

**Brooks' election gave heart to those who saw the commissioner's office in the past as having been one-sided in its support of management aims.**

# The 'Union Man' at Labor

by Jerry Adams

The office has the appearance of that of a graduate student who is in the middle of his dissertation. No fewer than seven plain chairs hold piles of files, mimeographed reports, correspondence, computer printouts, bulletins, memoranda and magazines, all at some stage of being read. More paper piles cover the desk, a couch, a coffee table, a sideboard, a wing-back chair and a metal table. Across the floor are boxes of vertical files containing yet more information.

Standing among the erudite litter are two bronze sculptures of muscular young men, one stringing a stout bow, the other cleaving wood with his bare hands. And in the middle of the office, in a chair he's just cleared to make room for his paunchy frame, sits John C. Brooks, North Carolina Commissioner of Labor and member of the Council of State by mandate of the state Constitution, authorized under the statutes to protect and promote "the safety and well-being" of the 2,554,300 North Carolinians who make up the state's workforce.

John Brooks: the Bad Boy of North Carolina politics.

Brooks is examining his knuckles and talking on about a wide range of subjects during an interview. Every once in a while, he yields for a question.

The content of his answers reflects knowledge absorbed from the information around him and the experience gained from going through five elections in his quest for the office he holds. The length and complexity of some of his answers reflect a characteristic for which he has been criticized.

"As a student of government," says a friend, "there's no one more brilliant in the state. But sometimes John will sit on his ass until the Nina, the Pinta and the Santa Maria get back before he'll make a decision." Indeed, it is said that Brooks' tendency to be tentative is causing grumbling among the union rank-and-file that worked for his election. On the other hand, for someone who was openly regarded in North Carolina's corporate management circles as a serious threat---that is, as a "union man"---before he was elected, Brooks' capacity for going slowly is probably a political virtue. "I think John has softened his approach considerably," notes a management representative who did not support Brooks during his

hard-fought primary battles against Mrs. Jessie Rae Scott.

Brooks himself says, "There's nothing significantly 'union' or 'anti-union' about the Department of Labor. It is a service agency for employers and employees, and their interests are served by the improvement of those services."

Nevertheless, the general perception in the state is that Brooks, at the very least, has an open mind toward labor whereas labor commissioners of the past have been closely associated with management. Pointing out that in northern states the labor commissioner is usually appointed and, like the U.S. Secretary of Labor, is a staunch unionist, one close observer of North Carolina government and politics says Brooks represents an unusual example of "interest-group liberalism" in a conservative state. "In a state like North Carolina," he concludes, "it's the first time you've had a union man."

Attitudes can influence the delivery of the "services" to which Brooks refers. Among the services offered by the department---an arm of state government unnoticed by most citizens unless they happen to read inspection notices in elevators---are two that could influence important developments in the state's future.

First, there is the apprenticeship program. Established by statute in 1939, the program has been a

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

**“I haven't seen a tremendous difference in the Department of Labor under John Brooks' administration.”**

—George Shelton  
*Capital Associated Industries*

---

hollow one, all but ignored by state commissioners of labor and by the U.S. Department of Labor. But the idea of the program is to train, using both private and public resources, the skilled workers that North Carolina desperately needs to continue industrial growth and raise its abysmally low wage scale.

Second, the commissioner's office has influence, both symbolic and substantive, in labor relations in North Carolina. Symbolically, in a right-to-work state with the lowest percentage of unionized workers in the nation, Brooks' election gave heart to those who saw the commissioner's office in the past as having been one-sided in its support of management aims. In terms of substance, the office is statutorily empowered to conciliate and even arbitrate labor-management disputes. Though the power has up to now been exercised in only modest ways, it has the potential for placing the commissioner in the middle of labor disputes involving public employees, who are proscribed from the traditional forms of union organization by state law. This has already happened in Winston-Salem, where Brooks found himself between the Teamsters and city government as the result of a strong effort by the union to organize policemen, garbage collectors and maintenance workers.

John Charles Brooks was born in Greenville, N.C., 42 years ago. He graduated from Greenville High School and from the University of North Carolina at Chapel Hill with a degree in political science. He was thinking of graduate school in economics when he was offered a scholarship at the University of Chicago School of Law. He graduated from the law school in 1962.

Those were the relatively heady days of the Terry Sanford administration. Brooks worked for a year as clerk to Chief Justice William H. Bobbitt of the N.C. Supreme Court and then became Sanford's special assistant on race relations. In that position and as administrator of the Mayors' Cooperation Committee, Brooks was thrust into the vortex of important affairs, and---inevitably---he began to earn a reputation as a liberal. The culmination of Brooks' work with the mayors' committee was a 309-page book

of ideas for reaching the day “when employees all over North Carolina are judged on the basis of merit and not on ancestry.”

