

The Daily Tar Heel

In its sixty-ninth year of editorial freedom, unhampered by restrictions from either the administration or the student body.

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Constitutional Test

After ten years of frustrated efforts to enforce the registration provisions of the Internal Security Act of 1950, the Justice Department now has a clear-cut test case.

Under the registration regulation, any "Communist-action organization" is required to register as such and furnish information to the Government about its membership and finances.

Last week the Communist Party of the United States refused to comply, as many expected it would. Under the Security Act, when an organization refuses to comply with a registration order, its officers have ten days in which to register. After twenty days, the order is extended to every member of the organization.

Today, Thursday, Nov. 30, is the deadline for the officers to register. The penalty for failure to comply is \$10,000 and five years in jail for each day of non-compliance after the deadline. Constitutional considerations are at the heart of controversy which has arisen out of the order to register.

The issues which will be in question after the Communist Party leaders fail to comply—as they have announced they will—are based on the protection against cruel and unusual punishment as set forth in the Eighth Amendment and protection against self-incrimination under the Fifth.

The basis for protests against registering, based on the Fifth Amendment, is that registration as a member of the Communist Party is not simply a matter of going on record. It means admitting that the registrant is engaged in criminal activity as set forth by the Smith Act of 1940. This statute

makes membership in a party advocating violent overthrow of the Government a crime. The law has teeth. Just last June, Junius Scales, one-time Communist leader in the Carolinas, had his conviction under the Smith Act upheld by the Supreme Court.

Any Communist who is forced to register under the Internal Security Act opens himself up to trial and conviction as provided by the Smith Act. Conviction is virtually assured if the courts follow the same legal reasoning process that led to Scales conviction: namely, that the Communist Party of the United States advocates violent overthrow and thus membership in it is a crime.

After the Justice Department begins to follow through on the criminal prosecutions because the members of the Communist Party refuse to comply, the cases will almost inevitably end up in the Supreme Court where the questions of constitutionality—possible violation of the Fifth and Eighth Amendments—must be dealt with.

The Supreme Court has not yet dealt with either of these questions in a test case. The court has ruled that the bare registration law was constitutional. It has not dealt with the claim that the law violated the Fifth and possibly the Eighth Amendment.

When it does, one of the questions that will be answered is whether the court will uphold the amendments, or whether it will sacrifice them for the purpose of eliminating a "menace" which has already demonstrated its inability to work any effect upon the U. S. other than the creation of unreasonable fear.

Stop The Test Talks

Arthur Dean and Semyon Tsarapkin must be very patient men.

As the U. S. and Russian leaders at the Geneva nuclear test ban talks, both men have presented innumerable meaningless, unrealistic proposals to each other. Both must realize that their governments are not truly interested in a nuclear test ban or a system of world-wide disarmament.

If the Russians were interested in either of these, why did they sit through 340 sessions of talks between October 1958 and September 1961 mouthing platitudes about world peace and the dangers of fall-out while their government prepared the most horrifying series of fall-out-producing tests in history?

And if the United States is truly

interested in a test-ban or world disarmament why has President Kennedy made no firm announcement that this country will not resume atmospheric tests?

Why did the United States, knowing full well that the Russians would simply present another far-reaching, completely unenforceable proposal, once again call for test talks at Geneva?

True to form, the Russians Monday presented the absurd proposal that the Big Four have another ban on nuclear testing, without any form of international control.

And true to form, the U. S. said it would have to think about it, which means we have no intention of thinking about it.

The leaders of both delegations have virtually admitted that the talks are useless. Mr. Tsarapkin said Monday, "It is very difficult to be optimistic," and Mr. Dean said last week the U. S. policy would be to "test and talk."

The Russians went into the talks with the hope of regaining propaganda points lost when they started testing. The U. S. felt it would have a bad propaganda effect if we did not appear eager to stop testing.

Test-bans, disarmament and peace have become to the Big Four what God, Mother and Country are to the American politician—words to be repeated constantly and never acted upon.

Practical considerations make both a test ban and world disarmament impossible at present. Both the Russians and the U. S. know this. Therefore, it is hypocritical and deceitful and wasting time to engage in the present Geneva talks.

