

Resolving Rights and Representation

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

Equal Rights Amendment

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

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

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

Broyhill opposed the extension. The state's two senators, Democrat Robert Morgan and Republican Jesse Helms, also voted against the extension.

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

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

District of Columbia Amendment

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

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

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

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

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

for D. C. residents.

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

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

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

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

How the North Carolina legislature will react is uncertain. Some observers think several issues

broached during the congressional debate may surface in the conservative legislature. "Some members," Kennedy contended during the debate (without naming them), "fear that Senators elected from the District of Columbia may be too liberal, too urban, too black or too Democratic."

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

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

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

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

And furthermore

State register proposal draws support

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

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

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