislature is changing. White males no longer represent a majority of legislators, and the makeup of the General Assembly seems to be moving closer to that of the North Carolina population in terms of race and gender.¹ The 1993 General Assembly was, in fact, the most diverse in the state's history, with a record 31 women serving out of 170 legislators.

Still, women represent a majority of the North Carolina population at nearly 52 percent.² At 18.2 percent of the General Assembly, they are far from a majority, but they *are* gaining ground. In 1971, only two women served in the legislature. Does the increasing number of female lawmakers make a difference in terms of the types of bills passed

Betty Mitchell Gray is a legislative reporter for The Virginian-Pilot of Norfolk, Va., and a former reporter for the Washington Daily News. In 1990, the Washington Daily News won the Pulitzer Prize for Meritorious Public Service for a series of articles by Gray on contamination of the towns' drinking water supply.



Karen Tam

"IN MY GENERATION,
WOMEN WERE SECRETARIES,
NURSES, AND TEACHERS."

—FIRST TERM SEN. LINDA
GUNTER (D-WAKE)



Karen Tam

Rep. Erin Kuczmarski (D-Wake)—barred from her office because she didn't "look like a legislator."

and dollars appropriated? And what obstacles prevent an even faster increase in the number of female legislators and ascension to the top seats of power?

A Steady Increase in Numbers

The number of women in the North Carolina General Assembly had been slowly building since the early 1970s. (See Table 1, p. 5.) But the number of female office-seekers may have gotten a boost from the televised confirmation hearing of U.S. Supreme Court Justice Clarence Thomas before the U.S. Senate Judiciary Committee in October 1991. The specter of a committee of white males grilling witness Anita Hill on her allegations of sexual harassment by Thomas angered many women and contributed to a record number of female congressional candidates filing for office in 1992.

This phenomenon received heavy press coverage on the news and opinion pages of newspapers across the nation. But another phenomenon got a great deal less media attention—the record number of women who filed as candidates for state legislatures in 1992 and their remarkable success rate.

Of the 2,373 female candidates for state legislatures nationwide in 1992, 1,374, or about 58 percent, won, while another 142 incumbents whose

terms did not expire retained their seats.³ That brought the total for 1993 to 1,516, a 141 seat gain over 1992 and a fivefold increase in female representation since 1969. (See Table 2, p. 6.) North Carolina ranked 17th nationwide in the number of female candidates running for the legislature, with 51—tied with Florida and Idaho. In North Carolina, 61 percent of these candidates were successful.⁴

But the expanding ranks of women in the General Assembly cannot be attributed to a single television event such as the Clarence Thomas hearings. The roots of female representation run much deeper.

In 1921, the first female legislator, Buncombe County lawyer Lillian Exum Clement, joined the N.C. General Assembly. Clement defeated two men for the nomination in 1920—the same year the 19th amendment to the U.S. Constitution gave women the right to vote.⁵ From then through the 1960s, the number of female legislators remained low, with fewer than five women serving at any one time in the two chambers combined. But since the early 1970s, the number of women serving as lawmakers has increased steadily—with the most dramatic increases coming in the late 1970s and early 1990s.⁶

During the 1970s, women lost their bid to get the General Assembly to ratify the Equal Rights Amendment to the U.S. Constitution, and some

were frustrated by the effort. The amendment, which would have put language in the U.S. Constitution outlawing discrimination on the basis of gender, was defeated three times in committee during the 1970s, and finally died in committee in 1979. A “gentlemen’s agreement” between 12 opponents and a proponent of ERA prevented discussion or a vote on the amendment in the 1981–82 session, and it did not resurface before the June 30, 1982, deadline for ratification.⁷

The failure to ratify the Equal Rights Amendment no doubt disappointed proponents. Whether it encouraged more women to run for the General Assembly is subject to debate, but the number of female legislators did rise over the course of a

decade during which the General Assembly repeatedly considered and rejected the controversial amendment. Nine women served in the General Assembly in 1973, when the ERA suffered its first lopsided defeat. By 1975, when the amendment was narrowly defeated in the House, there were 15 women serving. By 1977, when the legislation actually cleared the House and died in the Senate, the ranks of female legislators had swollen to 23 members, or 14 percent of the 170-member General Assembly.

Until the 1992 increase, the number of female legislators fluctuated between 23 and 25 members—a large enough voting bloc to assure at least some legislative successes. For example, in the

Table 1. Number and Percentage of Women in the North Carolina General Assembly, by Chamber, 1971–1993

| | 1971 | 1973 | 1975 | 1977 | 1979 | 1981 |
|---------------|------|------|------|------|------|------|
| Senate | 0 | 1 | 2 | 4 | 5 | 3 |
| House | 2 | 8 | 13 | 19 | 17 | 19 |
| Total Number | 2 | 9 | 15 | 23 | 22 | 22 |
| Total Percent | 1 | 5 | 9 | 14 | 13 | 13 |
| | 1983 | 1985 | 1987 | 1989 | 1991 | 1993 |
| Senate | 5 | 4 | 4 | 4 | 5 | 7 |
| House | 19 | 16 | 20 | 21 | 20 | 24 |
| Total Number | 24 | 20 | 24 | 25 | 25 | 31 |
| Total Percent | 14 | 12 | 14 | 15 | 15 | 18 |

Sources: *Article II*, the biennial guide to the legislature published by the N.C. Center for Public Policy Research, 1989–1990 and 1993–1994 editions, p. 236 in both editions.

1987–88 General Assembly, the 24 female legislators unanimously supported a change in the marital rape law to allow prosecution of husbands living separately from their wives, though at that point they lacked the political clout to have the exemption from the rape laws removed completely from state statutes.⁸ And in subsequent sessions, female legislators have banded together to pass legislation requiring insurance companies to pay for mammograms—which test for breast cancer—and Pap smears, which can detect cervical cancer.⁹

The increase in female legislators also has had side effects—like the hiring of more female lobbyists. “Noticeably, now with more women elected, lobbying teams encompass many more women,” says Ann Duncan, chairman of the Employment Security Commission and a former Republican Representative from Forsyth County. “I believe they feel the need to retain female lobbyists not only to lobby female legislators more effectively—or to give the message that, ‘We hire females on our team,’ but to more effectively communicate those issues labeled ‘female issues’ to male legislators.”

**Lillian Exum Clement—
North Carolina's first female legislator.**



Table 2. Number of Female State Legislators Serving Nationwide and Percent of All Legislators, 1969-1993

| Year | Number of Female State Legislators | Percent of of All State Legislators |
|------|------------------------------------|-------------------------------------|
| 1969 | 301 | 4.0 |
| 1971 | 344 | 4.5 |
| 1973 | 424 | 5.6 |
| 1975 | 604 | 8.0 |
| 1977 | 688 | 9.1 |
| 1979 | 770 | 10.3 |
| 1981 | 908 | 12.1 |
| 1983 | 991 | 13.3 |
| 1985 | 1,103 | 14.8 |
| 1987 | 1,170 | 15.7 |
| 1989 | 1,270 | 17.0 |
| 1991 | 1,388 | 18.3 |
| 1992 | 1,375 | 18.4 |
| 1993 | 1,516 | 20.4 |

Source: Center for the American Woman and Politics, Rutgers University, Eagleton Institute of Politics, Rutgers University, New Brunswick, N.J., 08901. Phone: (908) 828-2210.



U.S. Sen. Sam Ervin helped thwart proponents of the Equal Rights Amendment with an appearance at a 1979 legislative hearing on the issue.

A Growing Force in the Legislature

The influence of female legislators climbed to what may have been an all-time high in 1993. "Clearly, there is no job out there that an elected official can do that can't be done by women that are currently serving in the legislature," says House Speaker Dan Blue (D-Wake). "Women have come to full power, at least in the House, and that's as it should be."¹⁰

Women are forging alliances, promoting their own issues, and playing key roles both in supporting and opposing legislation. Consider these examples:

■ When Gov. James B. Hunt Jr. unveiled his plans for new education standards and school accountability, he turned to two powerful female legislators for help in passing his programs—Rep. Anne Barnes (D-Orange), and Sen. Beverly Perdue (D-Craven), chairs of the House and Senate education committees.¹¹

■ Two female Republicans—Reps. Connie Wilson of Mecklenburg County and Cherie Berry of Catawba—led opposition to Hunt's "Smart Start" package of legislation for preschool children. A third female Republican, Sen. Betsy Cochrane (R-Davie) worked quietly in the Senate to rewrite the legislation and meet some of the objections raised by Republicans in the House.¹²

■ Rep. Annie Brown Kennedy (D-Forsyth), chaired the House Courts and Justice Committee, which took on such difficult issues as a bill to prevent the state from executing mentally retarded murder defendants and an overhaul of the insurance system for compensating injured workers.

■ Freshman Rep. Jean Preston (R-Carteret) led the effort in the House to turn back a bill sponsored by Senate President Pro Tempore Basnight (D-Dare) that would have restricted menhaden boats off the Dare County coast.¹³ Basnight sought the restriction to protect tourism, but Preston feared it would hurt a menhaden fishing fleet that operates out of Beaufort in her home county.

■ Rep. Ruth Easterling (D-Mecklenburg), the 83-year-old co-chair of the House Appropriations Subcommittee on Human Resources, rose time and again in the early morning hours of May 27 to turn back efforts to alter appropriations as the House worked through the night to pass its operations budget bill.

■ And Sen. Elaine Marshall (D-Harnett), a lawyer specializing in domestic cases, helped get a law repealing a marital rape exemption through a reluctant Senate judiciary committee. Until its repeal, the law allowed a man to force sex on his wife without her consent as long as he was living with her at the time the incident occurred. Rep. Bertha Holt (D-Alamance) spearheaded the cam-

paign to repeal the marital rape exemption. But she got a key assist from Marshall in the Senate. Marshall swayed her fellow committee members by inviting victims of spousal rape to testify before the committee.¹⁴

"The women legislators played a key role in the passage of not only the governor's program but in a variety of issues," says Jim Phillips, Hunt's legislative liaison. "Everywhere you turned, on just about every issue, there were women who wielded power on the issue. You don't think about women legislators as women legislators anymore. They are just good legislators who know their stuff."

New Players at the Table

Lt. Gov. Dennis Wicker, a former six-term House member who now presides over the Senate, says female legislators have changed not

only the composition of the legislature, but the issues that come to the table for discussion. "I think we've seen a lot more debate on women's issues and children's issues as a result of more women taking part in the process. The most obvious and glaring example of that is the marital rape bill. I would venture to say that but for the clout of women legislators, that bill would never have been approved. Certainly 10 years ago, it would never have been debated, much less passed into law."

Because of the growing number of women serving in the General Assembly, says Sen. Howard Lee (D-Orange), "policy decisions will be more broadly based. From the women's perspective, men don't always have the sensitivity to the unique problems that women face." On such issues as domestic violence and spousal rape, says Lee, "having the presence of women whom we all respect in these policy discussions has enlightened many of us men."

Besides the spousal rape bill, women lawmakers also played key roles in passing legislation that banned demonstrations in obstructing access to abortion clinics,¹⁵ affirmed a woman's right to breastfeed in public,¹⁶ increased appropriations for domestic violence centers,¹⁷ implemented Hunt's early childhood initiatives,¹⁸ and strengthened



Rep. Connie Wilson (R-Mecklenburg) received media attention for opposing "Smart Start" legislation but also developed expertise on health care issues.

the law against child abuse.¹⁹ "Almost all of the things we did will help women and will help children," says Rep. Bertha Holt (D-Alamance).

Holt says the current state of affairs is a far cry from when she arrived in Raleigh for her first term in 1975. Then, says Holt, the General Assembly was still under the control of "good ol' boys," and women had to fight for recognition to speak on the House floor. Today, she says, younger male lawmakers are more open to women's views and more supportive of issues that traditionally have been considered women's issues—like her bill repealing the marital rape exemption.

Easterling says domestic violence, infant mortality, and child care needs have been issues that society and state lawmakers have not wanted to deal with in the past. She says they were pushed to the forefront in the 1993 General Assembly by the record number of women serving.

North Carolina ranks 30th nationally in the number of female legislators, sandwiched between Missouri and Florida, and trails only Maryland and Arkansas among the Southern states.²⁰ (See Table 3, p. 12.) Washington ranks No. 1, with females constituting 39.5 percent of its legislators. But the fact that North Carolina elected 31 female members in 1993 becomes more impressive when one considers that in 1971, the North Carolina General Assembly had only two female legislators, both serving in the House. By 1993, the Senate had seven women serving and the House 24. (See Table 1, p. 5.)²¹

And more important than sheer numbers, legislative observers say, is the quality—the ability, intelligence, and energy—not only of veteran female legislators but of the influx of first-term women. "Being a woman or a man shouldn't make a difference," says Perdue. "I have never seen a door closed because I was a woman." Power in the legislature is based largely on seniority, Perdue



Karen Tam

Sen. Elaine Marshall (D-Harnett) helped shepherd spousal rape legislation through the senate.

says. "I'm able to do what most good legislators can do after eight years."

Gender Still Makes a Difference

But observers say gender still makes a difference in the General Assembly, and power, particularly the power of the purse strings, still rests with male legislators. "Basically, the North Carolina General Assembly is, for the most part, under the control of men," says Roslyn Savitt, lobbyist for the N.C. chapters of the National Organization for Women and the National Associa-



"ALMOST ALL THE THINGS WE DID
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*REP. BERTHA HOLT, CHAIR,
WOMEN'S LEGISLATIVE CAUCUS*

were men, with Sen. Helen Marvin (D-Gaston) the top-ranked woman at 17th.²² Marvin chose not to run in 1992 and is now a member of the University of North Carolina's Board of Governors. Only three other women were ranked in the top half of the Senate: Sen. Betsy Cochrane (R-Davie), 19th; Perdue, 20th; and Sen. Lura Tally (D-Cumberland), 22nd.

In the House, the highest ranking women were Anne Barnes at 13th and Speaker Pro Tempore Marie Colton (D-Buncombe) at 14th. The next highest ranked woman was Stamey at 25th.

Those numbers have not changed dramatically since the first effectiveness rankings were published for the 1977 legislature. That year, Rep. Patricia S. Hunt (D-Orange) was the

highest-ranked woman in the House at 12th. (Hunt peaked at 10th in the 1979 rankings, and ultimately was appointed a District Court judge by then-Gov. Jim Hunt.) Sen. Katherine Sebo (D-Guilford) was the only woman to be ranked in the top half of the Senate for 1977, at 24th of 50.²³

tion of Social Workers. "That's not to say that there aren't people like Dan Blue who are very strong on women's issues. But the final decision-making still is in the hands of men."

Peggy Stamey, a Wake County Democrat who served 10 years in the House before resigning in July 1993 to accept an N.C. Parole Commission appointment, agrees with that assessment. "Believe me," Stamey says. "Men still control the legislature. Things have improved for women, but not nearly enough."

Since 1977, the N.C. Center for Public Policy Research has published biennial effectiveness rankings for legislators based on ratings by their legislative colleagues, registered lobbyists, and the capital press corps. Women consistently have had trouble breaking into the top 10 percent of either the Senate or the House. In the Center's rankings of the effectiveness of the 1991 General Assembly (the most recent year for which rankings are available), the 16 highest ranking senators

highest-ranked woman in the House at 12th. (Hunt peaked at 10th in the 1979 rankings, and ultimately was appointed a District Court judge by then-Gov. Jim Hunt.) Sen. Katherine Sebo (D-Guilford) was the only woman to be ranked in the top half of the Senate for 1977, at 24th of 50.²³

Men Get the Plum Appointments

Appointment to a committee chairmanship is one route to effectiveness, particularly appointment to head one of the four committees that spend and raise money. Men head all of the General Assembly's money committees—the House and Senate appropriations committees, which decide how to spend money, and the finance committees of the two chambers, which decide how revenue is raised. Easterling, Holt, and Rep. Mary McAllister (D-Cumberland) serve as co-chairs of appropriations subcommittees in the House.²⁴

"It certainly increases the number of people who come to your door," says McAllister of her appointment as transportation appropriations co-chairman. "Becoming chairman of the group gives you a much broader perspective." In the Senate, all appropriations subcommittees are headed by men.

In its effectiveness rankings surveys, the Center also asks respondents to rate which of the General Assembly's committees were most powerful. Of the 12 committees designated most powerful in the 1991 session by respondents, only one was chaired by a woman. Barnes headed the House Education Committee, rated the House's fifth most powerful committee.²⁵

In the Senate, Democrats ignored women in selecting officers for the 1993 session, choosing Sen. Marc Basnight (D-Dare) as president pro tempore of the Senate and Sen. Ralph Hunt, an

African-American from Durham County, as majority whip. Cochrane, the Senate's sole female officer, was chosen Republican minority whip. Basnight says the fact that women hold fewer leadership positions in the Senate has more to do with seniority than gender. "You look first for competence and not for [gender]," Basnight says. "There has to be some experience in the office."

The seven women serving in the Senate, while promising, "haven't been there any period of time," says Basnight. "There's no seniority there. In the Senate, you have to *compete* for committee assignments and chairmanships. To be able to do the job takes experience and time."

Adds Sen. Leslie Winner, a freshman Democrat from Mecklenburg, "In the Senate, no freshmen—male or female—were selected to chair standing committees, and all Democrats who were not freshmen—male and female—were selected."

Women's Issues? Yes and No

Are there really such things as women's issues? I put the question to 16 Democratic and Republican lawmakers. Of the dozen who responded, the consensus was "not really."

Issues that were once considered important only to women—such as child care—have become more relevant to male politicians in recent years. Even issues like abortion, domestic violence, and problems associated with displaced homemakers—once depicted solely as "women's issues"—now also are being cast as human rights and public health issues.

Still, there's something paradoxical about the responses of female lawmakers to this question. They say there are no women's issues, and then they go on to name some. Most women could think of only one or two, but string them together and you get a list of women's concerns, with few differences between the two parties.

That list includes domestic violence, pay equity, abortion, mandatory insurance coverage for mammograms and pap smears, breast feeding in public, and child care and other child

advocacy issues.

Several of the female lawmakers said they are the ones who promote and best understand these issues. In that limited sense, they *are* women's issues. Still, they say issues that affect women generally affect everyone. "These are people's issues," says Rep. Joni Bowie (R-Guilford).

Rep. Bertha Holt (D-Alamance) says elimination of the spousal defense in rape prosecutions during the 1993 session of the General Assembly was the closest she could come to identifying a woman's issue. As for domestic violence, she says, "I think it's a family issue. I think it's a public health issue. The chief reason for women going to the emergency room is that they have been beaten."

"Women have been painted into a box," says Rep. Connie Wilson (R-Mecklenburg). "Women's issues encompass the whole scheme of what we deal with in Raleigh. All the issues are intertwined. I see all the issues as women's issues."

—Betty Mitchell Gray

Table 3. Percentage of Women in State Legislatures and Ranking Among the 50 States

| State | Percent of Female Legislators | Ranking Among the 50 States |
|---------------|-------------------------------|-----------------------------|
| Alabama | 5.7% | 49 |
| Alaska | 21.7 | 21 |
| Arizona | 35.6 | 2 |
| Arkansas | 9.6 | 46 |
| California | 23.3 | 18 |
| Colorado | 34.0 | 3 |
| Connecticut | 25.1 | 13 |
| Delaware | 14.5 | 38 |
| Florida | 17.5 | 31 |
| Georgia | 17.4 | 32 |
| Hawaii | 23.7 | 16 |
| Idaho | 30.5 | 7 |
| Illinois | 23.2 | 19 |
| Indiana | 19.3 | 27* |
| Iowa | 14.7 | 37 |
| Kansas | 29.5 | 8 |
| Kentucky | 4.3 | 50 |
| Louisiana | 6.9 | 48 |
| Maine | 31.2 | 6 |
| Maryland | 23.4 | 17 |
| Massachusetts | 23.0 | 20 |
| Michigan | 19.6 | 26 |
| Minnesota | 27.4 | 9 |
| Mississippi | 10.9 | 44 |
| Missouri | 19.3 | 29 |
| Montana | 19.3 | 27* |

| State | Percent of Female Legislators | Ranking Among the 50 States |
|-----------------------|-------------------------------|-----------------------------|
| Nebraska | 20.4 | 23 |
| Nevada | 27.0 | 11 |
| New Hampshire | 33.5 | 5 |
| New Jersey | 12.5 | 41 |
| New Mexico | 19.6 | 25 |
| New York | 16.1 | 35 |
| North Carolina | 18.2 | 30 |
| North Dakota | 16.3 | 34 |
| Ohio | 21.2 | 22 |
| Oklahoma | 9.4 | 47 |
| Oregon | 26.7 | 12 |
| Pennsylvania | 9.9 | 45 |
| Rhode Island | 24.7 | 14 |
| South Carolina | 12.9 | 40 |
| South Dakota | 20.0 | 24 |
| Tennessee | 12.1 | 42 |
| Texas | 16.0 | 36 |
| Utah | 13.5 | 39 |
| Vermont | 33.9 | 4 |
| Virginia | 11.4 | 43 |
| Washington | 39.5 | 1 |
| West Virginia | 16.4 | 33 |
| Wisconsin | 27.3 | 10 |
| Wyoming | 24.4 | 15 |
| National Avg. | 20.4% | |

* Denotes a tie that affects ranking. States in which ties are due to rounding rather than to exact percentages are ranked according to exact percentages.

Source: Center for the American Woman and Politics, Rutgers University.

Winner later was selected chair of a select committee on bonds and instructional technology.

Sen. Lura Tally (D-Cumberland), a 20-year veteran with six Senate terms and five House terms to her credit, says the Senate has been slower in advancing women into positions of leadership. "The Senate has been much slower in taking on women," she says, "but the Senate has traditionally been more conservative."

Holt, however, says there is clear room for improvement in the House as well. "The election of Dan Blue (as House speaker) was very, very good for women," says Holt. "But still there has not ever been a female in the legislature who's been very close to the decision-making in the legislature. It will probably be a long time before there is."

What would it take to push more women into positions of leadership in the General Assembly? More numbers would probably help, although the state of Alaska is showing that women don't have to have dominant numbers to dominate. There, with 13 females among 60 legislators, women hold the offices of House speaker, majority leader, minority leader, and Senate Finance co-chairman.²⁶

A Call for Equity

The proportion of women serving in the N.C. General Assembly—at 18.2 percent—exceeds the average for the South, where females make up 12 percent of the typical legislative body.²⁷ Still, some say more women should be serving. "Thirty-one women is just not enough out of 170 legislators," says Anne Mackie, director of the Women's Agenda Program for N.C. Equity, a Raleigh non-profit advocating for women's issues. "We need equity."

