

The Daily Tar Heel

71 Years of Editorial Freedom

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Co-Editors

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The Patio Incident

Much confusion surrounds the incident at The Patio last Thursday during UNC's Senior Class Party.

As reported in the Tar Heel, two members of the class—one of them colored—have been arrested on trespass warrants sworn out by Henry Andrews, manager of the tavern, because they allegedly refused to leave when told to.

The Tar Heel inadvertently contributed to the confusion which exists by mistakenly headlining the story "Charges Filed Against Pair After Sit-In."

It was not a sit-in. It was a case of mistaken expectations.

As class treasurer Jeff Guller's ensuing statement said, "We're sorry the incident occurred. If we had known The Patio was segregated, we would not have planned the Class Party there."

He spoke for the large majority of the class who simply weren't aware that the tavern is one of the few remaining blots upon Chapel Hill's reputation for enlightenment and tolerance.

For the few students who knew The Patio normally operates on a segregated basis, there was good reason to believe that the Jim Crow rule had been temporarily suspended inasmuch as the Class had reserved the tavern.

However, it has since been made clear that the class did not reserve the Patio outright, thus giving seniors exclusive attendance privileges. The class only got permission to have the party there.

"There was no contract signed and no money paid—or if there was I haven't seen it yet," Andrews said yesterday.

The point is, this was no planned move to desegregate The Patio. It was not a sit-in. It was a case of mistaken expectations.

Perhaps the main lesson to be learned from the incident is that you can't take integrated facilities for granted when planning any off-campus function.

In this case, however, the Senior Class planners should have known they were going into a segregated situation.

In an editorial in the May 2 issue of the Tar Heel, The Patio is listed as one of the 14 local establishments which practice discrimination.

That the planners somehow overlooked this information has resulted in much unnecessary harm being done.

We are anxious to see what the Class intends to do to make amends.

We suggest as a starter that they ask The Patio manager to consider dropping the charges.

Discrimination—Croak

We have long felt that we here in Chapel Hill are being discriminated against by the powers that be in the state. Another instance of this discrimination is about to be perpetrated against us.

We notice in a news story in the Raleigh News and Observer that Governor Sanford has named Wade Lucas, public information officer in the Department of Conservation and Development, to line up bull frogs for a jumping contest this week in Raleigh. The best frogs will be flown to California for the Calaveras County Jumping Frog Jubilee.

All of this is fine so far, and doesn't smack of discrimination, but the hundreds of weak legged frogs that will never get to see the Pacific will be distributed to Duke and State College, and none to us.

With this proposed distribution we can only assume that the rejected frogs will become students at Duke and State.

If this is the case we feel the distribution is fair and intelligent, having long thought the student bodies at those institutions were made up of hoppy-toed, weak-legged rejects.

But if these frogs are going to the labs at these other schools, then we want our fair share.

If we can't get a student union, or new dorms that aren't 100% self liquidating, or some of the other niceties that Duke and State have, then we should at least be entitled to free bull frogs.

Legislatures

It is encouraging to see a student legislature function intelligently and without wasting time. If only the state legislature would do the same.

Speaking of the state legislature, we notice that they met at Western Carolina College yesterday. They didn't do much at Wilington, they can't seem to do much at Raleigh and they probably didn't do much at Cullowhee.

If they keep this up, they too will be abolished by the Di-Phi.

Segregation: Here Are The Legal Facts

By WARREN OGDEN

Chapel Hill has become embroiled in the turmoil of civil right. Almost any night, in almost any dorm, bar or fraternity house, you can find highly vocal opinions on said subject. A lot of these students and teachers have decible ratings in inverse proportion to the amount they know about the subject. For the most part, they are speaking on the Theory of Relativity without even a vague understanding of college algebra.

There are two major forms of anti-segregation demonstration which we shall consider here. The first is the sit-in and the second is the mass protest. Let us consider the latter of these first.

The right of peaceful mass demonstration was upheld in the Supreme Court in *Edwards vs. South Carolina* in Oct., 1962. In this case, 187 demonstrators were convicted of common breach of the peace. They were arrested while walking two abreast in groups of about 15 from the Zion Baptist Church to the state capitol in Columbia. The conviction was upheld by the State Supreme Court and reversed by the U. S. Supreme Court.

