



### Kite Eater

Most the time, trees around campus seem gentle and unassuming enough. But, every March, their true selves come out. And, lo and behold, Carolina becomes aware it's got a whole grove of Kite Eating Trees on its hands. This one, for example, just up and gobbled this kite that was straying by — just like a frog going after a fly, the way you see them do it in the biology films.

# State Speaker Ban Ruled Unconstitutional

## Moody—Appeal May Be Made To High Court

By WAYNE HURDER  
of The Daily Tar Heel Staff

North Carolina's five year old speaker ban law was ruled unconstitutional by a three-judge federal court Monday in Greensboro.

The vagueness of the law was cited as the cause of the decision in the suit filed by 12 UNC students and two Communist speakers who were not allowed to speak at UNC because of the law.

The judges ruled that the law failed to establish "clear, narrow, and objective standards" in deciding who would be allowed to speak.

Assistant Attorney General Ralph Moody said in Raleigh Monday that a conference would be held to decide whether to appeal the decision.

Consolidated University President William Friday and Chancellor J. Carlyle Sitterson, in a joint statement Monday, said it was their "hope that the opinion released by the three-judge federal court... brings this long and costly controversy to an end."

The suit asking the court to enjoin the University from enforcing the speaker ban, was filed March 31, 1966, after the Administration for the second time refused to allow communists Herbert Aptheker and leftists Frank Wilkinson to speak on campus.

The plaintiffs in the suit included Paul Dickson, III, President of the student body; Bob Powell, Chairman of the State Affairs Committee then, and later to be student body President; Ernie McCrary, editor of the Daily Tar Heel, and Aptheker, and Wilkinson.

Wilkinson had attempted to speak on campus on March 2 and Aptheker on March 9, but both were turned back by the campus police after the Trustees and Administration ruled they couldn't speak.

The decision by the Trustees on Feb. 7, 1966 not to allow Aptheker to speak sparked formation of a Committee for Free Inquiry and, on Feb. 24, a march by over 1,000 persons on Friday's home to protest the speaker ban.

The judges, in their decision, credited the legislature with having acted in "utmost good faith and out of genuine concern for the welfare of the students enrolled in state-supported institutions."

The law had been passed on June 26 the day before the end of the 1963 General Assembly session without the University administration knowing it was being introduced.

The original law ruled that no state supported university could allow persons to speak on their campus who were communists, who were "known to advocate the overthrow of the Constitution of the U.S. or state of North Carolina, or who had pleaded the fifth amendment in answering questions concerning communist or subversive activities."

The law was softened by a special legislative session on Nov. 17, 1965 after the Southern Association of Colleges and Schools threatened to withdraw accreditation of the affected schools.

The amended version required the board of trustees of state supported schools to adopt regulations governing the appearances of certain categories of speakers.

The Board of Trustees of the University of North Carolina, on March 1, 1966, after refusing to allow Aptheker to speak on Feb. 7, decided to leave it up to the Chapel Hill administration to rule who was to speak.

The court ruled the law vague because it didn't specify how to decide who exactly was a communist, or how to judge whether a speaker was known to be advocating overthrow of the constitution.

The judges said that previous U.S. Supreme Court decisions, some of them dealing with loyalty oaths, had "firmly established that a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the due process clause of the 14th amendment because of its vagueness."

"No one has an absolute right to speak on a college or university campus, but once such institutions open its doors to visiting speakers it must do so under principles that are constitutionally valid," the court ruled.



Former Student Body President Paul Dickson With Aptheker  
... now 'ecstatic, very happy, very relieved'

# Ban Ruling Brings Feelings Of 'Relief'

By RICK GRAY  
of The Daily Tar Heel Staff

Reaction to the decision of the Federal District Court in Greensboro declaring the long-controversial speaker ban law unconstitutional was one of relief for all parties concerned here Monday.

Consolidated University President William C. Friday and Chancellor J. Carlyle Sitterson hoped that the decision "brings this long and costly controversy to an end."

Governor Dan K. Moore's press secretary, Jerry Elliot, said, "Until the Governor, the Attorney General and private counsel employed in the litigation have had a chance to study the decision, the Governor will have no comment."

Former Student Body President, Paul Dickson, III, who was the plaintiff in the case was "ecstatic, very happy and very relieved."

