

## Gag Law Labeled 'Constitutionally Suspect' By Pollitt

By KERRY SIPE  
North Carolina's controversial Speaker Ban law is "constitutionally suspect," a noted UNC constitutional law professor says in an article to be published in the December issue of the *North Carolina Law Review*.

The law "raises serious problems under the constitutional guarantee of free speech, under the constitutional guarantee against self-incrimination, and because of its vague and nebulous terms, under the due process clauses of the Constitution," said Daniel H. Pollitt, professor of Constitutional Law in a treatise entitled "Campus Censorship: The North Carolina Visiting Speakers Law."

Pollitt is a noted member of the law school faculty who has had extensive experience in the United States federal court system. "He is well qualified to have an opinion on the subject," reported retiring Law School Dean Henry Brandis, Jr.

Pollitt's article is the first known legal analysis of the law by a lawyer outside of the N. C. State Attorney General's office, which previously ruled the law constitutional.

The article is a comprehensive outline of the history and effects of campus censorship in the United States. "The last place in a democracy to expect restrictions of the thinking process is in a university or college," says Pollitt. "Yet the censorship of ideas in such institutions is not rare. In the decades prior to the

Civil War, professors were discharged because of sentiments for or against slavery. After the Civil War, and even into the twentieth century, teaching the theory of evolution resulted in the discharge of many faculty members. . . . In 1896 professors were discharged because they voted for William Jennings Bryan." The list goes on and on.

"The advance attempt to prevent unlawful speech will also prevent lawful speech upon an erroneous prophecy that the would-be speaker intends to engage in unlawful incitement. . . ."

"The 1963 statute is constitutionally suspect for yet another reason. . . . The federal constitution expressly provides that "no person . . . shall be compelled . . . to be a witness against himself." When a state seeks to compel a person to be a witness against himself by denying rights otherwise available, the state is seeking to amend the Constitution, and in a fashion not contemplated by its framers."

Pollitt summarizes his comments with a quotation from the *New York Times*:

"Universities are not designed to shelter students from ideas, but to expose them to clashing viewpoints under circumstances that will help them make reasoned evaluations of what is sound and what is false in each. . . . The best way to build appreciation of democratic traditions in our colleges is, as we have often observed, to practice them unreservedly."

## Aycock Approves Faculty Changes

Four leaves of absence, two promotions and four faculty appointments were recently approved by Chancellor William B. Aycock, President William C. Friday and the Board of Trustees.

Dr. Jack Newton Behrman will join the faculty in January as a professor in the School of Business Administration.

Dr. Maxwell L. Harrison, previously a research associate at UNC, will be an associate professor in the School of Dentistry.

Dr. George Allen Coltrane of High Point, will begin as assistant director and professor at the Institute of Government Friday.

Raymond B. Jenkins was promoted from instructor to assistant professor in the School of Medicine; and Dr. George Nicholson, chairman and professor in the Department of Statistics,

was approved for a salary increase.

Leaves of absence were granted to the following: Kenan Professor of Statistics Harold Hotelling was granted a one-year leave, beginning Feb. 1, 1964, to help develop a statistics program at the University of Buenos Aires. Dr. Frederick N. Cleveland, chairman and professor in the Department of Political Science, will leave Feb. 1, 1964 to join the senior staff of Brookings Institution in developing of public administration programs for Latin America.

Dr. James B. Meriwether, associate professor in the Department of English, is now doing research in England, and Dr. Eugene Charles Luscher, assistant professor in the Dept. of Philosophy, will serve as visiting professor at Pennsylvania State University this spring.

## Mark Van Doren Speaks Tonight

Mark Van Doren, winner of the Pulitzer Prize for the most distinguished poetry in 1939, will present the Weil Lecture on American Citizenship tonight at 8 p.m. in Hill Hall.

Invitations have been extended to about 1,700 members of the UNC faculty, trustees of the Consolidated University, state legislators, State Supreme Court justices and members of the Weil Family in Goldsboro and Wilmington.

The Weil Lecture was endowed by the late Sol and Henry Weil of Goldsboro. The first lecturer was William Howard Taft.

WUNC Radio (91.5 FM) will broadcast the lecture at 8 to 9 p.m. It is entitled "Classical Education in the Development of Citizenship Today" and will be rebroadcast at a later time, yet undetermined.