In 1965, Brooks served as counsel to the North Carolina Fund, a private, foundation-supported, Sanford-nurtured effort that antedated the national War on Poverty. In 1967, Brooks moved to Maryland to serve as chief of staff in that state's constitutional revision effort. He returned in September, 1968, to serve about 15 sometimes stormy months as the first director of the N.C. General Assembly's legislative research office. Brooks' resume notes that he “also served simultaneously as enrolling clerk, editor of publications and director of computer services.” Observers point out that he probably learned most, however, about human relations. After continuing conflicts with his legislative employers, Brooks was dismissed and went immediately to work for the constitutional revision effort in Illinois.

After a year, he settled into law practice in Raleigh in January, 1971. The next year Brooks took a run at William C. “Billy” Creel, who sought election in his own right as labor commissioner after years as right-hand man and heir apparent to Frank L. Crane, commissioner since 1954. Because labor commissioners had a habit of picking their successors---Crane supported Creel---there had not been a wide-open campaign for the post in more than 40 years. Brooks forced Creel into a run-off, but lost.

Creel died in office during the administration of Gov. James E. Holshouser, who appointed fellow Republican T. Avery Nye. Brooks decided on another try. In 1976, the Democratic primary presented a crowded field of Brooks; R. J. Dunnagan, a labor department official; Virgil McBride, a lobbyist for R. J. Reynolds Tobacco Co.; and Mrs. Scott, the wife of former Gov. Bob Scott. A source thoroughly familiar with the broad sweep of North Carolina management recalls that Brooks was firmly identified as the least desirable candidate in the eyes of executives, who in the Democratic primary tended to line up behind Mrs. Scott.

It was a tough fight. Mrs. Scott ended the first primary with 210,984 votes to Brooks' 191,160. But Dunnagan's 106,925 votes and McBride's 58,720 enabled the second-place finisher to call for a run-off.

Brooks speaks of the run-off with obvious delight. Whereas the first primary is marked by confusion, he says, the second tends to crystallize “issues” and “programs.” During the first primary, he recalls, candidates for labor commissioner might be among as many as 60 candidates at a rally. By the time they're allowed to speak, even the most conscientious voters have departed or are asleep.

A firm supporter during the 1976 campaign recalls the obstacles Brooks faced. Because of old ties between Sanford and the late Kerr Scott, Sanford people in North Carolina tended to support Mrs. Scott. Similarly, those whose current allegiance is to Gov.

James B. Hunt Jr. had sufficient ties with the previous Scott administration to support Mrs. Scott. And, third, there was the Scott coterie itself, plus a state full of conservatives for Brooks to overcome.

It cannot be denied that Brooks overcame considerable handicaps in becoming the first labor commissioner in North Carolina's history so firmly identified with labor's cause. Brooks beat Mrs. Scott 240,579 to 231,578, a difference of 9,001 votes—less than 2 percent of the Democratic votes cast. In the general election against incumbent Nye, who out-spent Brooks by \$173,752 to \$70,642, Brooks won by more than 250,000 votes, getting a total of 900,317.

On the wall of the anteroom of Brooks' office is a photograph of the triumphant candidate, surrounded by microphones, beads of sweat on his forehead, his broad, snaggle-tooth smile flashing the image, despite graying, thinning hair, of an extremely happy kid. It is as if Dennis the Menace had just been vindicated by the North Carolina electorate.

Despite the modesty of Brooks' spending, he still has campaign debts of more than \$20,000. And some industrialists make no secret of the antipathy they continue to feel toward him. It is likely that some big guns will be aimed at Brooks in the 1980 campaign.

In the meantime, however, most industry managers seem resigned to working with Brooks (some were among the contributors at a recent Greensboro fund-raiser for Brooks) or at least staying away from what one called "any great confrontation." George Shelton, executive vice president of Capital Associated Industries in Raleigh, says: "I haven't seen a tremendous difference in the Department of Labor under John Brooks' administration." Jerry Roberts of the N. C. Textile Manufacturers Association points out that ultimately it is the General Assembly that makes the difference and that Brooks' department must swim in "the mainstream of legislative thinking."

Mrs. Ginnie Lawler, the department's public information officer and a veteran of the North Carolina Fund, stresses that Brooks "took a very low-profile approach to bills regarding labor" during the 1979 legislative session.

**We welcome your views,** dissenting or otherwise, on the articles in this magazine or on other subjects related to North Carolina's state government.

Write: The Editor, *N.C. Insight*, P.O. Box 10886, Raleigh, N.C. 27605.

**"There's nothing significantly 'union' or 'anti-union' about the Department of Labor. It is a service agency for employers and employees, and their interests are served by the improvements of those services."**

—John Brooks

Indeed, Brooks' two foremost legislative efforts were a bill to consolidate existing labor statutes and to keep the state's minimum-wage levels as close to the federal levels as possible (which passed) and a bill to strengthen the department's hand in regulating private employment agencies (which did not).