At his office in Charlotte where he is now employed by a realty company, Dickson added, "I think that North Carolinians can once again hold up their heads with pride. I think that everybody that worked with me—the Committee for Free Inquiry, American Civil Liberties Union and American Association of University Professors—are to be commended for their effort and their help, and I appreciate it."

Former Chancellor William B. Aycock, who was in office when the original ban was passed by the North Carolina General Assembly in 1963 was

also "very happy."

"I have thought all the while," he continued, "the law was too vague. I hope this is the end of it. I don't think we should have rules and regulations" to guide the University in who should speak.

"The freedom of the students has always been handled well here" so there is no need to have the law in the first place.

About the passage of the bill, Aycock said, "It was passed before anyone here knew about it; I heard that it had passed over the radio."

Aycock resigned as Chancellor in July, 1964, and is now a professor in the law school here.

Student Body Vice-President Jed Dietz stated, "I think that this (the decision) shows the wisdom of the decision of the students who were involved in this case to take it to the courts instead of the streets."

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Student Legislature, prevented by the by-laws from meeting during rush week, will hold a special session tonight at 7:30 on the fourth floor of

IFC Rules Fraternity Not Guilty

A fraternity charged with breaking windows in an adjacent fraternity house was found not guilty by the IFC Court Feb. 8.

Two visitors to the house on Dec. 15 were charged with throwing bottles and breaking the windows. It was found that the two visitors had been to other houses that night and were not guests of the fraternity charged with the violation.

The two were students from Virginia and New York City, and were on their way to Atlanta where they lived. They did not appear for the trial.

Honor Vote Tabulation On Thursday

Results of the Feb. 15 honor system survey will not be tabulated until Thursday night, said Elections Board Chairman Norm Zettel.

The ballots have been sorted into districts, but have not been counted due to a lack of help, according to Bill Findlay, Honor System Commission Chairman.

The written comments will cause more problems, said Findlay. Those comments occurring frequently will be used when the present honor system is evaluated.

Zettel asked that all students interested in helping count the ballots come to Roland Parker I or II at 7:00 p.m. Thursday.

Students have been required to submit these reports in the past, but this is the first time the rule has been enforced, said Stirling.

As of 6:00 p.m. Monday only 12 organizations had filed reports. Apathy was the only explanation given by Stirling for the absence of reports.

Fund Freezing Chills SG Groups

A number of student organizations are in danger of having their funds frozen, according to Ken Stirling, Chairman of the Student Government Rules Committee.

Bob Hunter, Chairman of the Ways and Means Committee, will introduce a bill in the Student Legislature tonight to freeze appropriations of all organizations which have not filed semester reports of activities and expenditures.

Stirling said that two notices had been sent to each committee requesting reports. Feb. 12 was the original deadline set, and it was subsequently extended to Feb. 19.

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# SP Membership Swells As Convention Nears

By STEVE KNOWLTON  
of The Daily Tar Heel Staff

A record number of almost 700 students jammed into Gerard Sunday night to join the Student Party, thus enabling them to vote in the SP nominating convention Feb. 27.

The SP membership now totals 916 and will likely not increase before the convention because SP laws state that no person may vote in the convention unless he has attended two meetings. There is but more one regular Sunday night meet before the convention.

The date of the convention was changed from Feb. 26 to Feb. 27 after debate because the women Trustees of the University will be visiting the campus the 26th and all women students will have 10:30 p.m. closing hours and members of the WRC and CWC will be hosting the trustees and would have been unable to attend the convention.

Both candidates for the party presidential nomination were pleased at the attendance of Sunday's meeting, but both were reserved about the final outcome.

SP floorleader in Student Legislature George Krichbaum said he has "a margin, but a very slight one" over Student Body Vice President Jed Dietz for the nomination.

"I'm very optimistic about the final outcome," Krichbaum said. "However I have not drawn any conclusions, for the situation may change during the week and those people supporting my candidacy will have to come to the SP meeting

next Sunday and to the convention the 27th."

Dietz would not say if he had a majority, but said he was "very pleased by the number of South Campus residents" who came to the meeting.

"I believe that South Campus will assert itself in the convention," Dietz said.

Dietz said the SP membership role was now "close but encouraging. I am much happier now than I was a week ago at this time."

A large majority of the nearly 200 students who joined the SP Feb. 11, are Krichbaum supporters.