Van Doren, whose "Collected Poems" won international honors in 1939, said his lecture will consist of "a reading of poems with talk and commentary."

The 69-year-old poet, author and teacher was born in Hope, Ill., and was educated at the University of Illinois and Columbia University. As a faculty member at Columbia, he taught English for nearly 40 years. He is a former literary critic and movie critic of *The Nation* magazine.

His first volume of verse was published in 1924 and he ventured into the field of writing novels in 1935.

Forty years after receiving his doctor of philosophy degree from Columbia, he was awarded an honorary degree of doctor of letters for "rare scholarship, gifted teaching and the creation of verse and prose which have enriched our language."

Van Doren has been described as unlike the once popular depiction of a poet. "For him no cloistered life or poverty in a garret," stated one account of his life. "His is the moderate success story of many Americans."

Van Doren has recognized there are exceptions, but he considers the best physical conditions for writing poetry as "neither too much comfort that wealth could purchase nor too little."

### \$240,000 APPROPRIATION

Training teachers to instruct the "teachable" mentally retarded child is the objective of a \$240,000 appropriation to the University's School of Education.

Part of Senate Bill 384, the Mental Health Bill, appropriated \$1,800,000 in state funds for medical research, education of children and teachers, and new facilities for mentally retarded children.

## Seven Fraternities Admit To Discriminatory Clauses

By PETE WALES  
Seven of the 23 social fraternities at UNC admit to having membership clauses discriminating either by race or by religion.

Another four have a "socially acceptable" clause that is used to discriminate in some cases. This clause says that the national fraternity, of which the chapter is a part, must approve all members.

Three of the seven sororities here say they have no discriminatory clause. The other four replied that they would not discuss the matter without specific permission from their national office because membership requirements are secret.

UNC policy on discriminatory clauses states that no fraternity may establish a chapter here that has such a clause, according to Dean of Men William G. Long.

However, chapters already established on the campus may have the clauses.

Neither the Inter-Fraternity Council nor the Pan-Hellenic Council has any policy on the clauses, according to respective presidents Charlie Battle and Peggy Ann Harris.

"It's up to the individual houses as to what they want to do," Battle said.

The information came from a recent poll of fraternity and sorority presidents on discrimination, if any, in their houses.

The poll was prompted by the actions of two colleges which closed their sororities this fall, charging the sororities were practicing racial discrimination.

Portland (Ore.) State College suspended its six sororities when two Negro girls were cut by all six sororities in the first round of rush.

The two girls were referred to as "eminently qualified" and "the kind of pledges all sororities are looking for" by college President Branford P. Miller.

The Negro girls were two of four to be cut in the first round. There were 115 girls rushing.

Chapters of Delta Delta Delta and Pi Beta Phi were among the six suspended in the action. They protested that "to yield to faculty pressure eliminates all freedom of choice."

Pi Beta Phi was one of the three UNC sororities to reply that they had no national discriminatory clause.

An incident similar to the one in Oregon occurred at Williams College in Massachusetts four years ago involving Beta Theta Pi. The fraternity has no national discriminatory clause, but the Williams chapter went local when it was compelled to take a Negro boy.

It was felt that the college infringed upon the fraternity's freedom of choice of members. Negroes and non-Christians are members of other Beta chapters.

The Yale chapter pledged and initiated a Negro member four years ago without letting the national office know the boy was a Negro.

Brothers at the University of Virginia chapter flew up to Yale to protest because they had not had a chance to accept or reject

## Membership Clauses

Organization	Membership Restrictions*
<b>Fraternities:</b>	
Alpha Tau Omega	white Christians only
Beta Theta Pi	none
Chi Phi	"socially acceptable" to national
Chi Psi	none
Delta Kappa Epsilon	none
St. Anthony Hall	"socially acceptable" to national
Delta Upsilon	none
Kappa Alpha	white Christians only
Kappa Sigma	Christians, "socially acceptable" to national
Lambda Chi Alpha	none
Phi Delta Theta	white Christians only
Phi Gamma Delta	"socially acceptable" to national
Phi Kappa Sigma	none
Pi Kappa Alpha	none
Pi Kappa Phi	secret clause against Negroes, non-Christians
Pi Lambda Phi	none
Sigma Alpha Epsilon	"socially acceptable" to national
Sigma Chi	Christian, "socially acceptable" to national
Sigma Nu	whites only
Sigma Phi Epsilon	none
Tau Epsilon Phi	none
Zeta Beta Tau	none
Zeta Psi	none
<b>Sororities:</b>	
Alpha Delta Pi	Declined to say
Alpha Gamma Delta	none
Chi Omega	Declined to say
Delta Delta Delta	Declined to say
Kappa Delta	Declined to say
Kappa Kappa Gamma	none
Pi Beta Phi	none