Perdue adds, "Women represent 52 percent of the population in the state. We certainly are not 52 percent of the elected population in the state."

The 61 percent success rate of women candidates for the legislature in 1992 shows women *can* be elected to the legislature in North Carolina *if* they run. But with 51 candidates for

170 seats, only so much headway can be made. More women are running for the legislature than ever before, but observers say barriers remain.

Women who enter politics are "fighting the traditional role of wife and mother," says Penny Craver, development director for the N.C. Institute for Political Leadership in Wilmington, which teaches participants how to wage successful political campaigns. The institute has graduated 238 would-be politicians since it opened in 1988. Of these, 87, or 36.5 percent, are women.

Four institute alumnae are now serving in the General Assembly: Sens. Gunter and Marshall and Reps. Frances Cummings (D-Robeson) and Wilson. But Craver says in politics, women have to walk a fine line between being perceived as too

***Rep. Marie Colton (D-Buncombe)—
Speaker Pro Tempore and among the
most effective legislators.***



Karen Tam



Karen Tam

Sen. Leslie D. Winner (D-Mecklenberg) scrutinizes a bill in committee.

outspoken or too timid, while men win points for being outspoken and decisive.

Others point to a lack of self-confidence among women, family pressures, difficulty in raising money for campaigns, long absences from home, and comparatively low legislative salaries as reasons more women don't seek election to the General Assembly. "Heaven knows, balancing family and the General Assembly is not that easy," says Marshall.

Adds Berry, "If you can't stand the heat, stay in the kitchen, because it's not that easy."

One problem that has surfaced in other states—sexual harassment of female legislators, apparently is not an overt problem in North Carolina.²⁸ "To my knowledge, we have not had a problem with that," says Legislative Services Officer George Hall. "I'm not aware of any complaint."

Sex *role* harassment, however, may be another story. Rep. Joanne Bowie (R-Guilford), a public relations executive with adult children, says when she first arrived in Raleigh in 1989, she was told by an older, male colleague, "You need to go home and take care of your babies."

Those women who *do* take the plunge and run for legislative office are finding that many roads lead to Raleigh. Many, like Easterling, McAllister, and Bowie served in local government before seeking office. Easterling, Charlotte's only female city council member when she decided to run for the

legislature in 1976, was blithe about her decision to seek higher office. "I never thought about being in politics," says Easterling. "I just sort of fell into it. I realized that so much of what we do depended on money and permission from Raleigh. So, I decided I'd rather come down here and give permission."

Bowie decided to run after more than a decade of service in local government. She did so, she says, "mainly because there were not enough women in the General Assembly."

Others, like Stamey, the Wake County Democrat, and Wilson, the Mecklenburg County Republican, have worked their way up the political ladder through party organizations. Kuczmarski and Cummings demonstrate yet another route to Raleigh. They gained lobbying experience with professional associations before running for the legislature—Cummings with the North Carolina Association of Educators and Kuczmarski with the North Carolina Chiropractic Association.

Cochrane believes female candidates have at least one advantage over their male counterparts. Where a male candidate might be dismissed as just another politician, female candidates generally are perceived as issue-oriented and sincere, Cochrane says. "The public perceives women less negatively, and they are not smeared with that brush that says politicians are bad."

—continues on page 16

Press Corps Demographics— A Few Good Men

If you think the legislature is dominated by white males, check out the demographics of the capital press corps. Of 34 reporters assigned to cover the 1993 General Assembly, only seven were females, and none were African-Americans. Among print journalists, only one female, yours truly, covered the General Assembly regularly, and I did it part-time for *The Virginian-Pilot*.

What difference does this make? Consider how hard it was determining who would take what role in the press corps' annual skit roasting the General Assembly. Who would play the state's highest ranking black official, House Speaker Dan Blue? And who would take the women's roles? Well, white men, that's who.

"I think it says something when there are no women to play women's parts in the press corps skit and Ken Otterbourg (now assistant city editor of the *Winston-Salem Journal*) puts on a blue face to represent one of the state's leading African-American politicians," says Ruth Sheehan, a reporter and editor for *The News & Observer* of Raleigh, N.C.

What it says is that the press corps is headed in the opposite direction of the General Assembly. At a time when the General Assembly is at its most diverse, the press corps increasingly has become a bastion of white males. And nearly all of those involved in the process of making and gathering news—from reporters to editors to public information officers to the legislators themselves—say the make-up of press corps affects the range of issues it chooses to cover.

"I think the press corps would definitely benefit from having more women and people of color," says Sheehan. Sheehan covered the General Assembly from 1989–1991 for the five-newspaper Freedom Newspapers publishing chain and was the last female to cover the legislature full-time for a major newspaper or

newspaper group. "It's not necessarily a bad thing," says Sheehan. "Having white men covering the legislature doesn't mean they can't cover women's issues. But having more women would only make the press corps better."

Of the seven female reporters listed by the capital press corps as covering the General Assembly during the 1993 session,¹ five work in the broadcast media, four of them with public television. Of the remaining two, one covered the legislature part-time, and the other worked for *The Insider*, a news summary and daily calendar of legislative activity delivered via FAX machine by *The News & Observer*. No black reporters regularly covered the General Assembly, even though about 15 percent of the General Assembly's membership is black.

"The reporters here do a good job, but maybe they don't view issues the same way that a more diverse press corps would," says Chris Fitzsimon, Speaker Blue's press secretary and policy assistant. "Just as the rise of women has made a difference in the general atmosphere in the legislature, a more diverse press corps would further continue the trend of moving this place away from the 'good ol' boys' club."

Says Roslyn Savitt, lobbyist for the N.C. Chapters of the National Organization for Women and the National Association of Social Workers: "I personally feel there should be more females represented in the press corps, and there are no minorities. That's been a problem for awhile."

With five reporters listed on the press corps roster, *The News & Observer* of Raleigh maintains the largest full-time newspaper staff covering the state legislature. All are white men. "I think diversity is good," says Van Denton, president of the capital press corps for the 1993 session and a *News & Observer* reporter. "I think there are possible stories that I might not

—continued on next page

Fundraising Less an Obstacle

One barrier—fundraising—is apparently less an obstacle for female candidates than it once was. Female candidates say they are becoming more comfortable asking for money, and, as the number of female candidates has grown in recent years, various partisan and non-partisan political action committees (PACs) have organized to help these candidates.

In 1992, winning female House candidates raised more than males—an average of \$17,975 compared to \$17,375 for winning male candidates. The difference was wider in the Senate, where successful female candidates raised \$35,177 on average, compared to \$30,379 for winning men.²⁹ In the Senate, three of the top 10 money-raisers were women, while an unsuccessful female candi-

“The public perceives women less negatively, and they are not smeared with that brush that says politicians are bad.”

—SEN. BETSY COCHRANE (R-DAVIE)

date had the 10th highest fund-raising total in the House.³⁰

“I had no trouble raising money or getting support,” says Rep. Berry. Berry says women have become more active in politics and promot-

Press Corps, continued

see just because I’m a white male.”

The UNC Center for Public Television maintained the largest *broadcast* presence at the General Assembly and the most diverse staff. “In the beginning, I sort of felt outnumbered,” says Maria Lundberg, a four-term legislative veteran. “But sometimes I think that being one of the few women that are down there really is an advantage in talking with the legislators.”

Lundberg says the three women who covered the General Assembly during the nightly broadcast of *Stateline: Legislative Reports* helped give the telecast “as many different viewpoints as possible. The feeling has been very strong that all parts of society are represented—to try to have as much diversity as possible.”

Still, there was more criticism of the press corps’ composition than of its coverage of female legislators. “Women legislators are treated, by and large, fairly by the press,” says Sheehan. “Their problems are more with their colleagues.”

Rep. Erin Kuczmarski (D-Wake) says her first-year efforts drew little media attention, but she did not question journalists’ judgment. “Reporters go to the person who is making the news,” Kuczmarski says. “They probably have

not been as interested in me because I am a freshman and still learning. They get their stories from the leadership—like [Speaker] Dan Blue and [Senate President Pro Tempore] Marc Basnight.”

Bruce Siceloff, *The News & Observer’s* state government editor, says even though its legislative reporters all are white males, the newspaper employs a large number of female reporters and is taking steps to hire more people of color. “In hiring or in a promotion—in a staffing decision—diversity should be considered,” Siceloff says. “It’s an important consideration that I weigh in making these decisions.” Siceloff says the newspaper occasionally assigns women to cover the General Assembly when issues are being debated in an area normally covered by a female reporter.

Siceloff agrees that having a woman or an African American reporter assigned to the General Assembly on a regular basis “would broaden our sensitivity to things and make us better.” On the other hand, he says, “I’m not aware of any stories that have been missed” by having all white males cover the legislature.

Sheehan says there were a few occasions, particularly in coverage of political campaigns, when she would write stories about issues ignored by her male colleagues. One such article

ing women's issues, and that translates into more dollars for candidates. "They're out there, and they're active now," she says.

Rep. Connie Wilson, a Charlotte banker, says her business background has helped her raise money. "I'm used to working with people and their money," she says. "A lot of politicians—not just women—are afraid to ask, but I'm not afraid to ask."

In recent years, statewide political organizations such as the Pine Needles Network, N.C. NOW (National Organization for Women), the Women's Political Caucus, and Women Elect have become more active in contributing to female candidates. The Pine Needles Network, for example, was founded in 1990 with the specific goal of helping elect women to the state legislature. "Our

sole function is to raise money and give money away," says Jan Parker, the network's 1992 treasurer and now a Hunt administration official.

While many women's PACs contribute on a non-partisan basis, the Pine Needles Network contributes only to Democratic female candidates who are waging tight races in the general election, Parker says. In 1992, the PAC contributed \$10,500 to 21 female candidates for state legislature.

Senate Minority Whip Cochrane says she knows of no such group that exists strictly to promote female Republican candidates. The Federation of Republican Women's Clubs contributes to female candidates, she says, but its mission is broader than electing women to office. "The Republicans have looked for a strong candidate with the best potential to win," says Cochrane. "If she

concerned a derogatory remark Democratic U.S. Senate candidate Bo Thomas made about women in front of a reporter for *The Independent Weekly* newspaper during the 1990 Democratic primary campaign. Aside from *The Independent Weekly's* Barry Yeoman, Sheehan says she was the only reporter who thought the incident worth reporting.²

If female reporters bring an additional perspective to state government reporting, why don't more women get the assignment? Denton says it may be that women who prove proficient at covering state government—like Sheehan and Elizabeth Leland, an award-winning reporter for *The Charlotte Observer*—quickly move up the ladder to larger papers and more glamorous assignments. Ann Peters, one of two women who covered the 1985 General Assembly for the now-defunct United Press International Raleigh bureau, got promoted from reporter to state editor to foreign desk editor to foreign correspondent in the news agency's Jerusalem Bureau in a dizzying three-year span.

It usually doesn't happen *that* fast. Sheehan joined *The News & Observer's* Orange County Bureau when she left her post with the Freedom newspaper chain. "At the time, I thought it was the only thing to do," says Sheehan of her

legislative reporting experience. "But once I left, I discovered that the world was larger than just the halls of the legislature."

And some legislative observers say gender makes less difference than it used to in the coverage of what were once viewed solely as women's issues. "Most [reporters] have children and most have wives working outside the home who are involved in their own careers," says Rachel Perry, Governor Jim Hunt's communications director. "They are involved in day care for their children and other family issues more so than 10 years ago." Still, the consensus seems to be that more females in the capital press corps would broaden legislative coverage and result in more articles about issues important to women.

—Betty Mitchell Gray

FOOTNOTES

¹ The seven women and their employers are: Betty Gray, *The Virginian-Pilot*; Erika Alderson, *The Insider*; Susan Samples, WECT-TV; and Jane Madden, Beth Hardee, Amy Green, and Maria Lundberg, UNC Center for Public Television.

² Barry Yeoman, "Bo Knows . . . How to Take on Big Business and Jesse Helms, But Does He Know How to Keep His Foot Out of His Mouth?," *The Independent Weekly*, Durham, N.C., April 26, 1990, p. 7.



Rep. Theresa Esposito (R-Forsyth) lends an ear in committee to Rep. Larry Justus (R-Henderson).

happened to be a woman, more power to her." Cochrane says Republican women have gotten financial support from women's groups and other advocacy groups operating at the local level, although not as much as Democrats.

Diversity Versus Effectiveness

Increased ability to raise money likely will increase the number of female legislators. That, in turn, would likely increase their clout in the General Assembly. But numbers aren't the only factor that determines effectiveness. Some observers say the Women's Legislative Caucus has not been as successful as it could have been in promoting women's issues and advancing women legislators into positions of leadership.

That's in part because of the diversity of the group. In contrast to the 25-member Democratic Black Legislative Caucus, the women's caucus is about one-third Republican. Blacks have been successful in pushing members into positions of leadership and in accomplishing legislative goals because they all belong to the same party and have been able to agree on a common agenda.³¹

Consensus is much more difficult to achieve with a bipartisan coalition. "We, as a women's

group, have more power in numbers, but the women's caucus is divided," says Holt, who is serving her second term as caucus chairman. Holt says the group typically selects one or two issues to back. One example was a successful effort to win increased funding for domestic violence centers. Another was funding for a displaced homemaker program.³² There was also the marital rape bill, which was co-sponsored by all 31 female legislators.

Still, the caucus has to choose its battles carefully because there are many issues upon which women in the legislature divide their support along partisan lines. An example is whether to increase appropriations for the state abortion fund for poor women, which Democrats generally favor and Republicans oppose. "That we can pull together on even one or two issues has helped," Holt says.

Easterling says, "You can't lump all women together. The coalitions change within women's groups just like they do with men's groups."

Support from the Executive Branch

Part of the success of female legislators can be traced to the fact that Gov. Hunt's 1993 legislative agenda included issues that have been de-

"You can't lump all women together. The coalitions change within women's groups just like they do with men's groups."

—REP. RUTH EASTERLING
(D-MECKLENBURG)

scribed as "women's issues"—those that are of particular concern to women. For example, Hunt identified early childhood intervention as a major objective of his administration. This issue also was important to many female legislators, although support was not universal. Rep. Connie Wilson (R-Mecklenburg) stirred the Christian right to oppose the package and was accused by her House colleagues of spreading misinformation.

Wilson views her role differently. "The bill was being ramrodded through the legislature," says Wilson. "I felt the responsibility to inform

the people of North Carolina as to what was in the bill and what was not in the bill." Wilson says questions raised by her, Rep. Cherie Berry (R-Catawba), and others, resulted in more than 200 lines of changes in the legislation establishing a nonprofit corporation to develop 12 pilot day care programs for young children. "Every issue that we brought up was addressed," Wilson says. Blue later appointed one male Smart Start opponent, Rep. Robin Hayes (R-Cabarrus), to the corporation's governing board.

Female legislators say Blue's willingness to appoint women to head important House committees, such as Transportation, Environment, and Courts and Justice, also has been important. "The total environment is better," says Easterling. "We have a new administration in the state and a new administration in the country."

Cochrane, however, says that while Hunt's legislative agenda may have benefited women in the General Assembly, Republicans have the longer track record for placing women in positions of leadership. Cochrane served as House Minority Leader in the 1985 and 1987 sessions before moving to the Senate in 1989, where she is now minority whip. "Republicans elected me as minority leader and gave me the opportunity at leadership,

Women's suffrage advocates rally for a woman's right to vote in this 1920 photo.



and that was the first time a woman had been in a leadership position in the history of the General Assembly," she says.

Cochrane says former Republican Gov. Jim Martin also was supportive of women, appointing three female cabinet members and a number of division heads and finishing out his term with a female chief of staff. "The Republicans are seldom pictured as being supportive of women, and that is not a fair assessment," she says.

Role Models Past and Present

The fact that *both* parties are electing female legislators and that women are being named to lofty executive branch positions means more role models for a new generation seeking public office and careers in public service. Indeed, women may find that the public sector represents a quicker path to power than does the private sector, where the proverbial glass ceiling is said to block their rise through the corporate ranks.³³

Representative Lillian Exum Clement, the state's first female legislator, clearly understood that she was paving the way for future generations. "I want to blaze a trail for other women," Exum is reported to have said in 1923, two years after taking office.³⁴ "I know that years from now there will be many other women in politics."

Marshall expresses a similar sentiment 60 years later. "To just show the women that grew up in Harnett County that you do not need to be landed gentry to make a difference and you do not need to be male to make a difference—if my service up here can just do a little bit of that, it will be well worth my time, and I will be well pleased," she says.

Adds Cochrane, "Women have obstacles to overcome in their own thinking. I didn't see myself as a legislator. As women find out they can get elected—that the network of support is out there—they will be more encouraged to seek elective office."

Many of the current class of female legislators are finding that despite the difficult hours, time away from family, and lack of free time, they are enjoying life in politics. And among these women, the state's voters may see a future governor or member of the Council of State.

"Women who run for office are not going to be satisfied with sideline activity," says Kuczmarski, a chiropractor whose interest in politics stems from her tenure as president of the state's chiropractic trade group. "They were ac-

tive anyway. That's how they got here. I think every woman will tell you that by being down here, we're helping women because we can't be ignored," she says.

Cummings characterizes the female electorate as a sleeping giant that needs to wake up. "Women don't realize that we are 50 percent of the electorate, and we can win," she says. "Women don't recognize the power that we have." ■

FOOTNOTES

¹ For an analysis of the demographics of the legislature, see Kim Kebschull Otten and Tom Mather, "Legislative Campaign Costs, PAC Donations Continue to Rise," *North Carolina Insight*, Vol. 14, No. 4 (August 1993), pp. 85–88. See also Kim Kebschull Otten, *Article II: A Guide to the 1993–1994 N.C. Legislature*, North Carolina Center for Public Policy Research, Raleigh, N.C., May 1993, p. 236.

² For more on the demographics of North Carolina, see Ken Otterbourg and Mike McLaughlin, "North Carolina's Demographic Destiny: The Policy Implications of the 1990 Census" *North Carolina Insight*, Vol. 14, No. 4 (August 1993), pp. 2–49.

³ Center for the American Woman and Politics, National Information Bank on Women in Public Office, Eagleton Institute of Politics, Rutgers University, New Brunswick, N.J., 08901. Phone: (908) 828-2210. Research conducted by Lucy Baruch.

⁴ New Hampshire, with 239 female candidates for its 424-seat legislature, ranked first in total number of candidates. About 59 percent of those candidates won seats. In Florida, 28 of 51 female candidates won seats in the 160-seat General Assembly, and in Idaho, 32 of 51 female candidates won office in the 105-seat legislature, according to the Center for the American Woman and Politics at Rutgers University.

⁵ Clement's feat is recounted in Kathy Shinkle, "Women Legislators, Facing a Double Bind," *N.C. Insight*, Vol. 3, No. 4 (Fall 1980), pp. 10–15. Clement served on seven House committees during her first session and chaired the Committee on Institutions for the Deaf and Dumb.

⁶ John L. Cheney, *North Carolina Government, 1585–1779: A Narrative and Statistical History*, N.C. Department of Secretary of State, Raleigh, N.C., 1981, pp. 544–553. Totals from 1979 to present are taken from *Article II: A Guide to the 1993–1994 N.C. Legislature*, the biennial guide to the legislature published by the N.C. Center for Public Policy Research.

⁷ Marney Rich, "What Happened to the Amendment in N.C.," *The News & Observer*, Raleigh, N.C., August 23, 1981, p. 8-III. This chronology outlines the General Assembly's deliberations on the Equal Rights Amendment, and on the 19th Amendment to the U.S. Constitution, which gave women the right to vote. It accompanies an article by Rich titled, "A Battle Recalled: Winning the Vote (Rich, p. 1-III)." As was the case with the equal rights amendment, North Carolina was among the last states to consider ratifying the 19th Amendment. Despite having no representation in the General Assembly, women on both sides of the issue were quick to join the fray. The Southern Women's Rejection League argued that, "Men's vote is sufficient to express the will of the people. Among other things, it is not the right order of affairs to expect men to take orders or direction from women officials. Therefore, if women are given further suffrage, they might hold the office of judge, senator, or by political accident—president of the United States." The North Carolina Equal Suffrage Association countered that, "Women are the equals of men in mentality," and urged women

to "raise fewer dahlias and a lot more hell." Opponents won the battle for North Carolina but lost the war when Tennessee ratified the amendment on August 18, 1920. The N.C. legislature ratified the amendment as a symbolic gesture in 1971.

⁸ The influence of female legislators on this change in the marital rape law is recounted in Jack Betts, "In the Legislature, White Male Democrats Become a Minority," *North Carolina Insight*, Vol. 13, No. 2 (June 1991), p. 68. Until this change in the law, marriage was a complete defense against a rape charge unless the couple had a written separation agreement or was living apart under judicial decree. The 1987 change in the law dropped this requirement for legal documentation and allowed prosecution if the couple were separated. The law providing an exemption from prosecution for spousal rape was repealed outright in the 1993 session of the General Assembly (Chapter 274 of the 1993 Session Laws, H.B. 214.)

⁹ Chapter 490 of the 1991 Session Laws (H.B. 347), now codified as G.S. 58-51-57.

¹⁰ Of 52 chairmen or co-chairmen of standing committees or subcommittees for the 1993 session, Blue appointed 11 women, or 21 percent. Of 31 potential appointments in the Senate, President Pro Tempore Marc Basnight (D-Dare), appointed four women, a 13 percent appointment rate. Women represent 20 percent of the House membership, and 14 percent of the Senate membership, so the number of committee chair and co-chair appointments by Blue and Basnight is in line with the overall number of females serving in the two chambers.

¹¹ Hunt's Education Standards and Accountability Commission was authorized by S.B. 878 (Chapter 117 of the 1993 Session Laws), now codified as G.S. 115C-105.1—105.10.

¹² Hunt's child-care initiatives were enacted by the General Assembly as special provisions in the budget bill (S.B. 27: Chapter 321, sec. 254 of the 1993 Session Laws) and in H.B. 720 (Chapter 432 of the 1993 Session Laws).

¹³ S.B. 991 of the 1993 Session.

¹⁴ Chapter 274 of the 1993 Session Laws (H.B. 214).

¹⁵ Chapter 412 of the 1993 Session Laws (S.B. 873).

¹⁶ Chapter 301 of the 1993 Session Laws (S.B. 1143).

¹⁷ Chapter 561, Sec. 6 of the 1993 Session Laws (S.B. 26).

