

The Daily Tar Heel

Seventy Years Of Editorial Freedom

Offices In Graham Memorial

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UPI Wire Service

Mock Trial Jury Rules 'No Case' In Phelps Libel Suit

By LOU ROSENTHAL

A favorable verdict for the Daily Tar Heel was returned Friday night at the Law School Mock Trial, when the 12-man jury found for the DTH in a civil libel suit brought by Larry Phelps.

The jury deliberated for almost an hour before returning its 19-2 decision.

The trial, under sponsorship of Phi Alpha Delta legal fraternity, was based upon an allegedly libelous editorial appearing in the DTH, calling Phelps no more than an "agent" of Communist Russia.

Phelps' attorneys, Joel Friedberg and Joe Roberts, called down the editorial, and its author, DTH Co-editor David Ethridge, saying the editorial was libelous and damaging, and asked \$55,000 in total damages—\$5,000 for actual damages and \$50,000 for punitive damages.

Presiding Judge Malcolm B. Seawell, N. C. Attorney General under Governor Luther Hodges,

and a former Raleigh Superior Court Judge, commented that the trial was "much better by having a civil action for libel, than the usual murder trial."

"All did a grand job," said the Chapel Hill resident at the end of the trial. "Loyalty is to the government and the law. I went to the USSR last year, and I have never seen more pitiful people than those on the farms. The collective farmers are poverty-stricken."

Judge Seawell announced at the start of the trial that "I am Malcolm B., not Malcolm X." in reference to the speech of the Black Muslim leader on the campus Friday night.

The verdict of the jury was not unanimous, but the attorneys for both sides had agreed that a majority decision would be accepted to prevent a mistrial.

The first witness was the complainant, Phelps. Examined by Roberts, Phelps said that he came

from a small town, and had held an appointment to West Point from former Rep. Carl Durham.

When asked about his leanings to Marxist-Leninist feelings, he replied that until he had entered UNC, he had no such feelings, but then traced his evolution as a Marxist-Leninist to his appearance in court.

"This has helped me feel my position as a United States citizen, and what is happening in the U. S., and better advance U. S. civilization in general. My action is conscious thought of what is good for humanity and the U. S."

Under cross-examination by defense attorney Charles Katzenstein, Phelps called himself a Communist, "with qualifications." The defendant's counsel referred to his "qualified communism" throughout the trial.

Phelps said that he didn't believe in God, and that "we all know that truth is relative at certain times to men, judged in

terms of man, and his existence while he lives."

"Capitalism is nothing more than 20th century slavery," he replied when queried about his racial opinions.

The plaintiff said he attempted to go to Cuba in December, 1962, but was foiled by the State Department. A document was shown to him that was identified as distributed by the Progressive Labor Movement, of which Phelps is co-chairman, and was later read to the court.

The only other witness for Phelps was his academic advisor Clifford M. Foust, a professor in the UNC History Department. Professor Foust acted as Phelps' "expert witness," and testified as to Phelps' possible connection with the Soviet Union, either as a "witting or unwitting agent."

Phelps' attorneys rested their case, and the defense took over, putting on the stand, David Eth-

ridge and Gary Blanchard, the co-editors of the DTH.

Their questioning brought to light the dispute over the word "agent," whether it meant a paid representative of the Soviet Union, or an unwitting disciple of the USSR's aims.

Ethridge said he meant it as "furthering the aims of the USSR, and not a paid agent." Blanchard felt that "it was possible that a better choice of words might have been used, but the staff felt that agent—in quotes—was the best word. In no sense were we implying that he was a paid agent."

When Blanchard was asked if he had ever seen Phelps arm himself, the DTH Co-editor replied, "Well, I have seen him carrying a tray full of knives in Lenoir Hall."

While Ethridge was on the witness stand, Friedberg read to the court a DTH article in which Man-

aging Editor Wayne King called the attorney a "shyster lawyer . . . run-out of town on a rail . . . tarred . . . and feathered."