The talks should be called off.

—Bill Hobbs

Teshima Looks At Japanese Student Movement

'Zengakuren', 'lost', 'funky', 'beatnik' and 'quiet' are some of the stigmas levelled on the young generation in Japan today. As far as Japanese student movement is concerned, UPI, AP or almost all the mass communication media of the U.S. seemed to report only a surface of the phenomena from a stereotyped or sensational viewpoint.

Last week I received a letter from my friend of Tokyo in which he wrote vividly about his participation in street demonstration in protest against the Soviet Nuclear Tests under the Zengakuren, National Federation of Student Self-Government Association of Japan. More than 600 Zengakuren members protested the resumption of the tests in front of the Soviet Embassy in Tokyo. He told me the number of the participants all over the nation are increasing day after day. Have you heard of this news at quiet Chapel Hill? Can you imagine Zengakuren protest against Moscow?

Journalism is a key to promoting international understanding and bringing world peace only if it succeeds in report, analysis and interpretation of the happenings based on facts and even of the quiet voice of the people. Nevertheless, some of the correspondents in Japan tele-typed 'brazenly' false news of the Japanese students last year.

FOR INSTANCE, they reported that participants in snake dancing demonstrations were financially supported by Communist China. But it was not true. One of my classmates at Waseda told me that he had to walk more than nine miles in the middle of the night from a demonstration at the Diet building to his boarding house because he had no money. He had participated in demonstrations for one month and he had spent all his pocket money. Every next morning of the street demonstrations, we used to see several white-banded students in our classes.

This is only one example.

Unexpectedly the film Operation Abolition reminded me of Japanese student movement in a sense that I found in it the common straight-forwardness and vitality of the students.

There may be many contradictions and misunderstandings between you and us. I would like to write about the student movement in Japan from my own viewpoint—that of a student—in an attempt to discuss with you about one aspect of the student life of Japan.

My campus life in the past three years has been devoted almost entirely to the campus newspaper. At first, I reported for a student-run newspaper printed for the School of Political Science and Economics of Waseda University.

DURING THIS period I came in contact with man leaders of the student movement. Zengakuren or otherwise, quite a few of them seemed to possess radical ideologies for the sake of ideology, but as far as their status as students was concerned, they proved to be very modest students. Most of them were excellent students in the class room.

If there was any difference from the ordinary student, it was that they seemed to entertain an extraordinarily ardent desire—somewhat too idealistic and perhaps too hasty—to realize their ideal of peace and democracy not only in campus life but also in society. In a way, they seemed to live campus life more fully and lively than average students in their own way as they snake-danced the streets to the National Diet.

Serving for that newspaper I started to feel uneasy and to doubt whether there was any journalistic freedom allowed for us reporters because the whole paper was in fact devoted to the highly ideological and biased news which were automatically provided from a minority of the leaders of the student government of our department. Editorials, for example, were not written by members of the press committee, but were totally monopolized by those leaders.

AFTER TRYING my best, I walked out in 1958 and applied for an 'entrance examination' of the Waseda Guardian, the English-language campus newspaper which has been printed some 25 years. By participating in this middle-of-the-road campus newspaper, I have, for the first time, been able to observe the student movement from an angle of my own.

Covering the most heated period of the student movement—December 1959 to August 1960—I have discovered the most frequent error that those student leaders commit; they resort to an utterly undemocratic method in order to realize their version of "democracy".

The typical fallacy in their mental structure was always that "the end justifies the means." This was the fallacy that I wanted to point out, most of all, when I became editor after serving as feature editor in my first year on the Guardian.

There is much dispute on the merit or demerit of the activities and existence of Zengakuren but I cannot respect those students who only

highly criticize that organization or non-committally stay outside as if they have nothing to do with the organization.

NOW 'NOTORIOUS' Zengakuren split into three groups and the factional struggle does not seem to cease. The leaders of main stream who take the initiative of Japanese student movement at present still believe ra-

dical revolution based on Marr-Leninism. Most of them were expelled two years ago from Japan Communist Party—which has approximately 60,000 members—because of their extreme radicalism. They emphasize the role of students in realizing revolution in accordance with the platform of Marxism Student Union and Revolutionary Communist League.