The exact rights of the sit-in demonstrators will be decided by the Supreme Court in the case *Avent v. North Carolina*. This case came up before the Court last November after having been decided in the North Carolina Supreme Court in January of 1961 against the Negroes. Two white and five Negro students were convicted under the state's trespass statute for refusing to abide by a store manager's request that they leave the store's "white" lunch counter. The counsel for the students, NAACP attorney Jack Greenburg of New York, has argued the case on the narrow issue of whether a state's use of police power to enforce segregation that stems from a community (Durham) custom "generated" by a "complex network of state laws" violates the 14th Amendment's "equal protection" clause. The counsel for the state, Ralph Moody, argued that the trespass laws are strictly neutral and are not used as a weapon in the integration question.

When the decision is handed down, it will provide significant basis for future litigation. In light of this, it is difficult to see how the Court can decide totally against the state because this would make enforcement of any trespass law difficult. On the other hand, it would seem likely that the Court would favor the students. It therefore seems likely that the result will be a tie with the Court deciding in favor of *Avent* on the basis of a Durham city statute which enforces segregation. The opinion will probably consider this as state action rather than the owner's free choice to discriminate.

What then are the present limits? In 1960, (*Boynton v. Virginia*) the integration of all inter and intra-state common carriers was decided. This set the precedent for cases which decided the rights of Negroes in all bus terminals, train station, air ports, etc., to all facilities.

Without mentioning cases, it has been held that cities do not have the right to district housing on racial lines, to enforce restrictive covenants in real estate contracts, or to enforce segregation in city buses, city libraries, public auditoriums, athletic events, swimming pools, beaches, golf courses, public housing, the sale of liquor, the sale of groceries, and the sale of food in a courthouse cafe.

Let us now consider the next likely step that will be taken in the courts. The next big question (although it is not yet on the Supreme Court docket) will probably be whether state licensure of a concern or person is a legitimate basis for prohibiting segregation. This has been decided in a Maryland lower court. The case was *De Angelis v. Board of Liquor License Commissioners* in 1955. This declared it unconstitutional for the Baltimore Board of Liquor Commissioners to grant licenses for colored or white patronage only. When this question comes before the Supreme Court, it will provide the next milestone to expand the limits of civil rights.

"You Know What? A Lot Of People Down Here Are Just Plain Prejudiced Against Us"



Letters To The Daily Tar Heel

Three-Man Rooms Bad For Academics AND Health

To the Editors:

I do not only dispute the proposed three man room system on academic grounds. I protest it on the basis of health requirements.

I take my dormitory room as an example. It is 17' 9" long, 11' 4" wide, and 9' 10" high. There are two protruding closets, each 2' x 3' x 9' 10".

Compare the statistics for my room with those given to me by the City Planning and Architectural Associates. For comparison I have included figures as they would be if three men were housed in this room.

A. My room (Two men):
201.12 total sq. ft.
—12.00 sq. ft. closet space
189.12 sq. ft., or 94.56 sq. ft. per man.

B. Proposed three-man room:
189.12 sq. ft., (same as above), or 63.04 sq. ft. per man.

C. Bare minimum from City Planning:
Square foot per man as quoted by the City Planning and Architectural Associates is 85.00 sq. ft. per man!!

But square footage is only one-half of the argument. Consider:

A. My room:
1976.89 total cubic footage
—117.96 cubic volume
1858.93 cubic feet or 929.465 cubic feet per man.

B. Proposed three-man rooms:
Same basic cubic volume, but 619.643 cubic feet per man.

C. Bare minimum quoted by City Planners:
807.5 cubic feet per man.

On both counts, present conditions in my room are totally inadequate for three residents.

Ken Robinson
314 Joyner

Birmingham Background

To the Editors:

A friend has sent me your editorial on our tragic racial situation, and I hope you will allow me to give you a little background which you haven't heard on the network or read from national newsmen far from the scene.

On April 2nd the voters of Birmingham elected a new mayor and nine councilmen to replace our old form of a three-man commission. The new men were to be installed on April 15th under the law, but the three incumbents refused to leave until the end of their terms in 1965. Both sides appealed and the hearing is to come up before the Alabama Supreme Court on May 16th, or soon thereafter. In the meantime Birmingham has been like a ship wallowing on a turbulent sea without a captain.

The new mayor had promised to "resolve our difficulties" upon installation. Local Negroes could have waited until the new city government could act; however, Martin Luther King knew now was the time to strike for a sensational build-up of funds for his organization. Therefore, the day after the election he and his cohorts moved and began to incite hatred and lawlessness. What has happened since is well known.

The reports of "brutality" sent out never mention that it is the police and firemen who have been spat on and pelted with rocks, bricks and bottles and some hospitalized. One picture showed a Life photographer nursing an ankle that had been hit by a chunk of concrete thrown by a Negro in the mob. I said it couldn't have happened to a more deserving fellow and that was one picture that would never make Life. One demonstration was called off by a Negro preacher because he saw at least 25 Negroes with guns.