¹⁸ See note 9 above.

¹⁹ Chapter 324 of the 1993 Session Laws (H.B. 625).

²⁰ Office for the American Woman and Politics, Rutgers University, 1993.

²¹ Kim Kechschull Otten, *Article II: A Guide to the 1993–1994 N.C. Legislature*, N.C. Center for Public Policy Research, Raleigh, N.C., May 1993, p. 236.

²² The Center's legislative effectiveness rankings for the 1991 General Assembly are published in Kim Kechschull Otten, *Article II: A Guide to the 1993–1994 N.C. Legislature*, North Carolina Center for Public Policy Research, Raleigh, N.C., May 1993, pp. 212–230.

²³ Fred R. Harwell Jr., *Article II: A Guide to the [1977–78] N.C. Legislature*, N.C. Center for Public Policy Research, Raleigh, N.C., 1978, pp. 189–194.

²⁴ Easterling is co-chair of the Appropriations Subcommittee on Human Resources, Holt is co-chair of the Appropriations Subcommittee on Justice and Public Safety, and McAllister is co-chairman of the Appropriations Subcommittee on Transportation.

²⁵ 1991 committee rankings are published in Otten, note 22 above at p. 231. For 1991 standing committees and committee membership, see Kim Kechschull, *Article II: A Guide to the 1991–92 N.C. Legislature*, N.C. Center for Public Policy Research, Raleigh, N.C., May 1991, pp. 200–210.

²⁶ Gary Boulard, "Women at the Wheel," *State Legislatures*, National Conference of State Legislatures, Denver, CO, August 1993, p. 31.

²⁷ Gary Boulard, "The South's Growing Pains," *State Legis-*

latures, National Conference of State Legislators, August 1993, p. 12.

²⁸ Female legislators have alleged sexual harassment in Colorado, Georgia, Minnesota, New York, and Washington, according to a survey by Maryland's Department of Legislative Reference. For more on this topic, see Dianna Gordon, "It's Not About Sex—It's About Power," *State Legislatures*, National Conference of State Legislatures, July 1993, pp. 51–57.

²⁹ Kim Kechschull Otten and Tom Mather, *The Cost of Running for the North Carolina Legislature—An Analysis of Legislative Campaign Finances During the 1992 Elections in North Carolina*, North Carolina Center for Public Policy Research, Raleigh, N.C., September 1993, pp. 8–9.

³⁰ *Ibid* at pp. 14–15. The three top female money raisers in the Senate, their rank, and amount raised were: Sen. Linda Gunter (D-Wake), 5th, \$59,758; Sen. Leslie Winner (D-Mecklenburg), 6th, \$59,640; and Sen. Mary Seymour (D-Guilford), 10th, \$42,304. Unsuccessful House candidate Wilma Sherrill (R-Buncombe) was the 10th leading money-raiser in that chamber (\$41,750).

³¹ For more on this topic, see Milton C. Jordan, "Black Legislators: From Political Novelty to Political Force," *North Carolina Insight*, Vol. 12, No. 1 (December 1989), pp. 40–58.

³² Chapter 561, Sec. 6, of the 1993 Session Laws (S.B. 26).

³³ For more on the advancement of women in state government, see Angela M. Bullard and Deil S. Wright, "Circumventing the Glass Ceiling: Women Executives in American State Governments," *Public Administration Review*, American Society for Public Administration, Washington, D.C., Vol. 53, No. 3 (May/June 1993), pp. 189–202.

³⁴ See note 5 above.

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The Evolution of the Speaker's Office

by Paul T. O'Connor

This article traces the evolution of the office of the Speaker of the N.C. House of Representatives, from a part-time position closed at the end of the legislative session, to today's bustling office with six full-time staff members. The profile of the speaker has been raised by media attention and the partisan twists of the state's recent political history. And the power of the office has been consolidated through succession for the speaker (the ability to seek more than one consecutive term), competition with the rival legislative chamber, the Senate, and competition with the executive branch.

As a result of these developments, the speaker has become a political figure with his own agenda, rather than a presiding officer concerned primarily with carrying out the governor's agenda. And the speaker may be evolving into a figure known statewide, which could mean the office will become an alternative stepping stone to higher office.

Given all of the developments in the evolution of the speaker's office—including increased staff, a pattern of serving multiple terms, more intensive media coverage, and equal status among legislative leaders—it may seem today's speaker is more powerful than those of earlier times. Yet today's speaker governs more by consensus than past speakers, who depended on a handful of lawmakers to carry out their will.

More open government and Republican gains in the legislature have forced the speaker to share more power with the rank and file. And a powerful disciplinary tool, pork barrel for individual members, has been lost. There remains some debate about whether the speaker of today is more powerful than those of recent history.

As the 1993 legislative session rushed to an end in mid-July, N.C. House Speaker Dan Blue assigned Lori Ann Harris, his research analyst, to scour the California statutes. Her mission? To find ways to assure that minority businesses would participate in work created by the \$740 million package of education, clean water, and park bonds that was to go before the voters in November 1993.

At the same time, Alan Briggs, Blue's legal counsel, represented the speaker in negotiations on highly technical aspects of workers' compensation reform. Meanwhile Blue's press secretary, Chris Fitzsimon, was meeting with reporters in the legislative press room, putting a spin on the week's events that would be to the liking of the House leadership.

I. Historical Evolution

Now look back to the 1967 legislative session, when House Speaker David Britt faced the crush of legislative duties, his impending move from the legislative branch to a seat on the N.C. Court of Appeals, and a commencement address that he'd been asked to make at Appalachian State University. To whom did Speaker Britt go for help? "Dr. Preston Edsall at N.C. State [University] had a number of interns working [at the legislature] as part of their course-work. I turned to one of them—my cousin—who was an undergraduate at the time."

In comparing the office of 25 or 30 years ago, the most obvious and undisputed difference is in the staff available to the speaker. But why has staff increased so steadily? In what other ways has the office evolved? And when all is said and done, is today's speaker any more powerful than three decades ago?

A. More Staff But More Work

Britt and his predecessors usually had only a secretary and the help of college student interns. The speaker now can seek assistance from both a

personal staff of well-educated specialists like Harris, Briggs, and Fitzsimon, and a much larger staff in the legislature's bill drafting, automated systems, general research, and fiscal research divisions.

Blue has a staff of six employees and a budget of nearly \$525,000 a year.¹ While Britt occupied a suite of two small offices, Blue's staff fills seven offices in the newly remodeled, 2300 quadrant of the Legislative Building. (Senate President Pro Tempore Marc Basnight and his staff similarly have occupied the 2000 quadrant.)

Of course, the entire legislative staff has mushroomed since Britt held the speaker's office nearly three decades ago. In Britt's day, the only legislative employees were temporaries, the principal clerks, and secretaries. The janitors were employed by the executive branch. On July 30, one week after the 1993 session adjourned, the Legislative Services Commission issued paychecks to 148 full-time, permanent employees.

Observers say the responsibilities of the speaker's office have grown on nearly every front—from selecting people for appointments to a bur-

geoning number of committees and commissions to even the seemingly mundane task of answering constituent mail. Kaye Gattis, former Speaker Carl Stewart's secretary from 1977 to 1980 and now administrative assistant to Lt. Gov. Dennis Wicker, says growth has been

tremendous in constituent contact with officeholders like House speaker, governor, and lieutenant governor. Someone must answer that mail.

Staff also has grown for reasons other than administration. In 1968, the General Assembly hired its first legislative services officer, John Brooks.² The action was North Carolina's entry in a nationwide movement to make state legislatures more professional and independent. In 1970, the General Assembly hired its first full-time lawyer, Clyde Ball, making him head of the General Research Division. And in 1972, the Assembly hired Fiscal Research Director Mercer Doty and three fiscal analysts.

Since those hirings, the staff increases have been steady. With the exception of 1983, legislative staff has increased every year for 21 years,

"Clearly, we see now, that [the speakership] can be a position of affirmative and aggressive leadership."

—GOV. JIM HUNT

Paul O'Connor is a columnist for the Capitol Press Association. He has covered the General Assembly since 1979.

sometimes by as many as 20 employees, as occurred in 1989.

Blue agrees that the biggest difference in the speaker of today and the speaker of Britt's era is staff, but he focuses on the *research* staff, rather than the *administrative* staff. "The resources available to me are tremendously different, and those resources bring about independence," says Blue. "The staff gives the legislative branch the ability to independently determine what the real facts are. We're not limited to getting our information just from lobbyists, just from the governor's office. We can determine on our own what state agency spending patterns are, what the tendencies of that agency are."

B. More Staff Enables the Speaker to Develop an Independent Agenda

Does independence for the speaker and the legislative branch bring more power to the office? The answer depends upon who you ask. But an independent speaker clearly has increased *resources* to pursue his own agenda, and many think that modern speakers now do that.

Gov. Jim Hunt, asked to cite the major difference between today's speaker and those in office when he became lieutenant governor in 1973, cites

the speaker's agenda. "Historically, speakers did not have programs that they supported," says Hunt. "Clearly, we see now, that [the speakership] can be a position of affirmative and aggressive leadership."

Reporters who covered the General Assembly in the 1960s agree. "The speaker's agenda was the governor's agenda," says Ted Harrison of the University of North Carolina Center for Public Television, who came to Raleigh in 1968 to cover politics for WFMY-TV in Greensboro. Russell Clay, who began covering the Assembly in 1959 and who ended his legislative career as a speechwriter for Speaker Liston Ramsey in 1989, says the speakers of the 1950s "didn't have an agenda to the extent that they do now. They were just there to preside."

That was also the case in the sessions of 1945 and 1947, recalls Rep. Vernon James (D-Pasquotank), who served two terms in the legislature in the 1940s, then returned in 1973. The speaker's agenda, he says, "was the governor's agenda."

Past speakers agree. Britt lists the four speakers he served under as a representative: Addison Hewlett in 1959, Joe Hunt in 1961, Cliff Blue in 1963, and Pat Taylor in 1965. Of each, he says the same thing. "If he had an agenda, I didn't know

Current Speaker Dan Blue presides over the House in 1993.



N.C. Division of Archives and History

**Table 1. Speakers of the North Carolina
House of Representatives,
1961–Present**

| Years Served | Representative | County |
|-------------------------------------|----------------------------|------------|
| 1961..... | Joseph M. Hunt Jr. | Guilford |
| 1963..... | H. Clifton Blue | Moore |
| 1965 and 1966 special session | H. Patrick Taylor Jr. | Anson |
| 1967..... | David M. Britt | Robeson |
| 1969..... | Earl W. Vaughn | Rockingham |
| 1971..... | Philip P. Godwin | Gates |
| 1973–1974* | James E. Ramsey | Person |
| 1975–1976..... | James C. Green | Bladen |
| 1977–1980..... | Carl J. Stewart Jr. | Gaston |
| 1981–1988..... | Liston B. Ramsey | Madison |
| 1989–1990..... | Josephus L. Mavretic | Edgecombe |
| 1991–Present ⁹⁴ | Daniel T. Blue Jr. | Wake |
| 1995–1998 | Harold Brubaker | |
| 1999– | Jim Black | |

* In 1974, the legislature began meeting annually, rather than every other year, adding a short session in even-numbered years at which the primary business would be to fine-tune the biennial budget.

what it was.” Taylor, he says, was an exception to some extent in that he sought to modernize the state’s court system.

Yet even Taylor professes not to have had an agenda, and says that was typical of speakers of his day. “As speaker, I made an effort to promote the governor’s program,” he says.

Taylor says the speaker’s job was to make committee appointments and assign bills to those committees in a way that would assure that legislation got a fair hearing—not to exercise power or pursue an agenda. That, he says, was the job of the governor, not a state representative elected by district. “The governor is elected by the whole state,” says Taylor. “He should have right much influence when he proposes something.”

Blue has been open about his own agenda. In the 1993 session, for example, issues he supported included: raising standards for child care; improving child protective services; strengthening public education; providing increased funding for low-wealth public school districts; and reforming the

health care system to provide universal coverage for all North Carolina citizens.

Like speakers before him, Blue also worked the appropriations process effectively. He carved out \$4.2 million from the state capital budget for a health sciences building at North Carolina Central University in Durham, his undergraduate alma mater, and—taking care of his home county—set aside \$5 million in the state budget in case it was needed to secure a London route for Raleigh-Durham International Airport.

Looking ahead to 1994 and beyond, Blue’s chief concerns are crime and punishment, further work on obtaining a universal health plan for North Carolina citizens, economic development, government efficiency and effectiveness, and issues affecting children and families.

Blue scoffs at the notion that other speakers had no agenda. “I think some of them had something of an agenda,” he says. “They were among some of the chief policymakers of the state. They can claim that they did not have an agenda, but



N.C. Division of Archives and History

***Lt. Gov. Pat Taylor presiding over the Senate in 1971.
Taylor was House Speaker in 1965-66.***

even if they were not proactive, you're going to have an agenda to react. They may not have been as tightly defined as some of my ideas, but if they didn't have an idea [of what they wanted to do in terms of policy], they shouldn't have run for office."

Whether they had a clearly stated agenda, other speakers certainly exerted their will through the office. For example, four-term House Speaker Liston Ramsey, a Madison County Democrat, used the power of the office to control the budget process, build the strength of the legislative branch versus the executive branch, and direct numerous multi-million dollar capital projects to western North Carolina. And with Republican Governor James G. Martin in office for two of Ramsey's four terms, the mountain populist had a clear agenda to *oppose* Martin's agenda.

II. Other Institutional Changes in the Speaker's Office

While the office of the speaker has evolved toward a fully staffed office that enables an independent agenda, there also have been institutional changes that have helped the office consolidate power. Among these are succession (the ability of the speaker to seek more than one consecutive term), the evolution of the speaker's office to a full-time position, and, indirectly, the legislature's removal—or stripping—of certain powers from the lieutenant governor's office.

A. Serving Multiple Terms: the Most Important Institutional Change?

The freedom to run for the speaker's office more than once often is cited as a way in which the

power of the speaker has grown. Since 1979, when Carl Stewart won a second term as speaker and broke a century-old tradition of one-term speakers, speakers have had the option of seeking to succeed themselves.³ Stewart held the job for two terms, Liston Ramsey for four, and Mavretic for one. Blue is in his second term and leaning

toward seeking a third.

Taylor, in fact, calls this succession issue the most dramatic change in the power of the speaker since he held the office in 1965. And Taylor credits succession with breaking a long-standing tradition of alternating the speakership between the east and the west. "Of course it was an unwrit-

The Roots of the Speaker's Power

The Office of the Speaker of the N.C. House of Representatives, unlike that of the Lieutenant Governor, derives none of its powers from the state Constitution. The Constitution says only that, "The House of Representatives shall elect its Speaker and other officers."¹ Instead, most of the speaker's powers are rooted in the easily modified House Rules. State statutes also place the speaker on several boards and commissions and give the speaker authority to make appointments to dozens more. The speaker's powers and their origins are as follows:

A. Powers Derived from State Statutes

1. The power to make outright or to recommend to the General Assembly 323 appointments to 120 boards and commissions in the executive branch. These powers are authorized under N.C.G.S. 120-121 and 120-123 and various other state statutes. (See Tables 4 and 5 for a complete listing of appointments to policy-making and advisory boards controlled by the speaker.)
2. The speaker serves as a member of:
 - The Legislative Research Commission (ex officio), N.C.G.S. 120-30.10(a);
 - The Legislative Services Commission, N.C.G.S. 120-31(a);
 - The Capital Planning Commission, N.C.G.S. 143B-374(a);
 - The Council on Interstate Cooperation, N.C.G.S. 143B-380(2);
 - The Committee on Inaugural Ceremonies (ex-officio), N.C.G.S. 143-533;
 - The Economic Development Board, N.C.G.S. 143B-434, and;
 - Health Planning Commission, N.C.G.S. 143-611.

B. Powers Derived from House Rules

3. The power to preside over the House (1993-94 House Rule 6);
4. The power to control floor debate (1993-94 House Rule 7);
5. The power to decide points of order (1993-94 House Rule 9);
6. The power to vote or reserve the right to vote on legislation before the House (1993-94 House Rule 25);
7. The power to appoint committees and committee chairs (1993-94 House Rule 29);
8. The power to assign bills to committee (1993-94 House Rule 32).

FOOTNOTE

¹ Article II, Sec. 15 of the N.C. Constitution.



Karen Tam

Former Speaker Liston Ramsey (1981–1988) hears out Rep. Howard Chapin (D-Beaufort) following Ramsey's defeat for a fifth term as House Speaker in January 1989.

ten law, and there was never any clearly defined line of where the east ended and the west started," says Taylor.

Succession, he says, ended the tradition by giving Stewart, a westerner from Gastonia, a second term. Then Ramsey, a mountain populist from the far west, buried the tradition by winning a second, and then a third and a fourth term. "Everything disappeared with that of course," says Taylor.

Blue also says that the tradition of alternating the speaker's office between the east and the west now is a relic. "The speaker before me was from the east and I'm from the east and I've been elected twice," he says.

Hawk Johnson, a lobbyist who has followed the General Assembly since 1969, agrees with Taylor that succession resulted in a dramatic boost in the powers of the speaker. "The biggest change has been succession," he says. "It stopped the political parade through here every two years and kept new leadership from developing. The speaker has more power today, and he can utilize more power because in recent years, [a member] knew

the leadership would change. Now, [a member] doesn't know if the speaker is for today or forever, and legislators have to subvert their desires to those of the leadership."

Stewart says he didn't break the succession tradition to increase his power. He says it was a reaction to changes in state law and in the state constitution that threatened to weaken the speaker's office.

On November 8, 1977, North Carolina voters agreed to a constitutional amendment that allows the governor and lieutenant governor to succeed themselves for a second term.⁴ In addition, the lieutenant governor's job had been made full-time under then Lt. Gov. Jim Hunt in 1973.

Representatives felt threatened in two ways. First, they feared that the traditional balance of power between the House and the Senate would be dissolved and the Senate would have an advantage. The lieutenant governor, who at that time appointed committees and routed bills to those committees, would be able to put a leadership team in place for up to eight years.⁵ Such permanency in politics leads to strength. The House, on

the other hand, would see its leadership change every two years. "We needed some balance over on the House side in terms of the respective influence of the presiding officer," Stewart says.

The second threat was to the legislature as a whole versus the executive branch. By allowing a governor to succeed himself, the voters had doubled some of the powers which a governor uses to influence legislators. The governor's ability to hire legislators and their friends—making them judges, utility commissioners, or transportation board members, for example—now potentially ran for eight years, not just four.⁶ It was a huge bargaining chip to use with legislators.

Succession, says Stewart, allowed his two terms as speaker to "fit nicely into the gubernatorial term." He served four years with Hunt as governor and Jimmy Green as lieutenant governor. The extra term also fit nicely with Stewart's political plans. He stayed in the speaker's chair just long enough to challenge Green in the 1980 Democratic primary for lieutenant governor but, like a line of previous speakers (including Taylor and Joe Hunt, who served in 1961 and wanted to be governor), his ultimate political ambitions were never fulfilled. He lost.

That's not to say that the speaker's office can't be a launching pad to higher office. Nationally, 21 speakers have run for governor during the past 17 years. Five have been successful and four of those five have won a second term. (See "The Speaker's Office as a Political Stepping Stone?" page 30, for more on this topic.)

Still, among Southerners, only Tennessee Democrat Ned McWherter has made the direct

transition from the speaker's office to the governor's mansion. One difficulty is that the speaker is elected by district and is likely to have less name recognition than the lieutenant governor, who is elected statewide. But clearly, succession has helped raise the profile of the speaker's office in North Carolina. For the ambitious politician, the speaker's office may yet prove to be a direct path to the governor's mansion in North Carolina.

B. The Speaker's Office Becomes a Full-Time Job

Despite being elected by district, the office of speaker has the statewide responsibilities that come with directing a legislative chamber representative of the entire state and through which all legislation must pass. These responsibilities were enhanced with the evolution to a full-time position. This institutional change occurred during the tenure of Liston Ramsey, who succeeded Stewart. Ramsey had no ambitions beyond speaker and was ready to serve in the post indefinitely.⁷ In his four terms, he probably brought more power to the office than it ever had before.

When Ramsey became speaker in 1981, House members were anxious to regain parity with the Senate. There was a sense that the House as an institution had fallen behind, despite Stewart's two activist terms. Roger Bone, now a lobbyist but then a representative, recalls a joint meeting of the House and Senate appropriations committees at which the budget was being considered. "Ed Holmes, who was our chairman of appropriations [in 1979-80], was standing at the podium saying that this was not the Senate's budget that was about to be approved, that the House had had some input. And nobody believed him."

Al Adams, a lobbyist now but co-chairman of House Appropriations in 1981, says Ramsey felt strongly when he took the speakership that "the House needed to be the equal of the Senate and that our members ought to be made to feel that they are part of the process."

Ramsey says, "I took the position, and still do, that there is no upper house. There's one house with 50 members and that's the Senate, and there are 120 state representatives, and we've earned that title." Members in both chambers serve two-year terms.

Ramsey set about finding inequities in resources available to the upper and lower houses and eliminating them. If the lieutenant governor's office had a certain number of staff positions,

—continued on page 32

"I took the position, and still do, that there is no upper house. There's one house with 50 members and that's the Senate, and there are 120 state representatives, and we've earned that title."

—FORMER SPEAKER LISTON RAMSEY
(D-MADISON)

The Speaker's Office as a Political Stepping Stone?

by Thad Beyle

How successful are speakers of the house in moving directly from the legislative chamber to the chief executive's chair? Or, in political science jargon, in how many races has the speakership been the "penultimate" office for candidates en route to the governorship?

During the 1977–1993 electoral period, there were 216 gubernatorial elections in the 50 states. Speakers and former speakers of the house were involved in 26 of these races (12 percent), with nine of them winning (35 percent). The winners include four incumbent governors who had moved directly from the speaker's office to the governorship for their first term, then won re-election.¹ In effect, 21 speakers have sought to move directly to become governor, five have been successful, and four have been able to serve a second term.

While the *number* of speakers entering governor's races nationwide is relatively low, the *success rate* of those who do enter compares favorably with offices more typically thought to be stepping stones to the governorship. (See Table 2, p. 31.) A total of 61 lieutenant governors entered governor's races from 1977–1993 and 17 were successful, a success rate of 28 percent. As for attorneys general, 53 entered the 216 governor's races, and 14 won, for a success rate of 26 percent. So for the period examined, the odds of a speaker who enters a governor's race actually winning are more favorable than for either lieutenant governors or attorneys general. It's just that fewer speakers enter.