Both Krichbaum and Dietz admitted there were a substantial — and possibly decisive — number of uncommitted votes in the party.

In last year's SP convention, Dietz beat Krichbaum for the vice-presidential nomination by only 7 votes on the third ballot. On the first two votes there was no consensus of the counters as to who won.

## Viet Cong Attack Tan Son Nhut

SAIGON — Viet Cong forces bombarded the nerve center of the U.S. war effort at Tan Son Nhut Monday night and battled South Vietnamese troops on the roads around it to try to isolate and neutralize the huge complex.

Despite a barrage of more than 115 big rockets on Tan Son Nhut since early Sunday, the Tan Son Nhut Airport remained open for business and the adjoining "Pentagon East" headquarters of Gen. William C. Westmoreland remained operation.

At least six and possibly seven 122 mm rockets, each almost five inches in diameter, slammed into Tan Son Nhut and the defense headquarters compound Monday night.

At Hue, 400 miles to the north, house-to-house fighting continued into the 21st day between U.S. Marines and South Vietnamese attackers and North Vietnamese and Viet Cong forces holed up in the walled old city.

## Tornado Hits Miami, Injures 14

MIAMI — A tornado dropped like "the bomb" on this hurricane-seasoned city Monday, uprooting palm trees, blowing cars through the air and injuring 14 persons.

State officials said damage might run over \$3 million, but none of the injured was seriously hurt.

"I've been through every bad hurricane to hit Miami in the last 22 years and none of them — even Cleo or Donna — was as bad as this. I'd take a hurricane any old day," said one survivor.

Tornadoes are not uncommon in south Florida. At least 80 to 100 homes were damaged, many severely, by the pre-dawn tornado which struck without warning in a 25-block area beginning at Northwest 2nd Ave. and 164th St., and running to 10th Ave. and 178th St.

## UN Admits Korean Air Violation

PANMUNJO, Korea — The United Nations Command Monday admitted two allied planes intruded by accident into North Korean air space but rejected as "fairy tales" Communist charges of ground and sea violations.

U.S. Rear Adm. John V. Smith, senior U.N. delegate, said the two planes strayed into North Korean air space because of navigational difficulties and expressed regret at the incident.

But as for the other Communist charges, Smith told Maj. Gen. Pak Chung-kpk at the 263rd meeting of the military armistice commission in the truce village of Panmunjom:

"The peoples of the world are well aware that it is standard North Korean Communist practice to tell lies in great quantity in a hope that a few of them might be believed.

The Daily Tar Heel  
World News BRIEFS  
By United Press International

## Conner Residents Circulate Petition

By FRANK BALLARD  
of The Daily Tar Heel Staff

A petition seeking paving of a dirt stretch of the road connecting Connor, Winston and Alexander dormitories has collected approximately 380 signatures.

It will be presented to Walter Hamilton, director of the University Physical Plant, this morning.

David Wilborn, graduate counselor to Connor, wrote and issued the document Feb. 5. She started the petition after discussing the need for road improvements with Mrs. Graham Ramsay, house mother for Connor; June Orr, president of the dormitory; and La Voice Hardison, also a graduate counselor at Connor.

The road section, between the University Tennis Courts and the Chapel Hill Cemetery, was described as "a sea of mud" and "like an old corduroy road," by Mrs. Ramsay.

One student broke his car's axle on the bumpy road and others complained of steering and wheel alignment damage, Miss Wilborn reported.

The petition sought paving the road and repairing its shoulders and the parking

areas which it leads to. It cited "daily complaints" from residents and visitors about the bad stretch.

Miss Wilborn was well pleased with the number of signatures. "It was very good, about three-fourths of the students involved signed."

"I sent out about 10 copies in all and took them door-to-door through Connor. They were posted in the halls at Winston and Alexander."

"About 50-60 visitors signed it — dates and people that used the road. One visitor's page was mutilated and couldn't be counted."

Physical Plant Director Hamilton had no comment about the petition yesterday, "I haven't seen it yet. I have no idea of the situation."

The section in question was graded and leveled just prior to the petition's circulation, a grounds crew spokesman said. The work was repeated on Feb. 9 he added and "there's a good possibility that it'll be widened and coated with asphalt this summer."

Acknowledging this repair, Miss Wilborn remarked, "They have done something, but it still feels like it needs paving."