The restraint of the whites has been gratifying. Our newspapers have commended the police on their patience and our leading Negro businessman, standing in his office beyond the park where the demonstrations formed, said "The restraint of the police is remarkable. It could be nasty." I got to town at the tail end of the big downtown spectacle when Negroes pushed whites from sidewalks and overran even the French Room of our leading department store. I don't believe their most ardent admirers could have failed to note the "wild man of Borneo" aspects of the exhibition.

Outsiders went to the schools and recruited students who were glad to have excitement. There were reports of intimidation of those who didn't want to march. Many of the children sent to the Juvenile Home

fared better than at home and many parents weren't eager to get them out. One girl who had been sick and sent to the doctor finally had to be taken home by a deputy, as her parents twice refused to come get her.

Many of us haven't agreed with the handling of the race problem in our state and city, but others should know that this last outburst would not have occurred if local people had been allowed to solve our problems when the new city government came in. Birmingham has been used by outsiders to garner large sums for their gain.

The roadside murder was deplorable and we hate it, but the hordes of others who say they will come down will further inflame the situation and should be stopped up North.

Sincerely yours,
Irma Flinn
Birmingham, Ala.

Spearman Commends

To the Editors:

I should like to commend the intelligence, the ability and the devotion to the University displayed by the seven members of this year's Senior Class who delivered their "Parting Shots" on Tuesday evening at Memorial Hall.

In my 28 years of teaching at the University I have not heard a more stimulating, perceptive and challenging program than the short but frank talks made by Miss Beth Walker, Walter Dellinger, Wayne King, Henry Mayer, Bill Innes, Mack Armstrong and Joe Craver. They have recognized many of the problems of the University and have spoken out clearly concerning those problems. One proof of the excellence of the University is that it could have produced seniors of this high quality who love their university well enough to criticize it.

Students and faculty members who were unable or unwilling to attend the program should by all means be given an opportunity to read the remarks of the speakers. I hope they will be printed and distributed.

Walter Spearman
School of Journalism

A Look At The Federal Gov't's Ugly Duckling

Forge of Democracy—the House of Representatives. By Neil MacNeil. David McKay Publishers. 455 pp. \$6.75

By JIM CLOTFELTER

President Kennedy's trouble with Congress in the past two years has focused renewed attention on the ugly duckling of the Federal government, the House of Representatives.

When the President's calls for legislation in the areas of medical care for the aged, foreign aid, tariffs, civil rights, education and others, are met consistently with stubborn refusal by a conservative House, that body becomes an important subject of study. One such study is Neil MacNeil's *Forge of Democracy*.

MacNeil studies the House from two directions — history, how it arrived where it is; and political science, where is it? The book follows the House from its birth, as the sole democratic organ within the Federal government — to its present state, where in refusing to rubber-stamp the New Frontier program the House "in essence reclaimed its ancient rights to represent the American people, to set itself as a check on the power of the Senate and the President."

When Andrew Jackson popularized the view that the President is the representative of all the people, the House's sole claim to the mantle of democracy was undercut. The introduction of the spoils system — over which the House had no control — also relatively weakened the representatives.

Wilson presented the House with a full legislative program to be acted upon, thus putting Congress on the defensive, to pass or defeat his bills. Under Franklin Roosevelt, the Speaker of the House and Senate majority leader were chosen with the president's agreement — they became subordinate to him.

The Senate, MacNeil says, has "surrendered most of its influence over legislation by its agreement, in substance, with what the President requested." This has been particularly true in the Eisenhower and Kennedy administrations. Kennedy has inherited an "informal Presidential alliance with the Senate."

What differs most radically from the past in the House's present function, is that the President is now the Chief Legislator. The President has the all-important initiative in legislation.

But different Presidents encounter different problems with the House. Eisenhower effectively used the veto as a lever to ensure favorable modifications in House bills. Kennedy has "added new dimensions to the growing intimacy of the President with the House." The emphasis put on legislation by the two presidents is different — Eisenhower was willing to have no legislation if it did not suit his desires; Kennedy more prefers compromise.

The New Frontier attitude toward the House was expressed by Kennedy's congressional liaison, Lawrence O'Brien: "The Congress represents the people, and it's far better for the President and us to deal with Congress" than "go over their heads" to the people.

Forge of Democracy is a timely book, but perhaps unnecessarily weighted down with detailed history and obscure quotations. Mr. MacNeil must have felt that a 455-man legislative body, with a 170-year-old tradition, deserved 480 pages.

Pogo
By
Walt
Kelly