\*Based on survey of local chapter presidents

gro members in any of the national chapters while there are some Jewish members.

Both houses must have members approved by the national office and no Negro members have come up as yet.

Jewish and other non-Christian boys who profess a belief in Christ are admitted under the religious clause.

Other houses with "socially acceptable" clauses are Sigma Alpha Epsilon, Phi Gamma Delta, Chi Phi and St. Anthony Hall.

Of these, the St. Anthony Hall national fraternity is the only one with Negro members.

The Yale chapter pledged and initiated a Negro member four years ago without letting the national office know the boy was a Negro.

Brothers at the University of Virginia chapter flew up to Yale to protest because they had not had a chance to accept or reject

the boy.

The Virginia alumni told their chapter that if another Negro was pledged by any chapter, the house would be taken away.

Thus when two Negro boys went through rush at St. Anthony Hall here this year, they were neither passed nor blackballed.

The three sororities who replied to the poll, Pi Beta Phi, Kappa Kappa Gamma and Alpha Gamma Delta, all have non-Christians in some of their chapters.

Alpha Gamma Delta has had Negro members and one Pi Phi chapter once had a Japanese girl.

A recent survey by the Associated Press showed "a conspicuous absence of Negroes in most of the nation's fraternities and sororities."

The three predominantly Jewish fraternities here, Zeta Beta Tau, Tau Epsilon Phi, and Pi Lambda Phi, have no discriminatory clauses.

## Judge, Cops Give Students Break

By JIM NEAL  
"We try to protect the students from themselves."

This was the consensus reached by University and Chapel Hill law enforcement officers Monday night in WUNC-TV's "Encounter."

"If a boy is on the street, and he's been drinking, we try to persuade him to go home, or we try to get a friend to take him home. If he argues, or if he's too drunk to understand, and refuses to go home, we have to arrest him for his own good. We try not to have to arrest any student."

According to Chapel Hill Police Chief William D. Blake, this is the way the police department tries to handle one situation in which students sometimes run afoul of the law.

"Encounter" is a weekly show which discusses student's "Minds, Manners and Morals." The topic under discussion this week was "The Student and the Law."

"What about violations of the law which can't be condoned as a mere prank?" the three-man panel was asked by moderator John Clayton, professor in the RTVMP department.

Campus Safety Officer Arthur Beaumont answered, "If a boy is arrested, whether by one of my campus policemen, one of Chief Blake's town policemen or by any of the other authorities, I'm called."

"If it looks like the boy may have to make bond, I call Dean (of Students William) Long, and he makes bond for the boy. If the boy is from out of state, or he's in bad trouble, we try to persuade him to call his parents," Beaumont said. Then if he needs one, "we try to help him get a lawyer."

"Frequently, this is his first contact with a court," Chapel Hill Recorder's Court Judge William S. Stewart said.

"We try to give the students the impression they are being dealt with fairly, but we like to think we deal with them firmly. There is a law there, and it must be obeyed," Judge Stewart said.

Beaumont said there is no problem with student parking, because "we reserve the campus for staff and faculty parking." He said students may park in the big Bell Tower lot, and in other lots off the main campus.

## Aycock Says Officials Won't Halt Protests Against Speaker Ban



### WORLD NEWS BRIEFS

#### 4 Cubans Shot As 'CIA Agents'

HAVANA (UPI)—Four more Cubans were executed by Castro firing squads Tuesday as "CIA agents."

The execution brought to nine the number of "CIA agents" who faced firing squads in less than a week. Five men were executed last Friday. All were Cubans.

#### High Priest Of Love Scandal Roars

LONDON (UPI)—A coroner adjourned for a month Tuesday an inquest into the mysterious death of a raven-haired "high priestess of love" after disclosing that an attempt had been made "to interfere with and intimidate my officers in execution of their duty."