Eight of the speaker candidates lost their bid for the governorship in their own party's primary, indicating that the power they have among their elected party colleagues in the state house was not transferable to party primary voters. The other nine lost in the general election, including one former speaker seeking a second term as governor.²

Of the 26 races, 11 were in Western states (all Republican speakers or former speakers), and seven were in Midwestern states (four Democrats and three Republicans). Three races were in the Northeast (all Republicans), and five were in the South (all Democrats).³ Seven of the 21 individual speaker candidates were Democrats, and 14 were Republican.

Kansas has provided a virtual yellow brick road from the speaker's office to the governorship. Five speakers sought the office and only two met the wicked witch of electoral defeat. In fact, the governor of Kansas has been a former speaker for 13 of the past 17 years. New Jersey, Tennessee, and Utah have had speakers run and win two terms during the period. These are the only four states in which speaker candidates have been successful. (See Table 3.)

Most of the action for speakers occurred in the 1978–1986 period, when 21 of the 26 entered the governor's race. Since then, there have been only the re-election bids by three former speaker/incumbent governors initially elected in the mid-1980s, and two unsuccessful candidacies in 1990 by Don Avenson (D-Iowa) and Tom Loftus (D-Wisconsin).

As for the current speaker of the North Carolina House, Dan Blue (D-Wake), he has been mentioned as a possible gubernatorial candidate. But that wouldn't be until 1996 or thereafter. No North Carolina speaker tried to move directly from the speaker's office to the governor's mansion during the period analyzed here (1977–1993). Events in Kansas, New Jersey, Tennessee, and Utah show it *can* be done. But it's a gamble.

FOOTNOTES

¹ John Carlin (D-Kansas) won in 1978 and 1982, Tom Kean (R-New Jersey) won in 1981 and 1985, Ned McWherter (D-Tennessee) won in 1986 and 1990, and Norman Bangerter (R-Utah) won in 1984 and 1988.

² Mike Hayden (R-Kansas) lost his 1990 re-election bid.

³ The unsuccessful speaker candidates from southern states were: Joe McCorquodale (D-Alabama) in 1982, "Bubba" Henry (D-Louisiana) in 1979, and Clyde See (D-West Virginia) in 1984. Ned McWherter (D-Tennessee) won in 1986 and 1990.

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Table 2. Odds on Lieutenant Governors, Attorneys General, and Speakers Entering and Winning the Governor's Races, 1977-93 ¹

| | Lieutenant Governor | Attorney General | House Speaker |
|--------------------------|------------------------|---------------------|------------------|
| Number of governor races | 216 | 216 | 216 |
| Number in race | 61 | 53 | 26 |
| Percent in race | 28 | 25 | 12 |
| Odds: getting in race | 3.5-1 | 4.1-1 | 8.3-1 |
| Number of races | 61 | 53 | 26 |
| Number won | 17 | 14 | 9 |
| Percent won | 28 | 26 | 35 |
| Odds: winning race | 3.6-1 | 3.8-1 | 2.9-1 |
| Number of primaries | 61 | 53 | 26 |
| Number won | 30 | 30 | 18 |
| Percent won | 49 | 57 | 69 |
| Odds: winning primary | 2-1 | 1.8-1 | 1.4-1 |
| Number general elections | 31 | 29 | 18 |
| Number won | 17 | 14 | 9 |
| Percent won | 55 | 48 | 50 |
| Odds: winning election | 1.8-1 | 2.1-1 | 2-1 |

¹ The discrepancy in having 30 attorneys general winning yet only 29 attorneys general running in the general election, and in having 30 lieutenant governors winning and 31 lieutenant governors running in the general election is due to the politics involved in the 1986 Alabama gubernatorial second primary. The attorney general, Charles Graddick, won by a close vote but was disqualified as the party's candidate. The disqualification of Graddick, a Democrat, occurred after the party determined Alabama's voting laws were violated when Republicans were allowed to cross over to vote in the Democratic party primary. The runner up, Lt. Gov. Bill Baxley, was declared the party nominee but lost in the general election.

Table 3. Number of Speakers Running for Governor, 1977-93, and States With Speakers in the Governor's Race

| | |
|---------------------------------------|----------------------------|
| 1977: 0 | 1986: 4 — AK, KS*, TN*, WY |
| 1978: 4 — AK, ID, KS*, NY | 1987: 0 |
| 1979: 1 — LA | 1988: 1 — UT* |
| 1980: 1 — WA | 1989: 0 |
| 1981: 1 — NJ* | 1990: 4 — IA, KS, TN*, WI |
| 1982: 7 — AL, AK, CO, ID, KS*, KS, WY | 1991: 0 |
| 1983: 0 | 1992: 0 |
| 1984: 2 — UT*, WV | 1993: 0 |
| 1985: 1 — NJ* | |

* denotes winner

Tables by Thad Beyle

Ramsey wanted the same number in the speaker's office. He wanted the two officials to have the same budget. He wanted the speaker to have the same number of appointments to boards and commissions as the Senate leaders did (either the lieutenant governor or the president pro tempore). And he made the speaker's job full-time, year-round.

"Liston was the first [speaker] to put in four-and-a-half days a week in the office in Raleigh," says Dot Barber, Ramsey's committee clerk and administrative officer since 1969. "Other speakers always had jobs to return to. Carl had his law practice. Green [who was speaker in 1975] had his warehouses."

Ramsey says he began serving full-time because the job had expanded. "I felt like it was my job," he says. "We [the General Assembly] had a staff, and somebody needed to be here to see that they came to work in the morning. I felt I owed it to the taxpayers, and, also, we had gotten into the study commission business pretty heavy."

The job that speakers like Taylor had been able to put behind them at the end of a legislative session—"Pat locked up the door and went home to his law practice," Barber recalls—had now evolved into a year-round position. In 1985, the General Assembly recognized Ramsey's full-time commitment by raising his salary from \$13,860 to \$25,044.

C. Election of Republicans in the Executive Branch

The election of Republican Governor Martin in 1984 helped focus additional attention on the legislative leadership, as the legislature remained firmly under the control of Democrats. Although Martin was the *second* contemporary Republican governor, his predecessor, James E. Holshouser (1973–1977), had been a former legislator more inclined to work cooperatively with the legislature. Thus, his style was less contentious and his single term had less impact on the power equation between the legislative and executive branches.

Jim Martin, however, served two terms as governor and adopted a more partisan style. During Martin's first term, Democrats still controlled the lieutenant governor's office, so the leading opposition voice belonged to Democratic Lt. Gov. Bob Jordan. But when Martin was elected to a *second* term in 1988 and Republicans also captured the lieutenant governor's office, the Democratic speaker became the primary voice of the opposition party.

The stage was set for a showdown over powers, and the legislature wasted no time in asserting its will. One of its first actions in the 1989 session was to strip certain key powers held by the lieutenant governor. Until James C. Gardner took office, the lieutenant governor had a foot in both the executive and legislative branches of state government. But with Gardner in the post and Martin in the governor's mansion, the legislature decided to place the lieutenant governor more firmly in the executive branch. It stripped the lieutenant governor's primary legislative powers—the ability to appoint committees and committee chairmen and to assign bills to those committees.⁸

Those duties were rooted in Senate rules rather than in state statutes or the constitution. The Senate's Democratic leadership argued that the majority party had the right to organize committees. In January 1989, it gave the president pro tempore of the Senate the power to appoint committee members and chairs and the power to assign bills to committee. The lieutenant governor's main legislative duty became presiding over the session, with the power to vote only in the case of ties.⁹

This had an impact on the speaker, because the president pro tempore, unlike the lieutenant governor, is elected by the Senate from within its ranks and is not a statewide elected official. Now the speaker—elected by the House—had an equal shot at becoming the unofficial spokesperson for the Democratic Party, and Blue ultimately assumed the mantle. (See page 40-41 for more on the development of the office of Senate President Pro Tempore.)

III. The Speaker's Ability to Affect Policy Issues

Even when a Democrat, Dennis Wicker, was elected lieutenant governor in 1992, the 1993 General Assembly chose not to return the powers it had removed from the office. The legislature had become more independent and did not wish to yield key legislative powers to an executive branch official, even if that official were a Democrat.

A. The Use of the Speaker's Power to Assign Bills to Committee

Blue, in particular, did not shy away from showdowns with the governor when his beliefs were tested. Instead, he used the time-honored power tools of the speaker's office—such as the committee structure—to win the day. Take, for example, Blue's response when Governor Hunt

urged the legislature to place a constitutional amendment on the ballot awarding the governor veto power. Blue sent the veto legislation to its burial in the unfriendly Constitutional Amendments and Referenda Committee, chaired by his close ally, House Majority Leader Toby Fitch (D-Wilson).

A similar incident occurred when Hunt changed his previous opposition to a state lottery and decided it was time to let the voters decide whether to approve a lottery in a state referendum. Blue—a staunch lottery opponent—didn't think so. He sent lottery legislation to the same committee, where it never came up for a vote.

Blue—like speakers before him—accomplished his legislative objectives without introducing substantive legislation or voting on major issues before the House. By tradition, the speaker

rarely introduces legislation, and he only votes when he thinks it appropriate, which is hardly ever. The power to decide who sits where in the House committee structure and to play traffic cop over the flow of legislation to those committees was enough to determine the outcome for both the veto and the lottery in the 1993 session.

B. Use of Authority to Organize the House

These highly publicized showdowns with the governor highlighted the power of the speaker's office and the prominence of the individual serving in that office. But there are other ways to wield power through the speaker's office. For example, the speaker can use his authority over House procedure for everything from controlling what policy is set in the budget bill to reorganizing the commit-

—continued on page 38

House Speaker Joe Mavretic, Senate President Pro Tempore Henson Barnes and Lt. Gov. Jim Gardner confer in this 1989 photo.



Karen Tam

Table 4. Appointments of the N.C. Speaker of the House to Boards and Commissions in the Executive Branch: Where the General Assembly Appoints Upon the Recommendation of the Speaker

| Name of Board | Citation in N.C. General Statutes | Appointments | | |
|---|-----------------------------------|-------------------------|-------------|-------------------------|
| | | Total Number by Speaker | of Citizens | of Members of the House |
| 1. Agricultural Finance Authority, N.C. | 122D-4 | 3 | 3 | 0 |
| 2. Air Cargo Airport Authority, N.C. | 63A-3 | 3 | 3 | 0 |
| 3. Aquariums Commission, N.C. | 143B-344.17 | 4 | 4 | 0 |
| 4. Arboretum, Western N.C. Board of Directors | 116-243 | 2 | 2 | 0 |
| 5. Art, N.C. Museum of, Board of Trustees | 140-5.13 | 2 | 2 | 0 |
| 6. Banking Commission, State | 53-92 | 1 | 1 | 0 |
| 7. Building Commission, State | 143-135.25 | 3 | 3 | 0 |
| 8. Child Day Care Commission | 143B-168.4 | 4 | 4 | 0 |
| 9. Crime Victims Compensation Commission | 15B-3 | 1 | 1 | 0 |
| 10. Criminal Justice Education and Training Standards Commission, N.C. | 17C-3 | 1 | 1 | 0 |
| 11. Deferred Compensation Plan, N.C. Public Employee Board of Trustees | 143B-426.24 | 1 | 1 | 0 |
| 12. Disabilities, Governor's Advocacy Council for Persons with | 143B-403.2 | 7 | 7 | 0 |
| 13. Economic Development Commission, Northeastern North Carolina Regional | 158-8.2 | 5 | 5 | 0 |
| 14. Economic Development Commission, Southeastern North Carolina Regional | 158-8.3 | 5 | 5 | 0 |
| 15. Economic Development Commission, Western North Carolina Regional | 158-8.1 | 5 | 5 | 0 |
| 16. Environmental Management Commission | 143B-283 | 2 | 2 | 0 |
| 17. Family Centered Services Advisory Committee | 143B-150.7 | 4 | 1 | 3* |
| 18. Farmers Market Commission, Northeastern N.C. | 106-720 | 4 | 4 | 0 |
| 19. Farmers Market Commission, Southeastern N.C. | 106-727 | 4 | 4 | 0 |
| 20. Fire and Rescue Commission, State | 58-78-1 | 1 | 1 | 0 |
| 21. Genetic Engineering Review Board | 106-769 | 1 | 1 | 0 |
| 22. Health Insurance Trust Commission, N.C. | 58-68-15 | 4 | 4 | 0 |
| 23. Housing Finance Agency, Board of Directors | 122A-4 | 4 | 4 | 0 |
| 24. Housing Partnership, N.C. | 122E-4 | 5 | 5 | 0 |
| 25. Indian Affairs, State Commission of | 143B-407 | 1 | 1 | 0 |
| 26. Information Resource Management Commission | 143B-426.21 | 1 | 1 | 0 |
| 27. Low-Level Radioactive Waste Management Authority, N.C. | 104G-5 | 5 | 5 | 0 |
| 28. Major Medical Plan, Board of Trustees of the Teachers' and State Employees' | 135-39 | 3 | 3 | 0 |
| 29. Manufactured Housing Board, N.C. | 143-143.10 | 2 | 2 | 0 |
| 30. Medical Database Commission, N.C. | 131E-211 | 4 | 4 | 0 |

Table 4. *continued*

| Name of Board | Citation in N.C. General Statutes | Appointments | | |
|---|--|-------------------------------|----------------|-------------------------------|
| | | Total Number by Speaker | of Citizens | of Members of the House |
| 31. Mental Health, Developmental Disabilities, and Substance Abuse Services, Commission for | 143B-148 | 2 | 2 | 0 |
| 32. Milk Commission, N.C. | 106-266.7 | 2 | 2 | 0 |
| 33. Nursing Board of Directors, N.C. Center for | 90-171.71 | 4 | 4 | 0 |
| 34. Nursing Scholars Commission, N.C. | 90-171.60 | 3 | 3 | 0 |
| 35. On-Site Wastewater Systems Institute, N.C., Board of Directors | 130A-344 | 5 | 5 | 0 |
| 36. Petroleum Underground Storage Tank Funds Council, N.C. | 143-215.94O | 5 | 5 | 0 |
| 37. Ports Authority, N.C. State | 143B-452 | 2 | 2 | 0 |
| 38. Principal Fellows Commission, N.C. | 116-74.41 | 1 | 1 | 0 |
| 39. Private Protective Services Board | 74C-4 | 3 | 3 | 0 |
| 40. Property Tax Commission | 105-288 | 1 | 1 | 0 |
| 41. Public Officers and Employees Liability Insurance Commission | 58-32-1 | 1 | 1 | 0 |
| 42. Public Telecommunications Commissioners, N.C. Board of | 143B-426.9 | 2 | 2 | 0 |
| 43. Teachers' and State Employees' Retirement System Board of Trustees | 135-6 | 1 | 1 | 0 |
| 44. School Facility Needs, Commission on | 115C-489.4 | 5 | 5 | 0 |
| 45. School of Science and Mathematics Board of Trustees, N.C. | 116-233 | 2 | 2 | 0 |
| 46. School Technology, Commission on | 115C-102.5 | 4 | 4 | 0 |
| 47. Science and Technology, N.C. Board of | 143B-426.31 | 1 | 1 | 0 |
| 48. Seafood Industrial Park Authority, N.C. | 113-315.25 | 1 | 1 | 0 |
| 49. Solid Waste Management Capital Projects Financing Agency, N.C. Board of Directors | 159I-4 | 1 | 1 | 0 |
| 50. State Farm Operations Commission | 106-26.13 | 1 | 1 | 0 |
| 51. State Health Plan Purchasing Alliance Board | 143-625 | 3 | 3 | 0 |
| 52. Teaching Fellows Commission, N.C. | 115C-363.23 | 3 | 3 | 0 |
| 53. Teaching, N.C. Center for the Advancement of, Board of Trustees | 116-74.7 | 2 | 2 | 0 |
| 54. Therapeutic Recreation Certification, N.C. State Board of | 90C-5 | 2 | 2 | 0 |
| 55. Transportation, N.C. Board of | 143B-350 | 1 | 1 | 0 |
| 56. Travel and Tourism Board, N.C. | 143B-434.1 | 4 | 2 | 2 |
| 57. UNC Center for Public Television Board of Trustees | 116-37.1 | 1 | 1 | 0 |
| 58. Veterans' Memorial Commission | 143B-133 | 5 | 5 | 0 |
| 59. Watershed Protection Advisory Council | 143-214.6 | 2 | 2 | 0 |
| 60. Wildlife Resources Commission, N.C. | 143-241 | 1 | 1 | 0 |
| Totals: | | 163 | 156 | 7 |

* The statute does not limit the speaker's legislative appointments to House members.

**Table 5. Appointments of the N.C. Speaker of the House:
Where the Speaker Alone Makes Appointments to Boards and
Commissions in the Executive Branch**

| Name of Board | Citation in N.C. General Statutes | Appointments | | |
|--|--|-------------------------------|----------------|-------------------------------|
| | | Total Number by Speaker | of Citizens | of Members of the House |
| 1. Abandoned Cemeteries, Advisory Committee | 143B-128 | 1 | 1 | 0 |
| 2. Advisory Budget Commission | 143-4 | 5 | 0 | 5 |
| 3. Aging, Governor's Advisory Council on | 143B-181 | 2 | 2 | 0 |
| 4. Air Quality Compliance Advisory Panel | 143B-318 | 1 | 1 | 0 |
| 5. Andrew Jackson Historic Memorial Committee | 143B-132 | 6 | 6 | 0 |
| 6. Aquaculture Advisory Board | 106-760 | 1 | 0 | 1 |
| 7. Biotechnology Center (Established by N.C. Board of Science and Technology) | Bylaws of Biotechnology Center | 5 | 5 | 0 |
| 8. Cancer Coordination and Control Advisory Committee | 130A-33.50 | 4 | 1 | 3 |
| 9. Capital Planning Commission, N.C. | 143B-374 | 4 | 0 | 4 |
| 10. Cherokee, N.C. Eastern Band of, Advisory Council on | 143B-411.1 | 1 | 0 | 1* |
| 11. Child Fatality Task Force, N.C. | 143-573 | 7 | 5 | 2 |
| 12. Children from Birth to Five with Disabilities and Their Families, Interagency Coordinating Council for | 143B-179.5 ** | 2 | 0 | 2 |
| 13. Children and Youth, Governor's Advocacy Council on | 143B-415 | 2 | 0 | 2 |
| 14. Children, N.C. Partnership for | 143B-168.12 | 6 | 6 | 0 |
| 15. Consumer and Advocacy Advisory Committee for the Blind | 143B-164 | 1 | 0 | 1 |
| 16. Courts Commission, N.C. | 7A-506 | 6 | 3 | 3* |
| 17. Crime Commission, Governor's | 143B-478 | 2 | 0 | 2 |
| 18. Criminal Justice Partnership Advisory Board, State | 143B-272.6 | 3 | 2 | 1 |
| 19. Deaf and Hard of Hearing, Council for | 143B-216.32 | 1 | 0 | 1 |
| 20. Economic Development Board | 143B-434 | 4 | 0 | 4 |
| 21. Education Commission of the States | 115C-104 | 1 | 0 | 1* |
| 22. Educational Facilities Finance Agency, N.C., Board of Directors of | 115E-4 | 1 | 1 | 0 |
| 23. Educational Services for Exceptional Children, Council on | 115C-121 | 2 | 0 | 2 |
| 24. Education Standards and Accountability Commission | 115C-105.2 | 4 | 3 | 1 |

Table 5. *continued*

| Name of Board | Citation in N.C. General Statutes | Appointments | | |
|---|--|-------------------------------|----------------|-------------------------------|
| | | Total Number by Speaker | of Citizens | of Members of the House |
| 25. Emergency Medical Services Advisory Council | 143-510 | 2 | 0 | 2 |
| 26. Energy Policy Council | 113B-3 | 2 | 0 | 2 |
| 27. Family, Commission on the | 120-70.72 | 5 | 2 | 3 |
| 28. Farmworker Council, N.C. | 143B-426.25 | 2 | 2 | 0 |
| 29. General Statutes Commission | 164-14 | 1 | 0 | 1 |
| 30. Health Planning Commission, N.C. | 143-611 | 5 | 0 | 5 |
| 31. Holocaust, N.C. Council on | 143B-216.21 | 6 | 6 | 0 |
| 32. Home and Community Care for Older Adults, Advisory Committee on | 143B-181.9A | 1 | 0 | 1 |
| 33. Human Relations Commission | 143B-392 | 2 | 2 | 0 |
| 34. Inaugural Ceremonies, Committee on | 143-533 | 3 | 3 | 0 |
| 35. Indian Education, State Advisory Council on | 115C-210.1 | 1 | 0 | 1 |
| 36. Infant Mortality, Governor's Commission on Reduction of | Executive Order 99 (Dec. 1989) | 1 | 0 | 1 |
| 37. Internship Council, N.C. | 143B-418 | 1 | 1 | 0 |
| 38. Library Commission, State | 143B-91 | 1 | 1 | 0 |
| 39. Local Government Advocacy Council | 143-506.14 | 2 | 0 | 2 |
| 40. Local Government Commission | 159-3 | 1 | 1 | 0 |
| 41. Low-Level Radioactive Waste Management Compact Commission Advisory Committee | 104F-4 | 2 | 2 | 0 |
| 42. Martin Luther King Jr. Commission | 143B-426.34B | 2 | 2 | 0 |
| 43. Minority Health Advisory Council | 130A-33.4 | 5 | 3 | 2 |
| 44. Motor Vehicle Dealers' Advisory Board | 20-305.4 | 3 | 3 | 0 |
| 45. Physical Fitness, Governor's Council on | 130A-33.41 | 1 | 0 | 1 |
| 46. Pollution Prevention Advisory Council | Chap. 501, 1993 Session Laws | 4 | 4 | 0 |
| 47. Quality Leadership Awards Council | Executive Order 10 (May 1993) | 1 | 1 | 0 |
| 48. Rail Council, N.C. | 143B-363 | 2 | 2 | 0*** |
| 49. Recreation and Natural Heritage Trust Fund Board of Trustees | 113-77.8 | 3 | 3 | 0 |
| 50. School Health Advisory Committee, State | 115C-81(e)(6)c. | 1 | 0 | 1 |
| 51. Sentencing and Policy Advisory Commission, N.C. | 164-37 | 4 | 1 | 3 |
| 52. Sheriffs' Education and Training Standards Commission | 17E-3 | 1 | 1 | 0 |

—table continues on next page

Table 5. *continued*

| Name of Board | Citation in N.C. General Statutes | Appointments | | |
|---|--|-------------------------------|----------------|-------------------------------|
| | | Total Number by Speaker | of Citizens | of Members of the House |
| 53. Site-Based Management, Task Force on | 115C-238.7 | 6 | 4 | 2 |
| 54. Southern Growth Policies Board | 143-492 | 1 | 0 | 1 |
| 55. Southern States Energy Board | 104D-2 | 1 | 0 | 1 |
| 56. Substance Abuse Advisory Council | 143B-270 | 3 | 3 | 0 |
| 57. Teacher Academy Plan/Task Force on Teacher Staff Development | Chaps. 321 & 553, 1993 Session Laws | 4 | 4 | 0 |
| 58. Teacher Training Task Force | Chap. 561, 1993 Session Laws | 1 | 0 | 1 |
| 59. Vagabond School of Drama and Flat Rock Playhouse | Playhouse and School Bylaws | 2 | 2 | 0 |
| 60. Vocational Rehabilitation Advisory Council | 143-548 | 5 | 5 | 0 |
| Totals: | | 160 | 94 | 66 |

* The statute does not limit the speaker's legislative appointments to House members for these boards and commissions.