The DTH attorneys then presented their "expert witness," James Roberts, a graduate student in Political Science, specializing in Soviet government, Communist theory, and fluent in Russian.

Katzenstein read the Progressive Labor movement's documents to the court. The document called for opposition to "Kennedy's War Policy against Cuba," and asked for readers to rise against President Kennedy and "link arms with our Cuban brothers to preserve peace."

Roberts called the document "typical of the movement."

"Mr. Phelps," he said, "is a consistent Marxist-Leninist and under certain circumstances would carry out his ideas to a logical conclusion."

If necessary, violent action would

be taken. The Progressive Labor movement is more militant than the Communist Party. The national leadership is composed of ex-communists who have been disenchanted with the rightism of the American Communist Party. It is conceivable that he (Phelps) would take action against the United States."

The DTH's last witness was James Carson, a UNC law student. Carson testified that he and a group of law students went to a meeting of the New Left, a leftist organization, last October, to hear a seminar on disarmament.

"Mr. Phelps expressed the view that the USSR was justified in crushing the Hungarian uprising; and that the USSR, and not the U. S. was to be trusted in test ban talks," Carson testified.

In cross-examination by Friedberg, Carson was asked if the purpose of the law students going to the meeting was not to "break

up that commie meeting." (Friedberg was one of the students who attended.)

Carson answered it was not the purpose, and when questioned why the chief of campus security force was present, the law student said, "Mr. Beaumont was sitting in a window, but I understand he goes to all their meetings."

In his argument to the jury, Katzenstein said that the defense had "established beyond a shadow of a doubt, the truth of the editorial."

"He (Phelps) is dedicated to bringing communism to the United States. If anything, the DTH understated its description of the defendant. Phelps couldn't help answering questionings by justification of the Party Line."

Friedberg said that Phelps didn't agree with the Cuban document in its entirety, and that Phelps' views are to forward America. "The defendant has not tried

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Richard Hesse Named To Lead '64 Symposium

National Security Chosen As Topic



Malcolm X Speaks Here

'X' Says Negroes Will Pass Whites

By BILL DOWELL

The difference between liberals and conservatives is that the liberals have developed the art of using the Negro," Malcolm X said Friday night.

"The white liberal is foxy," the Muslim leader said, "where the white conservative is usually honest and lets the Negro know what he thinks of him."

The meeting between Malcolm X and Negro Attorney Floyd McKissick of Durham was moved to Memorial Hall after the Howell Hall audience overflowed. About 1600 people attended.

Malcolm X said that the Muslims have no desire to be equal to the whites because that would limit them to the level of the whites.

The whites, he said, claimed that the Negroes couldn't have equal rights because they were always fighting or getting drunk or being immoral and then, when the Black

Aid-To-Education Bill Will Reach House Tuesday

\$237 Million Would Aid Health Schools

WASHINGTON (UPI)—The first educational bill of the season will be considered by the House next week amid grumblings of dissatisfaction from some traditional friends of school aid.

Up for consideration on Tuesday is a \$237 million measure to assist in the construction of schools of medicine, dentistry and other "health professions." Also included are provisions for loans to medical, dental and osteopathic students.

Opposition to the legislation is negligible. What is bothering advocates of federal aid to schools is the timing and the form in which the bill is arriving on the floor.

May Hurt Chances

Rep. Edith Green, D-Ore., chairman of the House education subcommittee, has been battling for a general college aid bill and feels that action now on the medical school measure may hurt the chances of her legislation.

Mrs. Green and other members of the House Education and Labor Committee—both Republican and Democratic—wanted the medical school bill either tied to the general college aid measure or at least considered after her \$2.7 billion proposal was considered. Aid to medical schools was approved by the House Commerce Committee, which oversees the U. S. Public Health Service, the agency responsible for carrying out the program. Supporters of substantial federal aid to colleges are worried that a vote for the medical school bill will diminish enthusiasm of many members for voting in favor of a second school aid bill.