The disclosure intensified the mystery surrounding the case of Julie Molley, 24-year-old Italian-born beauty whose death Nov. 2 touched off reports of a sex-and-drug ring with overtones of blackmail in high places.

#### Soviets Won't Withdraw Cuba Troops

MOSCOW (UPI)—The government newspaper Izvestia said Tuesday night the Soviet Union never promised the United States to withdraw all Russian troops from Cuba.

It said the question of Soviet troops in Cuba "is a problem between the Soviet Union and Cuba" and no one else.

#### Convoy Is Cleared Without Trouble

BERLIN (UPI)—The Russians today cleared a U.S. Army convoy through checkpoints at both ends of the West Berlin-West Germany highway with only slight delays even though its commander refused to make it easier for them to count his troops.

Dispatch of the 54-man convoy from West Berlin was seen as a test of Soviet intentions on Western Allied access routes. It was the first sizable American convoy that could have been challenged by the Soviets since they held up another convoy last week.

#### Negroes To Receive Top TV Roles

CLEVELAND, Ohio (UPI)—A top CBS television official said Monday night that Negroes are going to receive more key roles in television programs.

Public acceptance of programs dealing with the Negro has been good and advertisers are urging that more Negroes be given key television parts immediately, Michael H. Dann, vice president of the CBS television network for programs, said.

## 3 Houses Fined On Pledge Rule

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Delta Kappa Epsilon and Zeta Psi were found guilty of failure to register a party with the Dean of Men's office and with having members who were scholastically ineligible at the party.

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## Despite Whitley Threat

Chancellor William B. Aycock said yesterday university officials would continue to oppose the controversial speaker ban law as "injurious to the state."

Aycock made the remark in reply to State Sen. Adam Whitley's charges that if university officials continued to criticize the anti-Communist law it would result in election of UNC trustees "willing to carry out legislative policy."

"When we do not work against something we think is injurious to the state, then I think we are derelict in our duties," the chancellor said.

Whitley, from Johnston County, defended the law Monday night and said it had the support of the "great majority" of the people of North Carolina.

"I'm sick," he said, "of hearing university officials praise the legislature on one side of their mouth for giving them the money they asked for and out of the other side of their mouth criticize us for passing a law approved by the great majority of the people."

Whitley said he had heard much praise of the Legislature for passing the law, adding, "Not one single person in my district has ever told me that he's against it."

He said the only opposition he has noted was in the newspapers.

He particularly took to task Chancellor William B. Aycock for a speech made during the weekend and described Aycock's remarks as "just big talk."

In a statement to the university board of trustees recently Aycock said he knew of no violation of the original "gag" law adopted in 1941 and also claimed he does not know of anyone who has knowledge that the law has been ignored.

Whitley said UNC officials "continue to talk about the rights and necessity of academic freedom, but I haven't heard a single one of them say one word about the responsibilities that go with academic freedom."

"The Legislature has the authority to direct how the state institutions are to be run and we need no assistance from Mr. Aycock or other university officials," Whitley added.

**UNIVERSITY PARTY**  
The University Party's Executive Committee yesterday announced the appointment of George Lumbardner to a Legislative vacancy in Town Men's II.

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Judge Stewart said parking violations are not a concern of his court, unless the violators ignore notices to pay the fine. Then, he said, "they find it is a bit more expensive than it would have been if they had paid the dollar fine in the first place."

Blake said his men stand by in a tense situation, and are on call if they are needed. He said the town police have found that too many police on the scene add to the excitement of any situation, and so they try to keep from being too obvious. Blake said his men are trained to handle large crowds or mobs, and that most of them are experienced.

Dr. Clayton noted that student riots have been going on for a long time, and asked if this seemed to be a regular part of student life.

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"If they act like men, we treat them like men," Beaumont said. "When someone does get into trouble, campus authorities try to persuade him to call his parents himself," Beaumont said. If the person doesn't want to call his parents, it is up to the Dean of Students what to do about communication, he said.

Beaumont said there are very few serious crimes on the campus, and that most of these are by people who weren't really ready to come to college in the first place.

Parents are notified when their children get in trouble so that they can help protect the students, Beaumont said.

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