On the other hand, anti-main

stream, Zenjiren, is excellent in leading a mass of the students. Almost all of the leaders of this faction are affiliated with Japan Communist Party. They follow the Moscow-Peking line in harmony with labor movement of Japan. They are criticizing the aloofness of the leadership of Zengakuren from majority of students. At the same time, their grassroots policy has gradually gained popularity among students.

The third minority group is led by Japan Communist Youth League and Socialist Youth League. And now they are trying hard to reorganize many youth groups in Japan.

Under the chaotic circumstances, Japanese students are feeling around without decisive idea of which stream would lead them.

I think it is our affair and therefore our responsibility to improve the current student movement, because we always claim academic independence and student autonomy. It has been my primary interest and concern in editing our paper to contribute to upgrade the student movement in Japan.

FOR THE FIRST time in its history, the Guardian featured a series of analyses of the movement, one example being "STUDENT MOVEMENT ON TRIAL" in April 1960. At the same time we tried to bring readers' attention to such inconspicuous but most noteworthy student activities as the relief work in the areas damaged by typhoon Vera in 1959, and college students' visit to villages showing puppet play to the unprivileged children.

During the chaotic period in which the anti-US-Japan Security Treaty movement swept the country last year, I feared that overseas readers might have mistakenly concluded that Zengakuren activities were representative of student life in Japan because of the way mass communications treated the incidents only from a pure commercial and sensational viewpoint.

In mid 1960, more than ten thousand Waseda students participated in the demonstrations against the Treaty. It was the greatest number of participants in demonstrations in the history of Waseda. They protested strongly against the Pact because they believed that no matter how small the danger, the Pact involved the possibility of replacing pens in our hands with rifles and turning our land into battle fields again.

Despite the daily nation-wide demonstrations, the Government finally ratified the Treaty on June 29, ignoring our sincere desire to advocate the spirit of our no-war constitution as shown in the peaceful petitioning campaign. Our wish was trampled down by a mass of police squads who kicked and beat non-violent students' faces and heads in the same way as they did in an incident on the campus of Waseda nine years ago.

AMONG THE STUDENTS who demonstrated there were many who had never participated in any political movement. To call them indiscriminately "Cats paws of International Communism" does not solve the question at all. Admittedly there were a segment of radicals who formented the disturbance. A question arises here, however, as to how many of these students acted according to their own judgment, free from mob-psychology.

But why was it that so many students participated in the demonstrations? Because they were indignant and mistrustful of the way politics were run in Japan.

Participating a series of street demonstrations last year, a majority of Japanese students had a bitter experience. They failed in their efforts to stop ratification of the Pact, and had felt emptiness to some extent. But that experience, I think, will become positive factor in each student's future life.

I STRONGLY believe the sentiment of your fellow students who were violently taken out of the congress building in San Francisco was fundamentally same as that of each Japanese student who were hurled out of the Diet compound by fierce forces last year. I mean by sentiment their sincere desire for peace and the straightforwardness in expressing their opinion in an attempt safeguarding democracy and freedom.

We learned from two atomic bombs on our land that we should never arm again. And also, we know it was our brothers who lost young lives uselessly in the battle fields far away from their mother land.

You might call us Japanese students as too idealistic, unrealistic or Communist-inspired, but we shall strive for our freedom, democracy and peace of the world.

YOSHIO TESHIMA



Author Here On FSLP Exchange

Yoshio Teshima is this year's FSIP student here. He was editor-in-chief of the Waseda Guardian last year in Tokyo. The Waseda Guardian is published monthly by students of Waseda University for international student friendship and is the oldest English language campus newspaper in Japan.

FSLP, the Foreign Student Leadership Project, is one of the most important activities of the USNSA. FSLP is a foreign student exchange program in which about fifteen student leaders from the emerging countries of Asia, South America, and Africa are invited every year to the United States. The students who participate in FSLP are leaders at their student government, editors at student newspapers, leaders in the na-

tional student movement, and in their national union of students.