Rep. Albert Que, Minn., a Republican member of the Education and Labor Committee, went before the House Rules Committee two weeks ago in an effort to stall action on the medical bill until the general bill was considered.

Team Player

Mrs. Green did not ask the committee to hold up the medical aid measure. Nor did she urge the members to clear it. She labeled herself a "team player" and implied that she was ready to go along with a White House decision to sidetrack the general bill in favor of the medical school measure.



Larry Phelps Testifies Under Examination

Duke Report Calls End To Segregation

Duke University has ended 125 years of racial segregation in its undergraduate colleges with the admission of several Negroes to the Class of 1967, according to a Duke Chronicle report.

The administration had no comment on the report. Official announcement from the University is pending acceptance of admission by May 1, the Chronicle learned.

Graduate and professional schools were desegregated in March, 1961, by order of the Trustees, and four Negroes were admitted the following September.

In action last June, the Board of Trustees authorized undergraduate admissions "without regard to race, creed or national origin."

The Chronicle source indicated the Negroes would receive financial aid and that notifications of scholarships and grants-in-aid will be mailed Tuesday.

Mariam Makeba, an African folk singer who performed on the Duke campus last week, donated her fee to establish a scholarship fund for a Negro student from Ghana.

World News In Brief

Nixon Raps Cuba Policies Of JFK

WASHINGTON (UPI)—Richard M. Nixon charged Saturday that "with American acquiescence" the Soviet position in Cuba is firmer now than it was a year ago.

The former vice president, addressing the American Society of Newspaper Editors from the same platform where President Kennedy spoke Friday, said the Cuban venture has been "a net gain, not a loss" for Soviet Premier Nikita Khrushchev.

"We must no longer postpone making a command decision to do WHATEVER IS NECESSARY TO FORCE the removal of the Soviet beachhead," Nixon said. "The United States cannot tolerate the continued existence of a Soviet military and subversive base 90 miles from our shore."

His speech to the country's leading newspaper editors was a sharp attack on the foreign policies of the man who defeated him in the 1960 presidential election, and who before the same forum Friday argued that the United States must use "restraint and a sense of responsibility" in dealing with Cuba.

Candidates In Village Announced

Victory Villagers will elect 10 members to the Board of Aldermen by mail-in ballots distributed Tuesday at the homes of the Village's 500 voters, Lawrence Posey, present chairman, has announced. The ballots will be counted Monday, April 29.

Running for the offices are 11 candidates: Jimmy Weeks, Roy Peele, Jim Alderman, John Faulcett, Bob Wilson, John Madison, Cliff Fuller, John Haynes, Carlton Pierce, Neal Beach and Vera Parker.

The Board of Aldermen, the governing body for Victory Village, receives funds from Student Legislature. The Board operates a day care center for children, handles disputes, promotes recreational activities, and deals with other matters concerning Village residents.

This year, Posey said, much re-vamping of the housing situation had been done. Married students are now placed on request lists and attempts are being made to satisfy "evances arising over placement."

Recreational improvements are being carried out. New equipment is being provided for the Village playground. Funds have been made available for basketball goals, shuffleboards, volleyball and badminton courts.

15 Chairmanships Open For Next Year

Students interested in being interviewed for one of the 15 student Government committee chairmanships open for next year must fill out application blanks prior to their interviews, Student Body

President-elect Mike Lawler announced yesterday. These forms are now available at the Information Desk in GM.

Interviews will be held by Lawler, Tuesday-Friday of next week in the SG offices in GM. Interviews will last approximately ten minutes each and will be held Tuesday and Thursday afternoons, from 1-3:30, and Wednesday and Friday, from 2-3:30.

The following chairmanships are open: Campus Affairs, Communications; Orientation; Academic Affairs; National Merit; Carolina Forum; Campus Committee of National Student Association; International Students Board; Consolidated University Student Council; State Affairs; Honor System Commission; Elections Board and Student Credit Commission.

Three new executive sub-committees have been established for which chairmanship interviews will also be held. These include the Co-op, University Abroad and Orientation Reform Committees.