** These appointments are recommended by the speaker but appointed by the governor .

*** The statute says the speaker's appointments to the Rail Council "may" be members of the General Assembly but does not require it.

—*continued from page 33*

tee structure to improve its handling of legislation.

For example, the speaker and the president pro tempore of the Senate can exercise a great deal of control over the use of special provisions in the budget bill, and Blue has taken steps in this direction. In addition to appropriating state funds, the budget bill often is used for other policy changes—sometimes related to the budget bill and sometimes not. These additional changes generally are called special provisions, and they sometimes run far afield of their intended purpose of determining how state funds are spent. The North Carolina Center for Public Policy Research has opposed what it defines as inappropriate use of special provisions in the budget bill. The Center detected an increase in inappropriate special provisions in the 1993 budget bill. (For more on the speaker's role in shaping a budget bill and the use of special

provisions in budget bills to change state policies, see "Pandora's Box Revisited" sidebar on special provisions, pp. 42–43.)

Blue also has taken steps to streamline the committee structure of the House—once considered among the most unwieldy in the nation. Members complained that they sometimes had to be in two places at once or had little time for substantive debate on some issues. By his second term, Blue had cut the number of committees from a recent high of 59 committees and subcommittees under House Speaker Joe Mavretic to the current 44. "I'm trying to accommodate as many desires of the members so they can pursue as many things as they want to pursue, but also to maintain a reasonable number of committees to improve the flow of legislation," says Blue.

One of Blue's innovations was to lump subject areas that seemed to overlap into one commit-

tee. This change was intended to prevent legislation from being reported back to the House floor, only to be re-referred to another committee. Another change was to create subcommittees under major subject areas and give subcommittee chairs the authority to report legislation directly to the House floor. For example, the education committee chaired by Rep. Anne Barnes (D-Orange) is divided into two subcommittees: community colleges and university affairs; and preschool, elementary, and secondary education.

Blue says any further reduction in the number of committees would mean increasing workloads to such an extent that committees would have to meet when the legislature is out of session. "We're at a critical point now," says Blue. "We can still operate as a part-time legislature." The actual length of legislative sessions, Blue says, is "shorter than it was six, eight, 10 years ago."¹⁰

But if North Carolina still has a citizen legislature, its speaker is clearly a professional. When the legislature finally adjourned, Blue didn't lock the door on the speaker's office and go home to his law practice.

Instead, he was off to San Diego, Calif., to participate in the National Conference of State Legislatures. Then Blue returned home to face the task of appointing legislators to the dozens of study commissions that would meet during the following 18 months, preparing recommendations for the 1994 and 1995 sessions of the General Assembly. He also would serve as co-chairman of both the Joint Governmental Operations Committee and Legislative Services Commission, oversee his staff, and execute a speaking schedule fit for a man with ambitions for higher office.

IV. Mitigating Factors in the Power Equation

Given all these developments in the evolution of the office—increased staff, succession, more intensive media coverage, and equal status among legislative leaders—isn't the modern speaker more powerful than were speakers of earlier times? To address that question, one must look at the other side of the power equation, at the powers the speaker has lost.

A. Loss of Pork Barrel Appropriations to Maintain Discipline

Rep. Harold Brubaker (R-Randolph), a nine-term member, cites one important loss: pork barrel money doled out to individual members. Until

1989, when the General Assembly stopped the practice, each legislator was provided with a small amount of money to spend on local projects in his or her district. In the 1987 session, for example, senators got \$70,000 each and House members got \$40,000 each.¹¹ Senators traditionally got the larger share because they represent more people. Groups like rescue squads, rape crisis centers, and arts centers were often the beneficiaries, and the Democratic leadership defended the appropriations as a way for state government to support local needs.

Brubaker says there also was another purpose. "Back in those days, the check coming back to the district was the way to keep discipline" within the rank and file, Brubaker says. He says lawmakers who failed to follow the leadership on certain key votes were subject to having their pork withheld.

Democrats denied that maintaining party discipline was the purpose of pork. "This was a GOP contention—not fact," says Raleigh lobbyist Al Adams, a long-time legislator (1975–1984) and former appropriations committee chairman.

Stewart says that other elements of the legislative process have changed enough that the answer is no—speakers are *not* as powerful today. "It's my theory that in my day and before that, the speaker's word was final," says Stewart. "The speaker's wishes would be upheld by the House if there was an issue he felt strongly about—although speakers mostly let the chips fall where they would on most issues."

B. The Rise of Consensus Building as a Leadership Style

"Today, there's a lot less certainty on issues as they come to the floor of the House," Stewart says, adding that today's speaker "governs much more by consensus than I had to. A speaker today must consult much more with his members, with a myriad of special interests." Stewart pauses for a moment, then concludes, "Maybe that's a change for the better."

In North Carolina, one reason for the more inclusive leadership style is the rise in minority party presence. With 42 members, Republicans comprise more than a third of the 120-member House. The Democratic majority no longer can suspend the rules with a two-thirds majority and ram legislation through in a single day.

Other states have experienced similar changes in the leadership style of House speakers. *State Legislatures*, the magazine of the National Conference of State Legislatures, in an article titled "Leadership 1980s Style," notes that the era of

speakers who ruled with an iron hand is past. Team play and consensus building are more the norm for getting things done in today's General Assembly. "It's more difficult to exercise leadership today," says Alan Rosenthal, director for the Eagleton Institute and a political science professor at Rutgers University in New Brunswick, N.J. "It is no longer possible for a single person to lead the body."¹²

C. A Stronger Minority Party Presence

Brubaker, Rep. John Brown (R-Wilkes), and Sen. Betsy Cochrane (R-Davie) say the trend toward shared power is for the better and that in North Carolina, their party is partly responsible for it. Brown, who first served in the General

Assembly in 1971, says the legislative process is much more open to the minority party today due to reforms implemented during the speakership of Rep. Joe Mavretic (D-Edgecombe) in 1989-90.

In 1989, Republican representatives joined 20 dissident Democrats and ousted Ramsey, elevating Mavretic to the speaker's post.¹³ Changes were then made that opened much of the legislative process to the public and to minority party participation, Brown says. Under this system, he says, the speaker has less chance to confine decision-making to a small group of close allies.

Republicans, roundly ignored during Liston Ramsey's regime, suddenly found themselves needed by a speaker whose rise to power had alienated many members of his own party. GOP

President Pro Tem's Office Evolves into Senate Power Center

While the speaker's office has evolved over the years in influence and prestige, the president pro tem's office in the Senate has seen a sudden and dramatic increase in perks and power. The development of the office as a rival power center on par with the speaker's office can be traced to 1989, when the legislature stripped the powers of the lieutenant governor and placed them under the control of the president pro tempore.

The power shift occurred when North Carolina's fourth Republican lieutenant governor, James C. Gardner, assumed office. The legislature transferred to the office of president pro tempore the lieutenant governor's major legislative powers—the power to appoint committee members and chairs and to assign bills to committee.¹ Former Sen. Henson Barnes (D-Wayne) was the first president pro tempore entrusted with these powers, serving from 1988-1992. Current President Pro Tempore Marc Basnight (D-Dare) is the second.

Along with these new powers have come growth in staff and salaries, increased appointments to boards and commissions in the execu-

tive branch of state government, and a larger budget. The budgets of the president pro tempore of the Senate, the House speaker, and the lieutenant governor are now roughly equal, at nearly \$525,000 a year.

Basnight says removing the lieutenant governor's legislative powers was the correct course because the lieutenant governor is an executive branch official. He says it's equally important that the president pro tempore's office have the same resources and powers as the speaker's office because the Senate is just as important to the passage of legislation as the House. "Nothing passes until it passes the Senate," says Basnight.

Barnes believes the change has been good for both the legislature and North Carolina citizens. It has given the Senate greater influence over policies affecting the state, he says, while removing undue influence over legislation by an executive branch official, the lieutenant governor. "If you believe in checks and balances of government, and that no branch should have power over another, then you believe the legislature has taken the right position in the frame-

lawmakers wound up chairing several subcommittees and playing a larger role in legislative debate, much to the chagrin of many Democrats. "Mavretic gave the Republicans effective control of the House," says Adams. "That's not the same as opening up the process." Disaffected Democratic legislators, meanwhile, revived what was called the Kennel Club—a sort of support group for Ramsey loyalists who suddenly found themselves in the doghouse with the new regime.¹⁴

Blue managed to knit these Democratic factions back together after a single Mavretic term as speaker. But Cochrane, who served four of her seven legislative terms in the House, says the growth in the number of Republicans in the legislature, and their potential to repeat the arithmetic

of the Mavretic coalition, has forced speakers to share their power with their supporters.

In 1963, for example, only 21 Republicans served in the House, compared to the 42 in 1993. "He's more answerable to his own people, and he has to work harder to see they're satisfied," says Cochrane. "The more he has to worry about us, the more he has to share power with Martin Nesbitt," she says, referring to the Buncombe County Democrat who co-chairs the House Appropriations Committee.

Brubaker agrees that the growing minority party presence means the speaker must work harder to keep Democratic House members in the fold on key votes. "It's sheer numbers," says Brubaker. "When I came [in 1977], he could let 10 or 15 of

work of our constitution," says Barnes.

But Former House Speaker Phil Godwin (D-Gates), who served as speaker in 1971, isn't so sure the legislature is headed in the right direction. "You've got a rivalry going on over there in the office of the president pro tem," says Godwin. "That tells the speaker he's got to protect his turf too."

As for the lieutenant governor, Godwin says, "He's just a gavel holder now." Godwin believes the lieutenant governor should have a share of the legislative powers now attached to the office of the president pro tempore. "If they shared power in certain circumstances, it might make for a more harmonious situation," Godwin says.

Both Basnight and Barnes believe a better solution would be a team-ticket approach—much as at the federal level and in 22 states—in which the governor and lieutenant governor run on the same platform and share a common agenda.² "There should be power sharing, but the lieutenant governor and the governor, they're the ones that should work together," Barnes says. In his 18 years in the legislature, Barnes says he observed too little cooperation between the two executive branch officials. "I saw all the time lieutenant governors tearing down what the governor was building up," says Barnes.

Basnight would add the gubernatorial veto to help balance the equation with the executive branch. "I don't think the governor should have

to come to see Marc Basnight or Dan Blue and pay homage," says Basnight. "To some extent, that's what he has to do now."

Godwin, however, sees fiefdoms developing within the legislature that ultimately may harm the institution. "It has almost gotten to the point that the three separate branches of government—the executive, judiciary, and legislative—have actually developed into four branches, namely the executive, the judiciary, the Senate, and the House," Godwin says.

Both Godwin and Barnes say a limit of two terms might help curb the power of the offices of speaker and president pro tem. But House Speaker Dan Blue already has signaled his intention to seek a third term, and apparently has every chance for success. As Veteran Rep. Vernon James (D-Pasquotank) puts it, "It's pretty hard to organize against a man who's in office. He'll cut your water off."

—Mike McLaughlin

FOOTNOTES

¹For more on these changes, see Ran Coble, "The Lieutenant Governorship in North Carolina: An Office in Transition," *North Carolina Insight*, Vol. 11, Nos. 2-3 (April 1989), pp. 157-165.

²For more on team election of governors and lieutenant governors, see Ran Coble, "Executive-Legislative Relations in North Carolina: Where We Are and Where We are Headed," *Wake Forest Law Review*, Wake Forest University, Winston-Salem, N.C., Vol. 25, No. 4, 1990, pp. 699-700.

Pandora's Box Revisited: Legislative Leaders Allowing Special Provisions to Creep Back into Budget Bill

One area in which the speaker of the House and the president pro tempore of the Senate exercise key leadership roles is in the shaping of the state budget bill. And an opportunity exists for current leaders to curb the practice of inserting special provisions in budget bills that change policies unrelated to the budget.

The North Carolina Center for Public Policy Research made its case against the legislature using special provisions in budget bills to change policies unrelated to the budget in a June 1986 report titled *Special Provisions in Budget Bills: A Pandora's Box for North Carolina Citizens*.¹ Abuse of special provisions peaked at 108 in the 1985 long session, then receded in the wake of the Center's report and updates in March 1987 and March 1988. But now the lid has slipped off Pandora's Box again.

The Center counted 89 inappropriate special provisions in the legislature's 1993 budget bill—the second highest total since 1981 and all the more alarming because it followed several years of improvement. "I offer praise to the General Assembly for the progress they made in the late 1980s and early 1990s," says Center Executive Director Ran Coble, the initial report's author. "But like an alcoholic, they've gone back to the bottle."

The Center—in its 1986 report—defined special provisions as portions of budget bills which are used in any of the following *inappropriate* ways: (1) to amend, repeal, or otherwise change any existing law other than the Executive Budget Act; (2) to establish new agency programs or to alter the powers and duties of existing programs; (3) to establish new boards, commissions, and councils or to alter existing boards' powers; (4) to grant special tax breaks or otherwise change the tax laws; or, (5) to authorize new interim studies by the General Assembly or other groups which are not included in the omnibus bill listing studies to be

conducted between legislative sessions.

The Center recommends that the legislature stop using the budget bill to: (1) create new programs; (2) create new boards and commissions; (3) establish legislative study commissions outside the omnibus bill that authorizes most studies; or, (4) amend statutes that don't relate to the Executive Budget Act. These, the Center argued, should be handled in separate bills so that each proposal gets debated on its own merits and is not hidden in what is usually a 200-page budget bill.

The Center says both the speaker of the House and the president pro tempore of the Senate have the ability to control use of special provisions in the budget bill through their authority over procedure in their respective chambers. House Speaker Dan Blue believes that despite the increase in number of special provisions, procedural reforms he has implemented have resulted in fewer surprises in the budget bill for House members.

Blue says that virtually all of the provisions in the 1993 budget bill either were reviewed by a substantive House committee in addition to the Appropriations Committee or pertained to how state funds would be spent. "We have come probably 90 percent along the way of not having special provisions pop up and the members not having a chance to debate them," says Blue. "And if it does happen, it's just an oversight."

The Center's Coble, however, says the Center found a large number of provisions in the 1993 bill that don't pertain to the budget. "The Center's position is that all special provisions should be put in separate bills and debated on their merits, but instead they were submerged inside a 250-page 1993 budget bill," says Coble.

The following are among the 89 special provisions the Center identified in the 1993–94 budget bill (S.B. 27, Chapter 321 of the 1993 Session Laws):

them go off on their own. Now he has to work harder to maintain his majority."

Conclusion

Thirty years ago, speakers didn't have speech writers and research assistants. Government was less a part of the average North Carolinian's life, and it was the speaker's job, primarily, to carry forth a package of bills written by the governor and to assure that they got a fair hearing in the House. After that, he could pack up and go home and maybe later take a job as an appellate judge or campaign for higher office. But those speakers also didn't have to deal with the problems created by a legislative staff of 150, nearly 500 lobbyists, and a minority party that was within striking distance of turning him into a minority leader.

The raw power of speakers past has been blunted somewhat by increased minority party presence and the trend toward a more open, consensus-building style of governing. But the

***"He's more answerable to
his own people, and he
has to work harder to see
they're satisfied."***

—BETSY COCHRANE (R-DAVIE)

contemporary speaker has benefitted from a number of developments that would appear to leave the speaker's office more powerful than ever. Consider these additional tools at the disposal of the contemporary speaker: (1) a larger personal research staff and a vastly expanded legislative staff that enable the development of an independent agenda; (2) full-time presence in Raleigh, enabling closer monitoring of state government; (3) ability to seek multiple terms of office; (4) expanded appointment powers to executive branch boards and commissions; and (5) removal of the most significant legislative powers of the lieutenant governor.

These powers are in *addition* to the considerable tools the speaker's office already had at its disposal, although the speaker's grip on these tools has been loosened somewhat by developments such

(1) Examples of statutory amendments unrelated to budget bill:

- transfers of the Marine Affairs Division (sec. 28) and of housing programs (sec. 305) to other state agencies;
- repeal of certain teacher recruitment statutes (sec. 128);
- amended laws affecting the oyster management program (sec. 263);
- amended laws on school violence (sec. 139), and;
- enacted a moratorium on granting any permit for a hazardous waste incinerator (sec. 268).

(2) Examples of new programs created:

- Principal Fellows Program (sec. 85);
- new judicial district (secs. 200.4-.6), and;
- Adolescent Pregnancy Prevention Projects (sec. 276).

(3) Examples of new boards or commissions created:

- Commission on School Technology (sec. 135);
- regional economic development commissions in the west, northeast, and southeast (secs. 309-309.2).

(4) Examples of new studies not in the omnibus study bill

- driver education study (sec. 144.3);
- Coastal Area Management Act study (sec. 264), and;

"It's not that these are all bad ideas, but they should be discussed in separate bills and debated on their merits," says Coble.

—Mike McLaughlin

FOOTNOTE

¹ The Center's research and recommendations are outlined in Ran Coble, *Special Provisions in Budget Bills: A Pandora's Box for North Carolina Citizens*, North Carolina Center for Public Policy Research, June 1986, pp. 28-29. See also: "N.C. Center says 1986 Legislature Continued Abuse of Special Provisions in Budget Bills," a March 2, 1987 news release issued by the Center; and Art Eisenstadt, "The Legislative Rule Reforms of 1987—of Paper Tigers and Will-Power," *North Carolina Insight*, Vol. 10, Nos. 2-3 (March 1988), pp. 121-126, for updates on this topic.

Factors Increasing the Power of the Speaker of the N.C. House of Representatives

- Staff has increased for the speaker's office (now 6) and legislature as a whole (now 148).
- A specialized research staff enables the speaker to develop an independent agenda.
- The tradition of one-term speakers has been broken, and succession is now allowed.
- The speaker's office became a full-time position in the push for parity with the Senate and the lieutenant governor's office.
- Election of a Republican governor led to a larger role for Democratic leaders of the opposing party, and especially the speaker.
- Election of a Republican lieutenant governor led Democrats to strip the office of its major legislative duties, thereby enhancing the powers of the Senate president pro tempore directly and the speaker indirectly.
- Increased media attention for speaker's office resulted from all of the above.

Factors Diminishing the Power of the Speaker of the N.C. House of Representatives

- Elimination of pork barrel appropriations for individual members removes a disciplinary tool used by previous speakers.
- More open government means less opportunity to twist arms behind closed doors.
- A larger minority party presence means more opportunities for coalitions to defeat the speaker's agenda.

as increased Republican presence. The traditional powers include responsibility for appointing committees and committee chairs, control over budget decisions, and authority to organize the House. And all of these powers are magnified by the lack of any sort of gubernatorial veto to help balance the equation with the executive branch.¹⁵

The speaker's office has changed markedly, accruing significant new powers that enable more influence on statewide policy issues and a higher profile with the media that could enhance the position as a stepping stone to higher office. Still, in the end, the speaker's primary job is the same—to move legislation either through the House or into a House-dug grave. In 1903, in 1943, and in 1993, a speaker moved legislation in exactly the same way—by rounding up 61 votes. ■■■

FOOTNOTES

¹ The speaker's office budget is \$403,691 for the 1993–1994 fiscal year. Two of Blue's staff members, Fitzsimon and Lucille Thompson, his secretary, are carried on the books as members of the Legislative Services Commission. When their salaries, Social Security and retirement, and health insurance are added to the speaker's office budget, the total is approximately \$525,000, according to figures provided by the Legislative Services Commission.

² Brooks, legislative services officer from 1968 to 1970, would go on to win election as labor commissioner in 1976, a position he held until he was defeated by Harry Payne, the current labor commissioner, in the Democratic primary in May 1992.

³ See Jack Betts, "The Coming of Age of the General Assembly," *N.C. Insight*, Vol. 4, No. 4, pp. 12–16, for more on succession by the House speaker as a turning point in the strengthening of the legislature as an institution.

⁴ Article III, Sec. 2(2), Constitution of North Carolina

⁵ For more on the impact of succession on the lieutenant governor's office, see Steve Adams and Richard Bostic, "The Lieutenant Governor—A Legislative or Executive Office?" *N.C. Insight*, Vol. 5, No. 3 (November 1982), pp. 2–10. See also Ran Coble, "The Lieutenant Governorship in North Carolina: An Office in Transition," *North Carolina Insight*, Vol. 11, Nos. 2–3 (April 1989), pp. 157–165.

⁶ Although legislators may have feared the strengthening of the executive branch through succession, North Carolina's governor has relatively few institutional powers compared to governors of other states. For more on this topic, see Thad L. Beyle, "The Powers of the Governor in North Carolina—Where the Weak Grow Strong Except for the Governor," *North Carolina Insight*, Vol. 12, No. 2 (March 1990), pp. 27–45. Succession or length of tenure, appointment powers, and ability to propose a budget are the only areas in which the North Carolina governor's office is rated strong or very strong compared to governor's offices in other states. Overall, the office is rated among the seven weakest in the nation due to the lack of any veto power and the large number of separately elected state officials (third most among the 50 states). At the time of the ratings, however, the governor's office was controlled by a



Karen Tam

**House Speaker Joe Mavretic and Minority Leader Johnathan Rhyne in June 1990.
A coalition of Republicans and dissident Democrats helped elected Mavretic
to a single term as Speaker in 1989-90.**

Republican, former Gov. Jim Martin, and the legislature by Democrats. Governors typically gain power when both branches of government are controlled by the same party.