But something occurred during the session that demonstrates Brooks' problems in getting a handle on a department that for years concentrated on the non-controversial, safety-inspection side of things. There was a bill to restrict public employees from joining unions written at the request of Winston-Salem Mayor Wayne A. Corpening and E. Lawrence Davis, a conservative former state senator and a lobbyist for N. C. Associated Industries, an anti-union amalgam of North Carolina companies. Brooks describes the unsuccessful bill as only having served to "muddy the waters" in an important and sensitive area of public law. Yet the man who effectively authored the bill and who defended its constitutionality before a House committee was George W. Lennon, the assistant state attorney general who is responsible for representing the Labor Department. Lennon says his only interest was in making the bill constitutional—the same kind of interest he had shown in a pro-labor package introduced in the 1977 General Assembly. Brooks, nevertheless, was confronted by a bill he didn't like sprouting in his own backyard.

How does Brooks rein in a department of 267 employees with an annual budget of \$9.7 million? There are some who would accuse him of trying to talk it into submission. But Brooks' words, at the very least, show that he has a firm grasp on the facts needed to shape programs.

In apprenticeship, he points out that it has taken U.S. Secretary of Labor Ray Marshall two years to bring federal involvement up to snuff and to ease aside the man who had been sitting on the program's potential. "The support, federally, has been almost zero," he says, "but this will crank up."

There are 3,400 apprentices being trained now. (Training requires 8,000 hours, or four years, of on-the-job training and 576 hours of instruction by highly skilled teachers). Brooks would like to see 5,000 people in the program by the end of this year

and 10,000 by the end of next year. He recognizes that both goals "are simply not feasible." But at least they are goals in a program that heretofore has hardly been visible. Brooks feels the state's capacity for a full program would be 20,000 apprentices, but right now he'd like to work on cutting down the 78 percent dropout rate he inherited.

An informed observer outside the department

says that Brooks must sell the apprentice program to employers, who must be made to recognize it is in their interest to support it much more than they have in the past. "It takes a lot of promotion to make the apprenticeship program work," says Brooks of a program that is largely unknown in the state, "but because it takes a lot of people, in business and government, there is a geometric progression of problems."

Of 400 trade crafts, North Carolina---which busily recruits industry far and wide---provides apprenticeship training in only 30. Among those only about half of the required instruction is available because of the extreme difficulty in finding and paying qualified instructors.

In the infinitely more controversial area of collective bargaining by public employees, Brooks concedes the need to be circumspect, though he insists on his department's constitutional and statutory duty to be involved. First there were the local government problems as in Winston-Salem, he says, "and now we're seeing some rumblings in a separate area, which is state employees . . . We have an obligation, and that's to keep the peace."

Brooks feels that the first thing necessary is to clarify North Carolina statutes. "Now," he says, "public employees don't have rights except as provided in case law." But new laws must reflect North Carolina's attitudes and experience, he suggests, and be built from the ground up by the legislators themselves. "I could go in with a model draft right now," he says, "but it would get no farther than the study committee because it would be misperceived." Nevertheless, he added, the department will develop files on important aspects of the issue because the important question is of people's rights. Brooks' request for a legislative study of the issue died in this year's legislative session. "The concept of public employees' rights does not contemplate unionization of public employees," he concludes. "But most legislators are not prepared to accept that."

And so Brooks continues, carefully trying to balance his image as a "liberal," a "union man," against his conviction that there is work to be done and everyone's cooperation will be needed. Not everything at the Labor Department provides the glamor of controversy, for there are 14 separate divisions mostly concerned with examining everything from boilers to quarries to migrant-worker camps.

Finally, Doris Mason, Brooks' secretary, breaks in on his interview to say he must stop talking for a while, have some lunch and attend a meeting. Sitting there coatless, in scuffed shoes and socks that are decidedly not executive-length, with four pens sticking out of his shirt pocket, Brooks looks like anything but the ogre most management people feared he'd be.

Then Brooks gets up to trudge up the street to a meeting on the apprenticeship program, a program that represents his best hope for improving the lot of North Carolina's workers. □

## Day Care Bill Killed

Clever lobbying by a representative of for-profit day care centers had a part in killing legislation that would have provided for a citizen majority on the Child Day Care Licensing Commission.

Senate Bill 613, introduced by Sen. Katherine H. Sebo, called for increasing the number of commission members from 15 to 19 with nine citizen members, eight day care operators, and two non-voting state agency representatives.

After members of the Senate Rules and Operations Committee objected to increasing the size of the commission, the legislation was referred to a subcommittee.

When the subcommittee met, it had before it a committee substitute from Senator Sebo that called for keeping the number of commission members at 15 but increasing the number of citizen members to eight.

The subcommittee also had before it another apparent substitute, this one bearing the name of Sen. Henson P. Barnes, the subcommittee chairman. It provided for a membership of 15---seven citizens, seven operators, and the Governor or his representative.

The purported substitute had, in fact, been drawn up by Bennie Harrell, a lobbyist for some of the state's for-profit day care operators. Barnes had not endorsed the substitute. He said later that Harrell had prepared it "in the hope that I would introduce it."

Although Barnes disclaimed responsibility for the Harrell piece of proposed legislation, the subcommittee acted in its deliberations as if it had two committee substitutes to deal with. Its meeting ended with Barnes and the other subcommittee members urging Senator Sebo and Harrell to try to reach a compromise on the make-up of the commission.

No compromise was ever reached, and the legislation sponsored by Senator Sebo was eventually killed.