Dormitory newspaper editors are also requested to interview for chairmanship of the Editors Roundtable.

Lawler Meets Press Wednesday Afternoon

Student body president-elect Mike Lawler announced yesterday that he will hold the first of his weekly press conferences Wednesday afternoon in Graham Memorial.

Lawler said that he would report and comment upon the outcome of Tuesday's meeting with the Faculty Committee on Student Discipline and officials of the University Administration. "Both general and specific concerns in the area of student conduct will be discussed at this meeting," he said.

DTH co-editor Gary Blanchard yesterday requested all students who have questions for the newly-elected student government leader to direct them to the Daily Tar Heel office in GM by Tuesday afternoon.

Education Called National Problem

By PETE WALES

"Education is a national problem and must be treated as such by the federal government," Rep. Frank Thompson (D-New Jersey) said at a luncheon at the Holiday Inn in Durham yesterday.

Thompson's address closed out a two-day conference of the North Carolina chapter of the Federation of College Young Democrats to rally support for President Kennedy's National Education Improvement Act.

Many of the delegates were preparing for the National Student Federal Aid to Education Conference to be held in Washington, D. C. April 25-26.

"Despite the comparative greatness and wealth of this country, we

Education Called National Problem

have a surprisingly low education standard," Thompson said.

Thompson, a Wake Forest graduate from Trenton, N. J., feels that the aid to education bill should be passed on a need basis. The poorer states would receive the majority of the aid at the expense of the richer ones.

He cited states rights as being a major issue blocking aid to education bills in the past several years. States-rights feel that the federal government would have undue influence over schools of it were to supply their funds.

"The federal government has given aid to education since the Northwest Ordinance in 1787," Thompson said. "Yet it has never interfered with schools or tried to pressure them in any way."

Neutralist Routed

VIENTIANE, Laos (UPI)—Communist Pathet Lao troops have driven neutralist Gen. Kong Le from his airport stronghold on the Plain of Jars and are in position to crush him completely, military sources reported Saturday.

The sources said Kong Le's men withdrew to the village of Man Phanh, about six miles northwest of the airport, and began digging in for a possible new attack by the Pathet Lao. However, the Pathet Lao did not immediately follow up their advantage, the reports said.

Fighting also was reported to have flared at Vang Vieng, an important road junction only 50 miles north of Vientiane. The Village on the main road from Vientiane to the royal capital of Luang Prabang, has been held jointly by neutralist and Pathet Lao forces.

Guatemala Student Group Visits Here

Ten student leaders from Guatemala are visiting the UNC campus through Tuesday afternoon.

The students are participants in the Special Exchanges Program of the Bureau of Educational and Cultural Affairs of the U. S. Department of State. Their program has been arranged by the National Social Welfare Assembly.

Miss Anne Queen, is hostess for the Guatemalan students' visit. While on the UNC campus, the Guatemalans will visit with UNC students, student government officials, and members of the Chapel Hill community.

Tonight, the Guatemalans will meet with the Student Peace Union and tomorrow they will lunch with the student NAACP chapter. They will dine at UNC sorority houses tomorrow night.

The visiting Guatemalan students range from 17 to 27 years of age. They are representing the Youth Association of the Guatemalan-American Binational Center in Guatemala City. This association aims at promoting cultural and social exchange with local and American institutions to further strengthen understanding and friendship between the United States and Guatemala and promoting the bilingual status of the organization by providing activities which encourage the practice of both English and Spanish.

The Chapel Hill-Raleigh-Durham area is the second stop on the Guatemalan students' visit. They arrived here from New Orleans and before leaving the United States on May 14, will visit Pittsburgh, Pa., New York City, Boston, Mass., Washington, D. C., and Miami, Fla.

Wall Reinforced

BERLIN (UPI)—Communist border guards Saturday reinforced tank traps along the Berlin wall to prevent any more escapes like the one last Wednesday when an East Berlin mechanic crashed through in an armored car.

West Berlin police said the Cam-