⁷ For more on the lay of the land in the legislature when Ramsey assumed office, see Ferrel Guillory, "Legislative Leadership in 1981," *North Carolina Insight*, Vol. 3, No. 4 (Fall 1980), pp. 2-7.

⁸ Coble, pp. 162-163. See also Ran Coble, Lacy Maddox, and Jim Bryan, *Separating the Executive and Legislative Branches*, N.C. Center for Public Policy Research, February 1982, for a report on legislators serving on executive branch committees and commissions.

⁹ Article III, Section 13 of the N.C. Constitution. The state constitution does not speak to the powers of the House speaker, except to say, "The House of Representatives shall elect its Speaker and other officers (Article II, Section 15 of the N.C. Constitution). For more on the evolution of the powers of the lieutenant governor, see Ran Coble, "The Lieutenant Governorship in North Carolina: An Office in Transition," *North Carolina Insight*, Vol. 11, No. 2-3 (April 1989), pp. 157-165.

¹⁰ According to the Institute of Government at the University of North Carolina at Chapel Hill, the long sessions of the N.C. General Assembly held in odd-number years have gotten shorter in recent years. For example, the 1983 long session lasted 138 days for the House while the 1993 session lasted 109 days. However, the reverse is true for the so-called "short"

sessions held in even-numbered years and initiated in 1974 to adjust the budget. They are getting longer. The 1992 short session lasted 42 days, compared to 16 days in 1982.

¹¹ Seth Effron, "Eating High on the Hog: How the Pork Barrel Spending Process Has Changed in the Last 10 Years," *North Carolina Insight*, Vol. 10, No. 1 (October 1987), p. 25.

¹² As quoted in Pat Wunnicke and Sharon Randall, "Leadership 1980s Style," *State Legislatures*, National Conference of State Legislatures, Denver, Colo., July 1986, p. 26.

¹³ For more on Mavretic's election to the speaker's office, see Thad L. Beyle and Fetzter Mills Jr., "Political Change in North Carolina: A Legislative Coup D'etat," *Comparative State Politics*, Illinois Legislative Studies Center, Sangamon State University, Springfield, Ill., Vol. 10, No. 2 (April 1989), pp. 2-15.

¹⁴ Rep. Vernon James (D-Pasquotank) says he organized the original Kennel Club in 1945 after voting against the 1945 speaker, Oscar Richardson of Union County.

¹⁵ For a pro-con discussion of the gubernatorial veto issue, see Jack Betts, "The Veto: After Half a Century of Debate, Still on the Public Calendar," *North Carolina Insight*, Vol. 12, No. 2 (March 1990), pp. 2-26. The package includes the following essays: Ran Coble, "Pro: North Carolina Should Adopt a Gubernatorial Veto," pp. 13-20, and J. Allen Adams and Abraham Holtzman, "Con: North Carolina Should Not Adopt a Gubernatorial Veto," pp. 21-26.

Is the House Speaker a Household Name?

Is the House Speaker a household name in North Carolina? Maybe, maybe not. But if recent House speakers have been able to elevate the profile of the office, that certainly hasn't always been the case.

Pat Taylor tells of the poll he took when he began his gubernatorial campaign in 1972. Taylor had served as a state legislator and been the House speaker in 1965. In 1968, he'd been elected lieutenant governor and had then served four years in statewide office. All that time, it was no political secret that Taylor wanted to be governor. So he commissioned a poll to find out what the people of North Carolina thought of him.

"Who's Pat Taylor?" was the overwhelming response. Taylor found that only 18 percent of those polled could recognize his name.

Historically, House speakers have not been well known statewide. Taylor readily acknowledges that he wasn't widely known. David Britt, his successor, says he wasn't well-known either. Carl Stewart says he began to develop statewide name recognition only when he began his campaign for lieutenant governor in 1980.

But the state's last three speakers may have elevated the public recognition level of House speakers. "It's fair to say that the speaker is evolving into a statewide figure," says Al Adams, a prominent lobbyist and former representative.

Liston Ramsey became a statewide figure because he served in office for eight years, became extremely powerful, and, in the last four years of his reign, became the target of Republican wrath. Former Gov. Jim Martin used his bully pulpit to raise Ramsey's visibility—albeit not in an attempt to boost the Madi-

son County Democrat's popularity rating.

Joe Mavretic led a coalition of Republicans and Democrats and toppled Ramsey in 1989. He served for only two years, but got a tremendous amount of press for defeating Ramsey.

Current Speaker Dan Blue says he is a well-known personality. "I have much greater name recognition," he says. In 1991, when Blue reunited House Democrats, he also became the state's highest-ranking elected Democrat. At the time, both the governor and lieutenant governor were Republicans. "I was carrying the water from the standpoint of carrying the Democratic faithful," Blue says.

Blue says he suspects that he has achieved a higher profile in part because he was North Carolina's first African-American speaker. "I got heavy media attention early on because I did something no other black person [in North Carolina] had ever done," says Blue. "Twenty-five percent of the state's population is black, and my name is well-known in the black population."¹

Blue says his race gave him national recognition. He is only the second black House speaker in the country—the other is Willie Brown of California—so he says he's been recognized as a black leader by the media and interest groups nationwide.

The combination of both his race and the Republican Party's controlling the executive branch of state government led to increased visibility for Blue. Will the next speaker be as well known?

Blue doesn't think so. He says even if he is followed by the state's first female speaker, she will not be the lead spokesperson for the party unless the governor is of the other party. Alaska presently has a female speaker, Ramona Barnes, and other states also have had female speakers.

So female speakers may be considered less unusual.

But Blue and his immediate predecessors—Ramsey and Mavretic—also say that future speakers aren't likely to be as obscure as the speakers of the Sixties and before. "The whole name of the game is networking," Mavretic says.

A modern speaker must get out and about in the state, forging ties to various groups. In the process, the speaker becomes better known. Blue says in 1991 and 1992, he found himself giving as many as nine speeches a week, to all kinds of groups. Ramsey adds that modern media coverage of the legislature helps elevate the profile of the speaker.

Will the day come when the speaker goes fishing on the coast and people crowd around seeking his autograph? Blue says they already look at him funny, like they are *supposed* to know who he is. It might be another decade, however, before they figure it out.

—Paul O'Connor

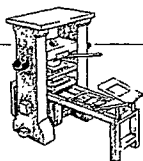
FOOTNOTE

¹ The 1990 Census found blacks comprise 22 percent of the North Carolina population. For more on the 1990 Census and its implications for the state's future, see Ken Otterbourg and Mike McLaughlin, "North Carolina's Demographic Destiny: The Policy Implications of the 1990 Census," *North Carolina Insight*, Vol. 14, No. 4 (August 1993), pp. 2-49.

**House Speaker
Dan Blue fields
questions at a
news conference.**



Karen Tam



IN THE PRESS

Polls Shed Light on Outcomes of Political Races in North Carolina's 1992 Elections

By Adam Hochberg

Opinion polls conducted prior to the 1992 elections had mixed results in forecasting winners in North Carolina's top two political races—the campaigns for the Governor's Office and the U.S. Senate. Polls consistently showed Democratic candidate Jim Hunt, the eventual winner of the governor's race, leading Republican Jim Gardner. Yet, in the Senate race, Republican challenger Lauch Faircloth trailed in virtually every poll—despite his eventual victory over incumbent Democrat Terry Sanford. A closer look at survey results, however, shows that polls accurately revealed Sanford's increasing vulnerability over the course of the campaign.

More than a year-and-a-half before the November 1992 elections, pollsters were placing odds on North Carolina's most high-profile political campaigns.¹ Polltakers were noting that Jim Hunt was the "clear favorite" in the governor's race, while warning that fellow Democrat Terry Sanford could face a "very tough" re-election battle in the race for the U.S. Senate.²

Some pollsters were trying to gauge political attitudes about the 1992 races as early as February 1990—when most voters still were concentrating on more immediate political fights, such as Jesse Helms' effort to win a fourth term in the U.S. Senate. Polling firms were contacting potential voters and asking them to express their preferences among a group of possible candidates. One poll, for instance, paired Democratic Attorney General Lacy Thornburg against Republican Lt. Governor Jim Gardner in the governor's race

(Gardner led 45 percent to 30 percent); Hunt against Gardner (Hunt led 52 percent to 31 percent); and Sanford against Republican Governor Jim Martin in the U.S. Senate race (a virtual tie).³ [See Table 1, p. 51, for a list of pollsters involved in the 1992 Gubernatorial and U.S. Senate campaigns in North Carolina. For poll results, see Tables 2 and 3, pp. 56–57, and Figures 1 and 2, p. 58.]

Election Trends Evident Early in the Campaign Season

Pollsters say trends already had begun to develop in 1990 that would continue until Election Day—for both the governor's race and the U.S. Senate race in North Carolina. The large lead that Hunt enjoyed in early polls remained consistent throughout the 1991–92 campaign season. Hunt eventually captured 53 percent of the vote on Election Day, compared to Gardner's 43 percent.⁴

"There was no contest there," says Sue Bulluck, the president of Independent Opinion Research and Communications, a Wilmington-based polling firm. Bulluck conducted polls for *The News & Observer* of Raleigh, the *Winston-Salem Journal*, and Raleigh television station WRAL. "Governor Hunt had a strong position, and he unified that position."

In the Senate race, however, there were signs in 1990 that Sanford wasn't as popular as an incumbent senator might expect. Sanford's favorable job performance rating was always below 50 percent, says Brad Coker, the president of Mason-

Adam Hochberg is a broadcast journalist who covers state government for public radio stations in North Carolina.



Jim Hunt waving to supporters during the 1992 campaign

Dixon Political/Media Research Inc., a Maryland-based polling firm. "When you matched him up against basically unknown Republicans, he was only running in the low- to mid-40s," Coker says.

The Mason-Dixon polls—conducted for the *News & Record* of Greensboro, the *Morning Star* of Wilmington, and television stations WFMY in Greensboro, WBTV in Charlotte, and WCTI in New Bern—repeatedly warned of trouble for Sanford. The firm's analysis accompanying its February 1991 poll concluded that Sanford could be considered "vulnerable."⁵ By July 1991, Mason-Dixon rated the senator "extremely vulnerable."⁶ And in August 1992, the firm said there was a "clear indication" that Sanford could be beaten.⁷ On Election Day, Republican Lauch Faircloth won 52 percent of the vote, compared to Sanford's 48 percent.

Hunt's Support Consistent, Unyielding

In the governor's race, Hunt's support was so strong and consistent in polling results that Democratic campaign organizers had to warn supporters against growing too complacent. From

1990 until Election Day, every public poll—as well as all the internal polls taken by the Hunt and Gardner campaigns⁸—showed Hunt ahead, often by more than 15 points. According to Bulluck, Hunt has begun campaigning with the support of about 46–48 percent of the voters every time he has run for office. "That's his bedrock vote," she says. "Any potential challenger to him is going to have to move those voters away from him—and that's a difficult task."

Polls taken early in the campaign by Gardner's supporters suggested that voters didn't know much about the Republican candidate. "We felt that we had to identify some of what he stood for and what he'd been doing as lieutenant governor," says Palmer Sugg, Gardner's campaign director. So, the campaign aired television commercials highlighting Gardner's career in business and portraying him as an opponent of tax increases.

Still, in the six months before the election, Hunt's support in the polls rarely dipped below 50 percent, while Gardner was struggling to climb above the high 30s. *The News & Observer* concluded that Hunt was in a "practically impregnable position" when it released the final Independent

"There was no contest there. . . . Governor Hunt had a strong position, and he unified that position."

—SUE BULLUCK, PRESIDENT OF
INDEPENDENT OPINION RESEARCH AND
COMMUNICATIONS

Opinion Research and Communications poll on October 30.⁹ Sugg says the Gardner campaign was struggling to overcome President George Bush's plummeting popularity, which had made it difficult to attract Democratic and independent voters to the Republican ticket.

Meanwhile, a month or so before the election, Hunt's campaign manager, Mike Davis, was contacting county campaign coordinators across the state, warning them not to take victory for granted. Davis recalls telling them: "We're doing okay, but let's keep on going. Don't take any solace in what the polls are showing."

The week before the election, the Gardner campaign unleashed a serious allegation. Gardner charged that Hunt's supporters had eavesdropped electronically on telephone calls involving the lieutenant governor and his family. The Gardner campaign further charged—in a series of news conferences and television commercials—that the information gathered from eavesdropping was fed to Hunt campaign organizers. Hunt vigorously denied the allegations. But, a year after the election, three close associates of Hunt pled guilty to charges relating to the eavesdropping, while maintaining that the governor knew nothing about the incident.¹⁰

Nevertheless, Gardner's last-minute charges apparently did little to sway voters' opinions in the 1992 election. Hunt won the election with 53 percent of the vote, close to what pollsters had predicted before the

eavesdropping allegation surfaced. Officials of both campaigns say their internal polls concluded that few voters changed their minds during the last few days of the campaign. "A lot of people have a theory that a crisis like that tends to freeze people in place," Sugg says.

Polls Suggested Sanford's Weakening Support

Virtually all of the polls in the 1992 race for the U.S. Senate showed Sanford with a lead. Even two polls taken in late October put Sanford ahead. A Mason-Dixon poll conducted October 26–27 gave Sanford an eight-point lead,¹¹

Jim Gardner with a young supporter



Table 1. Pollsters that Covered Campaigns for Governor and U.S. Senate in 1992 Elections in North Carolina

| Firm | Address | Phone | Clients |
|---|---|-----------------|---|
| Dynamic Marketing | (Not Available) | (Not Available) | WSOC-TV (Charlotte) |
| Fabrizio & McLaughlin | Suite 312 801 N. Fairfax St. Alexandria, VA 22314 | (703) 684-4510 | Campaigns for Lauch Faircloth and Jim Gardner |
| Hickman-Brown | Suite 206 1350 Conn. Ave. NW Washington, DC 20036 | (202) 659-4000 | Campaigns for Terry Sanford and Jim Hunt |
| Independent Opinion Research and Communications | Suite B-1 108 N. Kerr Ave Wilmington, NC 28405 | (910) 799-9703 | <i>The News & Observer</i> (Raleigh), <i>Winston-Salem Journal</i> , WRAL-TV (Raleigh) |
| KPC Research | P.O. Box 32188 Charlotte, NC 28232 | (704) 358-5755 | <i>The Charlotte Observer</i> , Knight-Ridder |
| Mason-Dixon Political/Media Research | Suite 260 10715 Charter Drive P.O. Box 1343 Columbia, MD 21044 | (410) 964-2215 | <i>News & Record</i> (Greensboro), <i>Morning Star</i> (Wilmington), WFMY-TV (Greensboro), WBTV (Charlotte), WCTI-TV (New Bern) |

while an Independent Opinion Research and Communications poll taken October 25–28 showed him up by six.¹²

But poll-readers who looked beyond those numbers could find signs of trouble for Sanford. Through the summer and early fall, Sanford still was struggling to boost his support above the mid-40 percent range, unusually low for a well-known incumbent politician. "I think anybody who was a reasonable person would have come to the conclusion six months before the election that Sanford wasn't going to blow anybody away," says Carter Wrenn of the National Congressional Club, which helped run Faircloth's campaign. Another clue to Sanford's vulnerability was his campaign's slowness in raising money.¹³

To make matters worse for Sanford, a large number of voters remained undecided, even just a few weeks before the election. In the last round of polls, both Mason-Dixon and Independent Opinion Research reported that 18 percent of the electorate hadn't made up their minds yet—and the

number of undecided voters was increasing as the election got closer. "You would normally expect those [numbers of undecided voters] to be reducing, so that you'd end up with a relatively small percentage of 'not sures,'" Bulluck says. "That enlargement in the 'not sures' was a very ominous sign for the incumbent."

Bulluck—whose firm also does consulting work for political candidates—says she tried to warn Democratic campaign officials that Faircloth was building momentum. "We suggested that we saw real trouble ahead," Bulluck says. "But we got sort of a 'shoot the messenger' response."

Meanwhile, leaders of Faircloth's campaign were trying to learn more about the undecided voters. Wrenn says the campaign's pollster divided the undecided voters into different groups, using such factors as party registration and political philosophy. "Among conservative Democrats, you had a lot of undecideds," he says. "You just know that's going to fall in for the Republican candidate against a guy like Sanford."



Terry Sanford speaking at a campaign rally

Sanford campaign organizers say they were aware of the senator's precarious situation. Late in the race, the senator's campaign was conducting daily tracking polls. Although those polls showed Sanford with a slight lead, support for the senator was soft—still less than 50 percent—with Faircloth gaining momentum as the election neared. Sam Poole, Sanford's chief-of-staff, says Faircloth

"We never were able to get [Sanford] out so we could put him on television and respond to it [negative TV ads] in a positive way. . . . We could read the polls, and I knew a week or 10 days before the election that he was going to lose it."

—SAM POOLE, SANFORD'S CHIEF-OF-STAFF

appeared to win votes with a series of television commercials that portrayed Sanford as opposed to requiring that welfare recipients work for their benefits.¹⁴

Another factor was the senator's health. Sanford was hospitalized for heart surgery in October and maintained a light campaign schedule after he was released. That, along with the senator's lack of a large campaign-fund war chest, made it difficult for him to effectively answer the welfare ads.¹⁵ "We never were able to get [Sanford] out so we could put him on television and respond to it in a positive way," Poole says. "We could read the polls, and I knew a week or 10 days before the election that he was going to lose it." Sanford's health problems also may have raised questions in some voters' minds about his ability to meet the physical demands of the job.

Final Numbers Not the Whole Story

Polling experts say the Sanford-Faircloth race is a textbook example of why poll-readers need to be concerned about more than just who's ahead and who's behind. Coker says the analysis that accompanies poll results is just as important as the numbers. Responding to critics who ques-



Lauch Faircloth in a rare campaign appearance

tion why his Mason-Dixon polls consistently showed Sanford with a slight lead over Faircloth before the election, Coker says: "They don't know what they're talking about, because they don't know how to read a poll." Those who read his analysis, he says, understood that Sanford's support was soft.

Walter De Vries, a former pollster who now runs the North Carolina Institute for Political Leadership in Wilmington, says interpreting survey results can be a complicated process that few people know how to do correctly. "Most people read polls like they read basketball scores," he says. Professional political analysts, however, weigh the poll results with other information about the electorate in an attempt to spot important trends.

For instance, De Vries says his polling firm put together profiles describing the kind of person who was most likely to support each candidate. Those profiles would be based on demographic information such as where voters live, as well as on so-called "issue clusters" that reflect the voters' political beliefs. Similar profiles were assembled for voters who said they were undecided. "If the profiles of the Faircloth voters matched those of a fairly good proportion of undecided voters, what you were dealing with were people who were

going to vote for Faircloth but didn't want to tell you," De Vries explains. "And that is what happened."

"I think anybody who was a reasonable person would have come to the conclusion six months before the election that Sanford wasn't going to blow anybody away. . . . Among conservative Democrats, you had a lot of undecideds. You just know that's going to fall in for the Republican candidate against a guy like Sanford."

—CARTER WRENN, NATIONAL CONGRESSIONAL CLUB

Another important factor to consider in interpreting poll results is the margin of error, says Thad Beyle, a professor of political science at the University of North Carolina at Chapel Hill. For example, a 4-percent margin of error means that the poll results may be off by as much as four points. "So, in a close race where the candidates have a 2-point differential, it could actually be a 6-point differential, or the downside candidate could actually be in the lead," Beyle says. "More to the point would be a caveat that if the race differential is anywhere near the margin of error, the race is too close to call and is probably a dead heat at the point the poll was taken." Major polls conducted for the 1992 Gubernatorial and Senate races in North Carolina had margins of error ranging from 3.5–4.0 percent.¹⁶

News Media Often Omit Important Polling Details

Such detailed information often is not found in the colorful pie-chart graphics that newspapers and television stations use to present the results of newly released polls. But pollsters such as Coker urge journalists to include more in-depth analyses in their stories that accompany charts. "The people who subscribe to our polls get that [additional information], work it into their stories, and use it to develop their TV scripts," he says. "They also call us for comment, so we can bang it home twice with them."

Less often, however, do such analyses appear in wire-service accounts of poll results used by media outlets that don't subscribe to the poll. For instance, on October 30, 1992, the *News & Record* of Greensboro released a Mason-Dixon poll that showed Sanford leading Faircloth by 45 percent to 37 percent, with 18 percent of the voters undecided. The headline on the story read "Poll has Faircloth gaining on Sanford," and the first paragraph noted that "Sanford's support has dropped significantly since the summer." Coker was quoted in the article as saying: "Sanford remains vulnerable as his base vote continues to slip and his margin over Republican challenger Lauch Faircloth shrinks."¹⁷

But when that Mason-Dixon poll was reported by some other newspapers, only the gross numbers were included—with no analysis or discussion of election trends. For instance, *The Asheville Citizen-Times*, in a 60-word story attributed to the Associated Press and staff reports, said the poll found that Sanford "holds a narrow lead over Re-

"The majority of undecideds usually go to the challenger, especially lesser-known challengers who later become better known. . . . It is reasonable to conclude that indecision must be an expression of doubt about the efficacy of the candidate the voters know best—the incumbent."

—NICK PANAGAKIS, NATIONAL POLLSTER

publican challenger Lauch Faircloth in the U.S. Senate race."¹⁸ Yet the article did not mention that Sanford's support had slipped from previous polls, nor did it include the pollster's opinion that the incumbent senator was vulnerable.

Some critics blame editorial bias for newspapers' less-than-ideal coverage of poll results. Rep. Joe Mavretic (D-Edgecombe), who tried to run for governor of North Carolina as an independent candidate in the 1992 campaign,¹⁹ contends that some papers deliberately omit information or skew poll results to benefit their favored candidates.

Most observers, however, attribute such problems to over-simplistic reporting, which can lead the public to misinterpret a poll. "That's our biggest problem," Coker says. "Associated Press picks it up and some wire-service reporter boils it all down to 'Sanford has a six point lead.' Then every other 5,000-circulation newspaper in the state that can't afford to pay for polls . . . runs that [AP] story."

As one national pollster, Nick Panagakis, wrote: "If media polling suffers today, it is from a straw poll mind-set that polls must project likely outcomes. News directors and editors want to reduce the multitude of statistics produced in a poll to a single easy-to-understand horse race number on who is ahead and by how much. . . . Those who hear of an 8-point lead are led to believe that's what will happen on election day. In order for the 8-point lead to be sustained, a number of conditions must be in place: for instance, no change in voter recognition of the candidates, no new issues

which may affect voter attitudes and, most importantly—based on simple arithmetic—the undecided vote will split evenly.”²⁰ De Vries adds that the accuracy of polls also depends on how well pollsters estimate voter turnout on Election Day.