The student leaders in FSLP come to the United States for a year for study at the individual universities of the States. The FSLP students take a limited academic load so that he can spend a good deal of his time participating in the student government, the student newspaper, and other student activities. He also studies American and American ways of life. To accomplish this, the FSLP student is encouraged to expand his activities into the community as much as possible.

THE SCHOOL which has an FSLP student is not only giving to the student, but in many cases receives more

than it gives. A student leader from another country is able to give to the campus new ideas and view its problems from a different and fresh point of view. He can help educate the students and the community to the problems facing his countries and the students in his country.

The FSLP student is a leader whose leadership ability must be realized on the campus for the program to be at profit to the students and the campus.

UNC has been fortunate in having FSLP students since the founding of the program in 1956. It has been along with the Goetinghen Exchange, one of the most fruitful exchange programs in which UNC has ever engaged.

This Week In Student Legislature

Tonight's session of Legislature will open the 32nd assembly (each legislative year is split into two "assemblies", a carry-over from the past when there were two legislative elections each year.)

As of this writing, no old business is to be brought up, nor any new bill introduced.

The resolution urging integration of the Chapel Hill theaters was passed 23-10 at the last session of Legislature.

Both party chairmen and floor leaders supported the bill—including UP Chairman Bill Criswell who claimed that by voting on the resolution, Legislature was "losing some face and taking strength away from its other bills", but who still supported it.

We feel Legislature had good reason for taking a stand on this issue. At that time a Chapel Hill merchant—the Varsity—was discriminating against a sector of the UNC student

body. Any form of anti-student discrimination should be of direct interest to Legislature, which supposedly represents the students.

A very interesting statement was made by a legislator who opposed passage of the resolution, "By passing this bill, Legislature is endorsing a body which is subject to much controversy today—the National Association for the Advancement of Colored People." The legislator said he was expressing the opinion of his constituents, not necessarily his own.

The interesting aspect of this statement is that it is so completely wrong while at the same time so widely accepted.

For persons who still equate an endorsement of theater integration with an endorsement of the hosts of groups which support integration, let us reiterate these points:

—Legislature resolved that "the non-integration of the theaters in Chapel Hill constitutes an injustice." The bill asked the theaters to "open

their doors to all persons regardless of race, color or creed."

—Legislature did not make a general pronouncement on integration.

—Legislature did not endorse either directly, indirectly, or by any train of reasoning whatsoever, the NAACP, CORE, or any of the thousands of organizations which at one time or another have supported theater integration (including the American Communist Party.)

This "NAACP endorsement" reasoning is of the "guilt by association" variety: most people in the South have little love for the organization; so, if a person can tag local issues with the NAACP label (the Association has absolutely no control over the policies of the Citizens Committee), then he can undermine the local situation.

We hope that legislators will explain to their less perceptive constituents the facts concerning the pro-integration resolution.

—JIM CLOTFELTER

College Drop Outs & Dismissals

The problem of drop-outs is not confined to elementary and secondary schools. Though no concern has been expressed publicly about it, the colleges also have a problem of drop-outs. People connected with institutions of higher learning tend to shrug off the implications of college drop-outs with the comment that those who leave are not college material, anyhow, and convey the impression that the colleges ought not to be concerned about the elimination of these students from the campuses.

As an intensive effort to keep students in the high schools of North

Carolina gets under way, a report from the State Board of Higher Education shows that 1,138 students were dismissed last year from the Consolidated University of North Carolina for academic failure and 213 others dropped out because of poor grades or difficulty of work.

To raise the point is not to suggest any lowering of academic standards in the institutions of higher learning. For a degree to have significance, the standards have to be kept high. But the institutions of higher learning may well look to the guidance they provide their students, to the

quality of instruction given, and to the attitude taken toward students.

Involved in the question of college dismissals for academic reasons and for drop-outs are such matters as the quality of preparation the students have received, the real efficiency of the admitting procedures, and the emotional and moral maturity of the students. Like the question of drop-outs in the high schools, the question of dismissals and drop-outs in the colleges call for more study than has apparently been given it.

—DURHAM MORNING HERALD

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