Undecided Voters a Key Factor in Reliability of Polls

Focusing on raw poll numbers is particularly misleading when surveys show large numbers of undecided voters. Polling experts say it’s a mistake to assume that undecided voters will divide equally or even proportionately between candidates—especially when polls show that the incumbent has less than 50 percent of the likely votes.

“The majority of undecideds usually go to the challenger, especially lesser-known challengers who later become better known,” Panagakis says. “It is reasonable to conclude that indecision must be an expression of doubt about the efficacy of the candidate the voters know best—the incumbent. . . In other words, there is overwhelming evidence suggesting that an incumbent won’t share the undecided vote equally with the challenger and that emphasizing point spreads in news reports of polls is misleading.”²¹

The race of candidates—although not a factor in the 1992 North Carolina elections—is another important issue to consider when polls show large numbers of undecided voters. Beyle, the UNCH professor, notes that some poll respondents apparently disguise or lie about their intended vote (or their actual vote, in exit polls) when a minority

candidate is involved in a major campaign. That tendency helps explain, he says, why the last poll in the 1990 U.S. Senate campaign in North Carolina showed black Democratic challenger Harvey Gantt with a four-point lead over white Republican incumbent Jesse Helms—even though Helms ended up winning the election by six points.²² Another example Beyle cites is Virginia’s 1989 gubernatorial campaign, in which polls showed black Democratic candidate Wilder with a much wider lead than he ended up with in the final election results.²³

“The key to this problem seems to be in those respondents or voters who do not want to indicate that they are voting ‘against’ the minority candidate, that is, might be considered being a racist,” Beyle says. “These shifts can obviously make the polling results very suspect in such races. In fact, the ‘working rule’ is that unless a minority candidate has more than a 10-point lead, the race is a toss-up.”

Such factors have led at least one major newspaper, *The Charlotte Observer*, to shy away from “horse-race” polls. *The Observer* stopped sponsoring such polls because they are “only a snapshot of a moment in time, and they are notoriously misleading,” says City Editor Rick Thames, who coordinated the newspaper’s 1992 election coverage. “We decided we’d use our resources for polls on topics we considered more important,” he says. “We wanted to find out what voters’ concerns were, and make sure the politicians addressed them. We ran very brief reports on polls that others conducted, but the only horse-race questions in our polls were designed for some other purpose. In the U.S. Senate race, for example, we asked people who they were for, along with a lot of questions about their concerns, in an effort to see what issues were most important to people who said they supported Lauch Faircloth or Terry Sanford.”

Pollsters Face New Challenges

Polls for the 1994 and 1996 elections already are well underway. In states with major races in 1994, polling firms are asking voters to express their preferences in “trial heats” that pit incumbents against several possible challengers. Coker says such early polls can detect which incumbents might be most vulnerable and establish “benchmarks” of candidates’ popularity. “Six or eight months from now, we’ll be able to look back and

—continues on page 59

“If media polling suffers today, it is from a straw poll mind-set that polls must project likely outcomes. News directors and editors want to reduce the multitude of statistics produced in a poll to a single easy-to-understand horse race number on who is ahead and by how much.”

—NICK PANAGAKIS, NATIONAL POLLSTER

**Table 2. Summary of Poll Results in the 1990-92 Campaign
for Governor in North Carolina**

| Date of Poll | Name of Pollster ¹ | Candidate (Party) | | | | |
|-----------------|----------------------------------|-------------------|-------------|--------------|----------------|-----------|
| | | Gardner (R) | Hunt (D) | Mavretic (I) | McLaughlin (L) | Undecided |
| 2/7/90 | M-D | 31 % | 52 % | — | — | 17 % |
| 2/4/91 | M-D | 29 | 51 | — | — | 20 |
| 7/26/91 | M-D | 33 | 50 | — | — | 17 |
| 2/5/92 | M-D | 34 | 44 | 8 % | — | 14 |
| 4/26/92 | M-D | 33 | 50 | — | — | 17 |
| 6/22/92 | KPC | 31 | 53 | — | — | 16 |
| 7/17/92 | M-D | 35 | 56 | — | — | 9 |
| 8/21/92 | M-D | 38 | 51 | — | — | 11 |
| 9/27/92 | IORC | 36 | 54 | — | — | 10 |
| 10/2/92 | M-D | 39 | 51 | — | — | 10 |
| 10/16/92 | DM | 35 | 38 | — | — | 26 |
| 10/25/92 | IORC | 33 | 52 | — | — | 15 |
| 10/26/92 | M-D | 41 | 48 | — | — | 11 |
| 11/3/92 | Exit Poll | 44 | 53 | — | 3 | — |
| 11/3/92 | Election Result | 43 % | 53 % | — | 4 % | — |

¹ **M-D = Mason-Dixon North Carolina Poll**, based on telephone interviews of likely voters, with a 3.5-percent margin of error. Number of respondents by date were: 810 on Feb. 5; 832 on April 26; 834 on July 17; 803 on Aug. 21; 813 on Oct. 2; 818 on Oct. 26. Mason-Dixon polls conducted for the *News & Record* of Greensboro, the *Morning Star* of Wilmington, and television stations WFMY in Greensboro, WBTV in Charlotte, and WCTI in New Bern.

KPC = KPC Research, based on telephone interviews of 651 adults on June 22, with a 3.8-percent margin of error. Poll conducted for *The Charlotte Observer* and WSOC-TV in Charlotte. Unlike the other polls in this chart, KPC did not restrict its survey to likely voters. Undecided included respondents who were undecided, did not plan to vote at all, refused to answer the question, or planned to vote for someone other than the Republican or Democratic candidate.

IORC = Independent Opinion Research and Communications, based on telephone interviews of likely voters, with a 4-percent margin of error. Number of respondents by date were: 609 on Sept. 27 and 854 on Oct. 25. IORC polls were conducted for *The News & Observer* of Raleigh, the *Winston-Salem Journal*, and Raleigh television station WRAL.

DM = Dynamic Marketing. Poll conducted on Oct. 16 for WSOC-TV in Charlotte, with a 5-percent margin of error. Number of respondents and methodology unknown.

Exit Poll by Voter Research and Survey, a cooperative effort for ABC, CBS, CNN, and NBC television. Results as reported in "North Carolina Statewide Race Polls, 1992," *North Carolina DataNet*, Institute for Research in Social Sciences, University of North Carolina at Chapel Hill, April 1993.

Election Results are final tallies reported by the N.C. Board of Elections.

Table 3. Summary of Poll Results in the 1990-92 Campaign for U.S. Senate in North Carolina

| Date of Poll | Name of Pollster ¹ | Candidate (Party) | | |
|--------------|-------------------------------|---------------------|------------------------------|-----------|
| | | Lauch Faircloth (R) | Terry Sanford (D), incumbent | Undecided |
| 7/26/91 | M-D | 24 % | 51 % | 25 % |
| 2/5/92 | M-D | 30 | 51 | 19 |
| 4/26/92 | M-D | 38 | 47 | 15 |
| 6/22/92 | KPC | 33 | 50 | 18 |
| 7/17/92 | M-D | 31 | 55 | 14 |
| 8/21/92 | M-D | 36 | 50 | 14 |
| 9/27/92 | IORC | 39 | 45 | 16 |
| 10/2/92 | M-D | 34 | 48 | 18 |
| 10/16/92 | DM | 36 | 34 | 30 |
| 10/25/92 | IORC | 38 | 44 | 17 |
| 10/26/92 | M-D | 37 | 45 | 18 |
| 11/3/92 | Exit Poll | 50 | 50 | — |
| 11/3/92 | Election Results | 52 % | 48 % | — |

¹ **M-D = Mason-Dixon North Carolina Poll**, based on telephone interviews of likely voters, with a 3.5-percent margin of error. Number of respondents by date were: 810 on Feb. 5; 832 on April 26; 834 on July 17; 803 on Aug. 21; 813 on Oct. 2; 818 on Oct. 26. Mason-Dixon polls conducted for the *News & Record* of Greensboro, the *Morning Star* of Wilmington, and television stations WFMY in Greensboro, WBTV in Charlotte, and WCTI in New Bern.

KPC = KPC Research, based on telephone interviews of 651 adults on June 22, with a 3.8-percent margin of error. Poll conducted for *The Charlotte Observer* and WSOC-TV in Charlotte. Unlike the other polls in this chart, KPC did not restrict its survey to likely voters. Undecided included respondents who were undecided, did not plan to vote at all, refused to answer the question, or planned to vote for someone other than the Republican or Democratic candidate.

IORC = Independent Opinion Research and Communications, based on telephone interviews of likely voters, with a 4-percent margin of error. Number of respondents by date were: 609 on Sept. 27 and 854 on Oct. 25. IORC polls were conducted for *The News & Observer* of Raleigh, the *Winston-Salem Journal*, and Raleigh television station WRAL.

DM = Dynamic Marketing. Poll conducted on Oct. 16 for WSOC-TV in Charlotte, with a 5-percent margin of error. Number of respondents and methodology unknown.

Exit Poll by Voter Research and Survey, a cooperative effort for ABC, CBS, CNN, and NBC television. Results as reported in "North Carolina Statewide Race Polls, 1992," *North Carolina DataNet*, Institute for Research in Social Sciences, University of North Carolina at Chapel Hill, April 1993.

Election Results are final tallies reported by the N.C. Board of Elections.

Figure 1. 1992 Poll Results for the Governor's Campaign¹

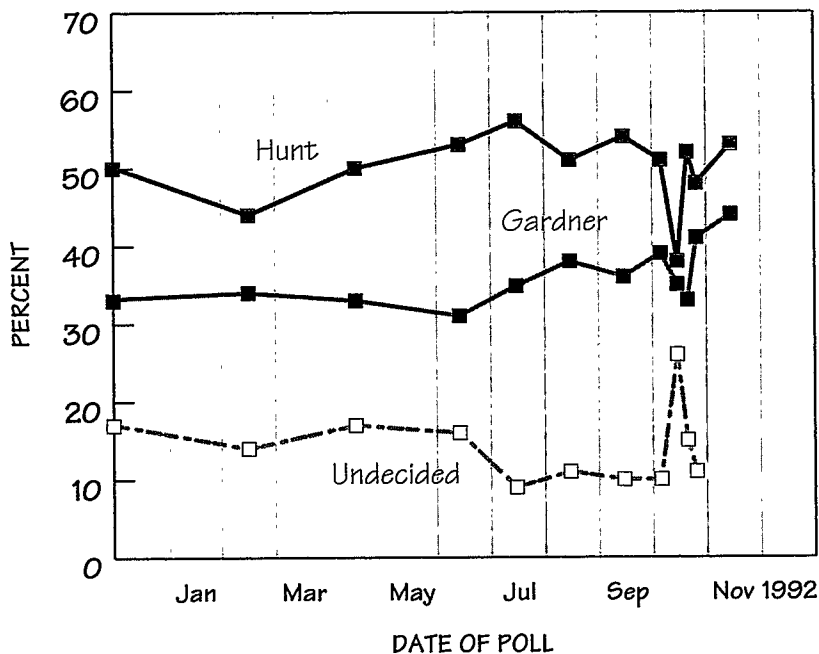
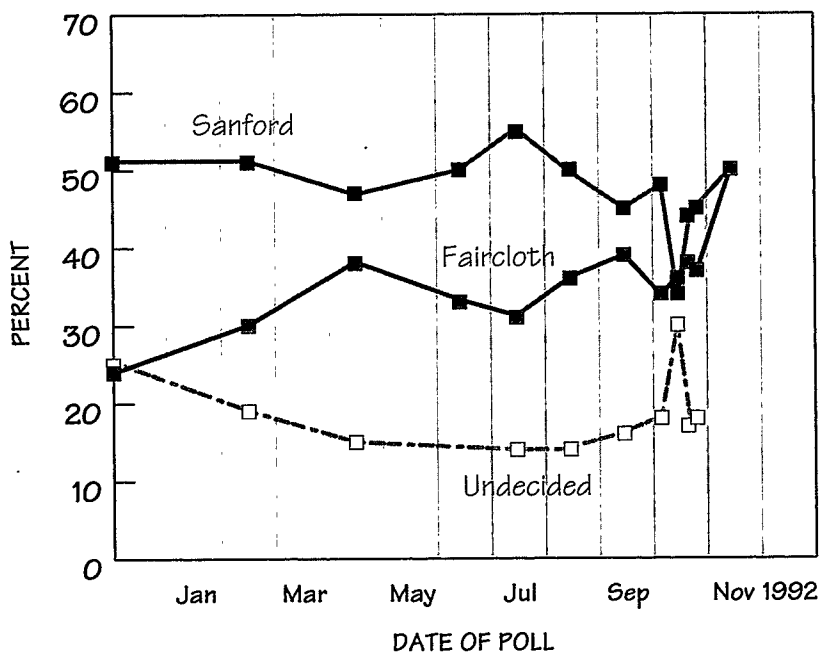


Figure 2. 1992 Poll Results for the U.S. Senate Campaign²



¹See Table 2, p. 56, for names of pollsters, specific dates, and other polling data.

²See Table 3, p. 57, for names of pollsters, specific dates, and other polling data.

say 'Mario Cuomo is here and six months ago he was there,'" Coker explains. That can help analysts determine which candidates have the most momentum.

But some pollsters say their job is getting harder. Bulluck more frequently is encountering people who refuse to participate in polls. "People are beginning to feel as though they are market-researched to death," she says. "It's not just politics. It's the subscriber poll that's in the newspaper or the card they fill out at the drugstore." Bulluck says polltakers must walk a fine line in dealing with such people on the telephone. While pollsters want to persuade people to participate in surveys, they run the risk of pushing them too hard. Angered by a pushy pollster, some people may react by deliberately misrepresenting their opinions.

Pollsters also are starting to be hampered by new technology, Bulluck says. Telephone features such as "call-blocking" allow people to accept messages only from selected numbers, while "caller ID" systems let them to see a caller's number before they answer the phone. Bulluck says people may use those features to avoid answering calls from pollsters or any other telephone numbers they don't recognize.

Candidate Polls Differ From Media Polls

Some political activists specifically advise people not to cooperate with pollsters. The Center for National Independence in Politics, a nonpartisan group that works to improve the American political process, distributed brochures aimed at helping the public make informed choices on Election Day in 1992. It urged voters to consider refusing to participate in polls.²⁴

Richard Kimball, the executive director of the Center, calls the polls taken by candidates "very manipulative." He says campaigns use polls to decide what positions candidates should take on controversial issues. "Candidates spend a great deal of their time raising money," Kimball says.

"People are beginning to feel as though they are market-researched to death. . . . It's not just politics. It's the subscriber poll that's in the newspaper or the card they fill out at the drugstore."

—SUE BULLUCK, PRESIDENT,
INDEPENDENT OPINION RESEARCH AND
COMMUNICATIONS

"Usually it's spent to hire somebody to do market analysis, to measure what the public wants to purchase, and then to tailor their image to fit what you now know will be sellable based on that analysis."

Kimball does not object to polls conducted by the news media or other organizations not connected with political candidates or campaigns. And he says polls can have some value after the election—even for politicians—to gauge con-

stituents' opinions on issues and help lawmakers decide how to vote on controversial legislation. "But during an election, that does not tend to be how they use the information," he says. "They use it to tailor their message to bamboozle the electorate, and they're becoming quite good at it."

That view is strongly rebutted by Harrison Hickman, who conducted polls for both the Hunt and Sanford campaigns. "The straw man he [Kimball] creates and attacks is an insult to our clients," Hickman says. "Terry Sanford and Jim Hunt had long and distinguished careers in public service before ever meeting me or any other pollster. Each had staked out positions on nearly every conceivable issue of public policy without any assistance from polls." Neither candidate uses poll results to shape their views on issues, Hickman says. "Rather, they are guided by personal values, beliefs, and conscience."²⁵

Other critics say the biggest problem with opinion polls is money—or the lack of it. "Most polling errors are the result of incorrect decisions by clients who pay for polls done by inexperienced or 'low-bid' pollsters who provide inferior or incomplete work," writes Gordon S. Black, a national pollster whose clients include *USA Today*. "Unlike other professions where there is a significant liability for negligence or error, pollsters and their clients are protected by First Amendment rights from the consequences of their mistakes. Under these circumstances, why not hire the least expensive and least experienced?"²⁶

Such problems could be undermining the credibility of polls. Indeed, some studies have found that a majority of people seriously question the

Polling Checklist

Here are some points to consider when evaluating the merits of a poll:¹

1. Who paid for or sponsored the poll.
2. Date when the poll was conducted and any events that might have influenced the results.
3. Method of interviewing poll respondents—by telephone, mail, or in person.
4. Population surveyed and screening questions, such as those used to identify likely voters.
5. Size of the sample and the response rate, when relevant.
6. Estimated sampling error.
7. Treatment of subgroups in the sampling process, such as under-representation of women or blacks.
8. The actual wording of poll questions.

¹ Polling checklist was adapted from recommendations of the National Council on Public Polls, an organization seeking high standards of professionalism among public opinion pollsters and greater understanding by the media, politicians and the general public. For a more thorough discussion, see J. Barlow Herget, "What to Look for in a Good Poll," *North Carolina Insight*, Vol. 7, No. 2 (Oct. 1984), pp. 12-13.

accuracy of opinion polls. For instance, the Center for Government Studies at Northern Illinois University turned the tables on pollsters in a 1991 survey that asked respondents, "How often do you think you can trust the results of public opinion polls to represent what people think about important issues?" The results: 8 percent thought polls were "hardly ever" accurate, 46 percent said polls were right "only some of the time," 38 percent said polls were right "most of the time," and 6 percent said they were "almost always" right.²⁷

Polls Are Not Forecasts

In conclusion, it is important to keep in mind that polls do not actually *predict* election outcomes. A poll only reflects how the electorate is

inclined to vote on a particular day. And that picture can change depending on such factors as survey methodology, sample size, wording of questions, the number of undecided voters, the time when the poll was conducted, and events that influence voters—as well as the actual voter turnout on Election Day. (See the "Polling Checklist" above.)

"Finally, a poll is not a forecast; it is just a snapshot view of things as they were at a given point in time," Black says. "Last-minute swings in electoral support can invalidate results of a poll completed eight to ten days before the election. The unforgettable late shift to Harry Truman in the 1948 presidential race took place in the final ten days of the campaign, after a Gallup poll predicting Tom Dewey's victory had been completed."²⁸ ■■■

FOOTNOTES

¹ For more information on political polling in North Carolina, see J. Barlow Herget, "Gauging the Political Winds," *North Carolina Insight*, Vol. 7, No. 2 (Oct. 1984), pp. 2-13. Also see Mike McLaughlin, "'Visual Bubblegum'—Dial-In TV Polls Spark Debate Among Broadcasters," *North Carolina Insight*, Vol. 11, No. 1 (Oct. 1988), pp. 63-67.

² *Mason-Dixon North Carolina Poll*, Mason-Dixon Political/Media Research Inc., February 1991, 828 respondents. All Mason-Dixon polls referred to in this story were based on telephone interviews of likely voters, with a 3.5-percent margin of error.

³ *Mason-Dixon North Carolina Poll*, February 1990, 849 respondents.

⁴ Libertarian candidate Scott McLaughlin also received 4 percent of the final gubernatorial vote.

⁵ *Mason-Dixon North Carolina Poll*, February 1991.

⁶ *Mason-Dixon North Carolina Poll*, July 1991, 834 respondents.

⁷ *Mason-Dixon North Carolina Poll, Part II: Senate Race*, August 1992, 803 respondents.

⁸ Although pollsters for Hunt and Gardner declined to release results of their internal polls, campaign officials were willing to discuss their general findings and trends. The Washington firm of Hickman-Brown conducted polls for both the Hunt and Sanford campaigns, while Fabrizio & McLaughlin of Alexandria, Va., conducted polls for both Gardner and Faircloth.

⁹ Ferrel Guillory and Bill Krueger, "Hunt has solid lead, poll finds," *The News & Observer*, Raleigh, N.C., Oct. 30, 1992, p. 1A. Independent Opinion Research and Communications' poll was based on telephone interviews of 854 likely voters, with a 4-percent margin of error.

¹⁰ At publication time, a federal grand jury was still looking into the eavesdropping allegations. However, on Oct. 26, 1993, Beverley Smith, the former Nash County Democratic Party chairman, pled guilty before a federal magistrate to charges that she had intentionally intercepted and monitored cellular phone calls between Gardner and members of his family during the 1992 campaign. On Nov. 10, 1993, two former law partners of Hunt also pled guilty in federal court to infractions for reviewing notes and a tape from Smith's eavesdropping. Those charged included former Supreme Court Justice Phil Carlton of Pinetops and Charlie Lane of Rocky Mount, both partners in the Poyner & Spruill law firm. In statements, both Carlton and Lane denied ever talking with Hunt about the eavesdropping or passing on information about it to the Hunt campaign. Hunt concurred. For more information, see Joseph Neff and Van Denton, "Hunt allies plead guilty," *The News & Observer*, Raleigh, N.C., Nov. 11, 1993, p. 1A; and The Associated Press, "Hawke wants eavesdropping probe to continue," *The News & Observer*, Oct. 27, 1993, p. 4A.

¹¹ *Mason-Dixon North Carolina Poll, Part II: Senate Race*, November 1992, 818 respondents.

¹² Guillory and Krueger, p. 1A.

¹³ See Bill Krueger, "Faircloth's in-state fund raising poses threat to Sanford," *The News & Observer*, Raleigh, N.C., Oct. 24, 1992, pp. 1A, 12A. *The News & Observer* reported that Faircloth had raised \$809,000 in campaign funds from in-state sources compared to Sanford's \$508,000 (through Sept. 30, 1993)—even though the incumbent Senator still led in overall fund-raising by \$1.7 million to \$1.4 million. According to the article, Sanford's fund-raising was considered poor for an incumbent senator, particularly in the early stages of his campaign, and backers worried that he wouldn't have enough money to counter negative television ads late in the race.

¹⁴ Senator Sanford voted against two Republican-sponsored

"workfare" amendments. However, he voted for the 1988 Family Support Act, which increased welfare benefits but required able-bodied recipients to work or participate in education and training programs.

¹⁵ See Krueger, p. 12A.

¹⁶ Margins of error for the three major polls were: Mason-Dixon North Carolina Poll, 3.5 percent; KPC Research, 3.8 percent; and Independent Opinion Research and Communications, 4 percent.

¹⁷ Seth Effron, "Poll has Faircloth gaining on Sanford," *News & Record*, Greensboro, N.C., Oct. 30, 1992, p. 1A.

¹⁸ AP & staff reports, "Poll: Sanford with narrow lead," *The Asheville Citizen-Times*, Oct. 30, 1992, p. 2B.

¹⁹ Rep. Mavretic dropped out of the race on June 25, 1992, after failing to qualify for a spot on the ballot. State law requires that 2 percent of the registered voters sign a petition for an independent candidate to qualify for the ballot, and Mavretic was unable to gather the required 70,543 signatures. For more details, see Rob Christensen, "Mavretic drops bid for governor," *The News & Observer*, Raleigh, N.C., June 26, 1992, pp. 1B-2B.

²⁰ See Nick Panagakos, "Making sense out of poll stories," *Illinois Issues*, August & September 1987, pp. 74.

²¹ *Ibid.*, p. 74-75.

²² According to results published in *The Hotline*, Vol. 7, No. 15 (Oct. 5, 1993), p. 2, Gantt led Helms by a 48-44 percent margin in the last poll before the 1990 election but lost by a 47-53 percent margin on Election Day.

²³ *Ibid.* The final poll conducted before the 1989 election in Virginia showed Wilder with a 52 percent to 41 percent lead over Republican candidate Marshall Coleman, who is white. However, Wilder won the final election by a much closer margin, 50.2 percent to 49.8 percent.

²⁴ Center for National Independence in Politics, *The Voter's Self-Defense Manual*, Corvallis, Oregon, March 1992, p. 7.

²⁵ For a discussion of the varying impact of public polls on voters, activists, and the press, see Harrison Hickman, "Public Polls and Election Participants," in *Polling and Presidential Election Coverage*, Paul J. Lavrakas and Jack K. Holley, eds., Sage Publications, Newbury Park, Calif., 1991, pp. 100-133.

²⁶ See Gordon S. Black, "The Perot error," *Campaign Magazine*, June 1992, p. 28.

²⁷ See Ellen M. Dran, "Public opinion on polling and pollsters," *Illinois Issues*, July 1992, pp. 30-31.

²⁸ *Ibid.*, p. 30.

"Finally, a poll is not a forecast; it is just a snapshot view of things as they were at a given point in time. Last-minute swings in electoral support can invalidate results of a poll completed eight to ten days before the election."

—GORDON S. BLACK, NATIONAL POLLSTER



IN THE COURTS

State Supreme Court Decision Lets Children Sue Their Parents—Sometimes

By Katherine White

The N.C. Supreme Court, in a July 1992 decision, ruled for the first time that children may sue their parents for inflicting willful and malicious injuries. The case, Doe v. Holt, involved two sisters who had sued their father for monetary damages after he was convicted of sexually abusing them. In its decision, the Court re-examined the parent-child immunity doctrine, a long-standing principle that holds—in the interest of family harmony—that minor children may not sue their parents for their wrongful acts. The new ruling means that parents now can be forced to pay for services, such as mental health therapy or counseling, needed to help their children recover from intentional abuse.

Sally and Jane Doe were only three and four years old when their mother died in a 1978 car accident. But that tragedy was just the beginning of a nightmare that continued for more than a decade. Their father, Frank Holt of Stokes County, was convicted in 1990 of sexually abusing the girls from 1980 to 1989. The sisters charged that their father had abused them emotionally and physically—raping them repeatedly and forcing alcoholic beverages on them. Holt pled guilty in the case and is now serving a prison sentence for his crimes.¹ His daughters are trying to mend the emotional devastation he wrought.

Sally and Jane's odyssey into the court system, in an attempt to make their father pay for their injuries, has implications far beyond their immediate situation.² From the horrors of their experience, the N.C. Supreme Court, in *Doe v. Holt*,³ recognized for the first time that children may sue

their parents for monetary damages when the parents inflict willful and malicious injury.⁴ For such victims, the ruling means that parents may be forced to pay for services necessary to help their abused children recover, including mental health counseling and therapy. Ironically, however, the Doe sisters decided not to pursue the case after the Court decision—in part, because their father had no money.

Parent-Child Immunity Doctrine Dates Back to 1890s

In reaching its decision, the Court re-examined the parent-child immunity doctrine, a time-honored principle that generally prevents children from suing their parents for wrongful acts. The doctrine was first recognized in this country in 1891 and was initially applied by the N.C. Supreme Court in a 1923 case, *Small v. Morrison*.⁵ In that case, the Court observed that "the government of a well ordered home is one of the surest bulwarks against the forces that make for social disorder and civic decay. It is the very cradle of civilization, with the future welfare of the commonwealth dependent, in a large measure, upon the efficacy and success of its administration. Under these conditions, the State will not and should not permit the management of the home to be destroyed by the individual members thereof, unless and until the interests of society are threatened."⁶

The Court stated in the *Small* ruling that:

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"There are some things that are worth more than money. One of these is the peace of the fireside and the contentment of the home. . . . It is doubtful if any age promises a sweeter remembrance than that of a happy childhood, spent in the lovelight of kindly smiles and in the radiance of parent-child devotion."⁷ In recognizing the doctrine of parental immunity as good public policy for North Carolina, the Supreme Court observed that courts in other states had applied it "to the most extreme case possible, that of the ravishment of a minor daughter by her father."⁸ Thus, for decades the courts of this state have refused to allow lawsuits that could threaten family harmony.

State Court Re-examines Parent-Child Immunity Doctrine

But does the rationale of the *Small* ruling apply in family situations of long-standing abuse? Does the Court's pious vision of family life in 1923 mesh with the harsh realities of victims like Sally and Jane Doe? Recent studies have shown that the sisters' travails were far from unique. The N.C. Division of Social Services reports that sexually abused children accounted for nearly 5 percent (1,500) of the 32,011 children for which county social workers were able to substantiate charges of child neglect and abuse in the 1992-93 fiscal year.⁹ Those records identify parents and grandparents as the perpetrators in 95 percent of all reports of neglect and abuse.¹⁰

Other studies have reported that sexual abuse of children may be even more widespread than shown by state records. For instance, a national survey of more than 2,000 adults in 1985 found that 27 percent of the women and 16 percent of the men said they had been sexually abused as children.¹¹ Most studies lump incest in with all sexual-abuse cases, whether committed by close relatives or not, even though childhood sexual abuse generally takes place within families.¹²

Such realities may have prompted the state Supreme Court in 1992 to re-examine the parent-child immunity doctrine when applying it to cases of intentional abuse such as incest. The Court did so by narrowly reading all North Carolina cases that had involved parent-child immunity—none of which had addressed a child's lawsuit over the willful and malicious acts of the parents. In an opinion by Justice Burley B. Mitchell Jr., the Court concluded that earlier North Carolina cases involved only *negligent* acts of parents, not *intentional and willful* acts.

"[T]he case before us is not one in which we are asked to modify or abolish the parent-child immunity doctrine," Justice Mitchell wrote. "The question before us here is whether the parent-child immunity doctrine, as it has existed in North Carolina since *Small*, bars tort claims for injuries unemancipated minors have suffered as a result of a parent's willful and malicious conduct. We conclude that the doctrine does not bar such claims."¹³

"[T]he government of a well ordered home is one of the surest bulwarks against the forces that make for social disorder and civic decay. It is the very cradle of civilization, with the future welfare of the commonwealth dependent, in a large measure, upon the efficacy and success of its administration. Under these conditions, the State will not and should not permit the management of the home to be destroyed by the individual members thereof, unless and until the interests of society are threatened."

—N.C. SUPREME COURT,
SMALL V. MORRISON, 1923



Mitchell continued, "It would be unconscionable if children who were injured by heinous acts of their parents such as alleged here should have no avenue by which to recover damages in redress of those wrongs. Where a parent has injured his or her child through a willful and malicious act, any concept of family harmony has been destroyed. Thus, the foremost purpose supporting the parent-child immunity doctrine is absent, and there is no reason to extend the doctrine's protection to such acts."¹⁴

Justice Louis B. Meyer, in a concurring opinion, agreed with the result but not with the reasoning. "I fear this is one of those cases where bad facts make bad law," Justice Meyer wrote.¹⁵ "My reticence to join the majority opinion arises not from its result but from my fear of how the law it announces will be applied in future cases in this particular area, and surely many will be spawned by this case."¹⁶

Justice Meyer said that the General Assembly should make any changes to the parent-child immunity doctrine. "[T]he legislature is in a far better position than this Court to gauge the wis-

dom of changing the public policy of the state," he wrote, while noting that legislators had amended the doctrine (in 1975) to allow inter-familial lawsuits involving car accidents.¹⁷

Despite his deference to the legislature, Justice Meyer concluded that the Court could appropriately make exceptions to the parent-child immunity doctrine, particularly in cases of sexual abuse. The Court could reach the same result for Sally and Jane Doe, he wrote, by having the justices "erect some hurdles that would weed out the truly marginal cases. One method would be to raise the standard of proof required for recovery from a preponderance of the evidence to clear, cogent, and convincing evidence."¹⁸

Court Decision Gets Mixed Reviews

Reaction to the Supreme Court ruling has been varied. Although some academics have panned the legal reasoning of the decision, child abuse experts have lauded the holding of the case. "This is a good decision, and it represents another logical step forward in the extension of children's

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—JUSTICE BURLEY B. MITCHELL JR.,
N.C. SUPREME COURT,
DOE V. HOLT, 1992



rights," says John Niblock, president of the N.C. Child Advocacy Institute, a Raleigh-based non-profit group. The doctrine of parental immunity has been losing support, he says, because it fails to account for children who come from dysfunctional families. "I think it's an outdated concept," Niblock says. "That's why we have a need for this sort of ruling."

The ruling could have important implications for other pending or potential child-abuse cases, Niblock says, even though it's unfortunate that the Doe sisters were unable to collect retribution from their father. "The idea is important, and it could help the next kid," he says. "I think there are probably a lot of children out there who have been seriously harmed by their parents and their parents have not been willing to pay for treatment. This will provide them with help."

Ilene Nelson, administrator of the Guardian ad Litem program for the Administrative Office of the Courts, says the ruling means that abused children can try to make an offending parent pay the costs of their therapy. She acknowledges, however, that as a practical matter most children

in her program have parents with "an empty pocket." Still, it is an option, she says, and recovery can be sought under homeowner liability insurance policies in many states. Children have successfully recovered damages from their parents' homeowner insurance policies that don't specifically exclude such claims, she says, in states that have abolished the parent-child immunity doctrine or created exceptions to it. "It's been done a lot," she says.

The treatment needs of abused children can be substantial, says Katie Holliday, executive director of the Children's Law Center in Charlotte. "We are not just talking about damages to account for pain and suffering," Holliday says. "We're talking about years and years of treatment. . . . Some victims are just unable to function normally in life."

The academic side of the legal community has not been as supportive of the decision. Calling the opinion "stealthy judicial legislation," a note in the *North Carolina Law Review* criticized the Court for invading a subject matter best left for the legislature.¹⁹ The note by Mebane Rash agreed



"I FEAR THIS IS ONE OF THOSE CASES WHERE BAD FACTS MAKE BAD LAW. MY RETICENCE TO JOIN THE MAJORITY OPINION ARISES NOT FROM ITS RESULT BUT FROM MY FEAR OF HOW THE LAW IT ANNOUNCES WILL BE APPLIED IN FUTURE CASES IN THIS PARTICULAR AREA, AND SURELY MANY WILL BE SPAWNED BY THIS CASE."

—JUSTICE LOUIS B. MEYER,
N.C. SUPREME COURT,
DOE V. HOLT, 1992

with Justice Meyer that the Court should have created an exception to the parent-child immunity doctrine, rather than assert that the doctrine did not apply to cases of intentional wrongdoing. "Instead of muddying the waters of parent-child immunity, [*Doe v. Holt*] could have been a watershed case either abolishing the doctrine or creating a clearly enunciated exception to the doctrine's general rule of immunity," Rash wrote. "A narrow holding crafting an exception to the doctrine of parent-child immunity in cases of sexual abuse would have limited the court's ruling, allaying any fear of subsequent suits against parents for reasonable chastisement."²⁰

An editorial in *The Charlotte Observer*, while generally supporting the decision, voiced similar concerns: "North Carolina's Supreme Court has waded into the murky waters of parent-child relationships with a decision that is absolutely correct but may open courthouse doors to all sorts of complaints the court never intended to hear. . . . For example, will advocates for children file lawsuits for spankings or paddlings?"²¹

Some lawyers disagree with the view that the Supreme Court overstepped its authority in the case. Elizabeth J. Armstrong, a lawyer who participated in the *Doe v. Holt* case, argues that the subject is best left to the courts—which is where the parent-child immunity doctrine originated. "It is up to the judiciary to interpret its own creation in a manner consistent with its purpose," she wrote in an *amici curiae* (friends of the court) brief.²²

Armstrong observes, however, that the North Carolina Supreme Court went further than it had to in the *Doe v. Holt* case. Other state courts have

reviewed the parent-child immunity doctrine and concluded that sexual abuse cases are beyond the scope of the doctrine, without extending it beyond the sexual acts. Armstrong says that abuse can be willful and malicious even if it has nothing to do with sexual acts. It is the willful and malicious conduct that should be punished, not the particular form it takes, she said.

Court Ruling Invites Further Questions

The North Carolina Supreme Court took the broad view in its approach. And, as is consistent with judicial interpretation of legal principles, there probably will be additional cases to further refine the questions raised by the ruling. Such as: At what point does parental conduct move beyond neglect and become willful and malicious? Or, what conduct is considered within the permitted scope of a parent's right to discipline a child?

The case also raises another question: Who will decide where to draw the line between abuse and parental discretion in punishment—the courts or the legislature? The General Assembly passed no new laws dealing with parent-child immunity during its 1992 or 1993 sessions. Meanwhile, the state Supreme Court has not been presented with any more related cases. In this vacuum, the case of *Doe v. Holt* develops a public policy that the Court initiated 60 years ago.

In developing that policy, the courts must wrestle with the fundamental legal debate over strict constructionism versus judicial activism, says Ron Bogle, a district court judge from Hickory. That is, should the courts strictly interpret the law or be instruments of social change? "I believe that there needs to be a sense of both," Bogle says. "My concern about this case is when courts just reach the conclusion they desire, and then try to justify or rationalize that decision without saying what they really mean to do. It leads to amazingly troublesome law."

Bogle predicts that the ruling could produce a flood of lawsuits because the Supreme Court failed to specify the difference between reasonable parental discretion and willful and malicious acts. "If a parent spanks a child and leaves a bruise, is this a willful act that is beyond the bounds of reasonable parental discretion and an injury to the child?" he asks. "Many will argue that it is. I do not disagree with the result, but I question some of the logic to reach the result."

Doe v. Holt also stands as an invitation for legislators to clarify state law regarding parental

"This is a good decision, and it represents another logical step forward in the extension of children's rights. . . . I think [parental immunity is] an outdated concept. That's why we have a need for this sort of ruling."

—JOHN NIBLOCK, PRESIDENT,
N.C. CHILD ADVOCACY INSTITUTE

authority.²³ As *The Charlotte Observer* wrote: "On several occasions the Supreme Court has in effect invited the General Assembly to consider the parent-child immunity doctrine and legislate a reasonable standard for such lawsuits. Now that the court has opened the door to more suits, the legislature may be more inclined to debate this controversial area of public policy."²⁴

North Carolina would not be the first state to re-examine parent-child immunity: the doctrine increasingly has come under fire across the nation.²⁵ At least 18 states have abolished parental immunity or do not recognize it, and at least seven more states have limited its scope.²⁶ The N.C. Supreme Court acknowledges that trend in *Doe v. Holt*,²⁷ but stands by an earlier Court ruling that the "doctrine will continue to be applied as it now exists in North Carolina until it is abolished or amended by the legislature."²⁸ ☐☐

FOOTNOTES

¹ Mr. Holt pled guilty to charges of second-degree rape and second-degree sexual offense. He was sentenced to 25 years in prison in a Stokes County court on April 3, 1990. His projected parole date is August 1999.

² After Holt's conviction on criminal charges, the girls filed a civil action against their father through a guardian ad litem on April 5, 1990, in the Superior Court of Forsyth County. They claimed that they were hurt by their father's abuse and were entitled to damages to compensate them. The trial court dismissed the case on the ground that the parent-child immunity doctrine barred such claims. The Court of Appeals reversed that finding. The father then sought discretionary review from the Supreme Court.

³ *Doe v. Holt*, 332 N.C. 90, 418 S.E.2d 511 (1992). For a news account of the Court's decision, see *The Associated Press*, "Court says molested girls can sue father," *The News & Observer*, Raleigh, N.C., July 18, 1992, p. 6B.

⁴ In *Hawkins v. Hawkins*, 331 N.C. 743 (1992), decided one month before *Doe v. Holt*, the Supreme Court affirmed an award of punitive damages to a woman who had sued her adoptive parents for assault and battery, based on alleged sexual abuse. The opinion, however, did not address the issue of parent-child immunity.

⁵ *Small v. Morrison*, 185 N.C. 577, 118 S.E. 12 (1923).

⁶ *Ibid.* at 584, 118 S.E. at 15.

⁷ *Ibid.* at 585, 118 S.E. at 15.

⁸ *Ibid.* at 579-80, 118 S.E. at 13 (citation to the extreme case omitted); (quoting 20 *Ruling Case Law*, Sect. 36, at 631, William M. McKinney et al., eds., 1929).

⁹ *Central Registry Reports of Child Abuse & Neglect, Selected Statistical Data*, N.C. Department of Human Resources, Division of Social Services, FY 1988-89 through FY 1992-93. Numbers do not represent an unduplicated count. For example, a child may be reported more than once in a given year; also, there may be more than one child in a given report.

¹⁰ *Ibid.* Parents, as defined here, include biological, adoptive, step, and foster parents. Grandparents include biological and step grandparents. Also, victims may have more than one perpetrator.

¹¹ "The Pain of the Last Taboo," *Newsweek*, Oct. 7, 1991, p. 70.

¹² *Ibid.*

**"We are not just talking
about damages to account
for pain and suffering.
We're talking about years
and years of treatment
. . . . Some victims are
just unable to function
normally in life."**

—KATIE HOLLIDAY, EXECUTIVE DIRECTOR
CHILDREN'S LAW CENTER, CHARLOTTE

¹³ *Doe v. Holt*, 332 N.C. at 93-94, 418 S.E.2d at 513.

¹⁴ *Ibid.* at 96-97, 418 S.E.2d at 514.

¹⁵ *Ibid.* at 97, 418 S.E.2d at 515.

¹⁶ *Ibid.* at 100, 418 S.E.2d at 516.

¹⁷ *Ibid.* at 98, 418 S.E.2d at 515. Also see N.C.G.S. 1-539.21, which states, "The relationship of a parent and child shall not bar the right of action by a minor child against a parent for personal injury or property damage arising out of the operation of a motor vehicle owned or operated by such parent."

¹⁸ *Ibid.* at 100, 418 S.E.2d at 516.

¹⁹ M. Mebane Rash, "The North Carolina Supreme Court Engages in Stealthy Judicial Legislation: *Doe v. Holt*," 71 N.C. L. Rev. 1227 (1993).

²⁰ *Ibid.*, pp. 1241, 1245. For discussions of the parent-child immunity doctrine prior to *Doe v. Holt*, see Harlin R. Dean Jr., "It's Time to Abolish North Carolina's Parent-Child Immunity, But Who's Going to Do It?," 68 N.C. L. Rev. 1317 (1990). Also see Mason P. Thomas Jr., "Child Abuse and Neglect: Historical Overview, Legal Matrix, and Social Perspectives," Part I, 50 N.C. L. Rev. 293-349 (1972), and Part II, 54 N.C. L. Rev. 743-776 (1976).

²¹ Unsigned editorial, "Murky waters," *The Charlotte Observer*, July 22, 1992, p. 14A.

²² Amici Curiae Brief (N.C. Association of Women Attorneys and N.C. Academy of Trial Lawyers) at 10, *Doe v. Holt*, No. 379PA91, (N.C. Supreme Court, Dec. 20, 1991).

²³ Katie Holliday of the Children's Law Center in Charlotte points out that other legislation is essential for ensuring the legal rights of abused children. For example, legislators considered but failed to pass a bill, S.B. 905, in the 1993 session that would have extended the statute of limitations for children seeking retribution for parental abuse.

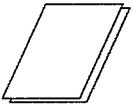
²⁴ See note 21 above.

²⁵ See Dean, note 20 above, p. 1317.

²⁶ *Ibid.*, pp. 1317, 1328. According to Dean, states that do not recognize parent-child immunity include: Alaska, Arizona, California, Hawaii, Kansas, Kentucky, Maine, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, South Carolina, Vermont, and Wisconsin. Other states that limit the doctrine include: Delaware, Iowa, Massachusetts, Nevada, Oklahoma, Virginia, and Washington.

²⁷ *Doe v. Holt*, 332 N.C. at 93.

²⁸ *Ibid.*, quoting *Lee v. Mowett Sales Co.*, 316 N.C. at 495, 342 S.E.2d at 886.



MEMORABLE MEMO

NCDAs News

North Carolina Department of Agriculture

RELEASE MONDAY
OCTOBER 4, 1993

P.O. Box 27647
(919) 733-4216 Fax (919) 733-4217
James A. Graham, Commissioner

RALEIGH - They go by many names but "Necessity" probably best describes them whether on a jet or on the fairgrounds. Commonly known as restrooms or comfort stations, 15 handicapped-friendly facilities will serve State Fair visitors this year. The newest of these will be located on the midway near the western border. Fair officials say it is a modern, mobile structure 14 feet by 48 feet.

"I can remember when restrooms were hard to find at the fair," said state Agriculture Commissioner Jim Graham. "I made up my mind when I became commissioner, I would add them to the fairgrounds as quickly as possible."

As State Fair crowds increased and the public became sensitive to handicapped needs, Graham made good his pledge. Restrooms can be found in public buildings, at the Sam Rand Grandstand and several free-standing sites.

-jfd-3-

What do you get when you cross the Mother of Invention with the Father of Sod? More toilets at the North Carolina State Fair! Leave it to Commissioner Graham to flush out a problem and solve it. Sources tell us that thousands of fair-goers were relieved to learn of Graham's actions. And thanks to Commissioner Graham, a state among the nation's leaders in number of outhouses now can boast of a few more free-standing sites. Meanwhile, we'd be relieved if somebody would send us another memorable memo. Anonymity guaranteed.

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