

\$110,000 Libel Suit Filed

New developments are expected at the end of September in the \$110,000 libel suit initiated by UNC fencing instructor Pebley Barrow against Mrs. Sarah Watson Emery, author of the controversial "Blood on the Old Well."

Barrow's suit was filed in Middle District Federal Court in Greensboro early last month by Chapel Hill attorneys Robert Cooper and Barry Winston.

"Blood on the Old Well," published in the summer of 1963, purported to be a revelation of the activities of communists and communist sympathizers in Chapel Hill and on the University campus during the late 1950's and early 1960's.

According to the complaint alleging libel, Mrs. Emery called

Barrow a "far-out-on-the-Left" and—also according to the complaint—implied that Barrow is a coward.

Barrow told the summer Tar Heel, "What she (Mrs. Emery) says is just not true. Her facts are erroneous and the conclusions she draws are also erroneous."

The complaint quotes Mrs. Emery as writing:

"Or there may be a bigwig Communist front meeting in town, like the Southern Conference Educational Fund (October 27, 1961) at the Presbyterian Church . . . If he (a hypothetical new student) hangs around this meeting, he may be on hand when far-out-on-the-Lefters Charles Parrish, Pebley Barrow (UNC fencing instructor) and

Miss Mary Gilson insult anti-Communist Colonel Henry Royall (U. S. Army Retired) . . . The Colonel and one of his friends invited the insolent men to step outside with them, but Parrish and Barrow, suddenly turned cowards, remain glued to their seats."

The complaint alleges that this passage implies Barrow is a communist or a communist sympathizer, and that it implies he is a coward.

Since Barrow, according to the complaint, has been injured by these implications, or has been held up to the "ridicule and contumely" of his neighbors and fellow physical education instructors, the suit asks that he be awarded damages equivalent to the injury, and that punitive damages be assessed against Mrs. Emery and Prospect House, the publisher of the book.

This is the first suit known to be filed in connection with the allegations in the book. Barrow told the summer Tar Heel a man now living in New York had considered entering a suit against Mrs. Emery, but he said he didn't know whether the man had.

University officials have remained silent about the book, and reportedly have discouraged any comment about it.

Barrow said, "The University and others might try to ignore it, but I don't feel inclined to do that."

"We're filing partly to preserve our right to file within the year," Barrow said. "Otherwise the statute of limitations would catch up with us."

North Carolina law imposes a one-year statute of limitations in libel suits. Theoretically, if damage has not been suffered within one year, the damage must not have been sufficient to cause injury. If the complaint is not tiled within one year from the offense, there is no cause of action, according to the law.

Mrs. Emery is the wife of former UNC Professor of Philosophy Stephen A. Emery. At last report, the Emerys lived in Dallas, Texas, where Dr. Emery was on the faculty of Cook County Junior College in nearby Greenville, Texas.

Prospect House of Dallas, listed as the publisher of the book on the title page, is also mentioned as a defendant in the suit, inquiries a year ago failed to turn up a Prospect House in Dallas.

The meeting referred to by Mrs. Emery was a forum on "Freedom and the First Amendment," sponsored by the Southern Conference Educational Fund, and held at the Presbyterian Church.

It was covered by The Daily Tar Heel, The Chapel Hill Week-

ly and The News of Orange County.

Roland Giduz, in a column written for The News of Orange County the week following the meeting, reported what he thought had happened.

"Miss Mary Gilson," Giduz wrote, "Chapel Hill's plain spoken octogenarian liberal, arose to call the group's attention to Col. Royall's letter to the local newspapers. (The letter was published the day before the meeting opened. It attacked the Southern Conference Educational Fund as a communist front organization. — Ed. note.) She said . . . Col. Royall's charges should be labeled as untrue . . ."

"As Miss Gilson took her seat, Col. Royall . . . spoke directly to (her) charges, declaring that what he had written was authenticated."

"She has to hide behind the fact that she is a woman and get by with it," said the Colonel. Thereupon a man . . . called Col. Royall a liar. Col. Royall invited him outside . . ."

Col. Royall, Miss Gilson and Barrow, in telephone conversations with a reporter for the summer Tar Heel, took minor exception with Giduz's account of the affair.

Col. Royall said that as he spoke to the meeting Miss Gilson rose and said, "Henry Royall is a liar." The Colonel said he told her if she were a man, he would invite her outside.

According to Col. Royall, Barrow then stood and called him a liar, followed by Parrish. Col. Royall said he then invited both of them to step outside with him.

Miss Gilson admitted that she called Col. Royall a liar, but she said she did so only after he made a statement to the effect that he thought the audience was "full of communists."

Barrow said he rose to ask the chairwoman whether Miss Gilson and Col. Royall were not out of order, and to suggest the discussion should return to the matter at hand.

He said, "I understood no challenge from the Colonel, and rose to meet no challenge. I did not stay there 'glued to my seat,' as Mrs. Emery said."

Giduz added he thought the whole controversy had arisen out of the "heat of the moment," and he didn't think any of the people concerned really meant the "rash" things they had said.

Col. Royall is chairman of the Americanism Committee of the local American Legion Post.

Giduz worked on The Daily Tar Heel during his student days here, and is now editor of the weekly News of Orange County.

Barrow is UNC fencing coach and has been the faculty sponsor of the Flying Club. He is a member of the Civil Air Patrol and former night editor and proofreader for The Daily Tar Heel.

Music Lesson Registration Is Today

Registration for individual "applied" music lessons on a wide variety of instruments and voice will be held today and tomorrow from 9-12 a.m. and 1-4 p.m. in Hill Hall, according to Dr. William S. Newman, chairman of Instruction in Piano.

As in the past, a number of students in the Chapel Hill area will be permitted to enroll wherever the needs of music majors and other University students have been met and faculty

time permits.

Parents or students may enroll for one or two half hour lessons for one or two semester basis, at a week on a semester basis, at the Music Department's regular rates, payable in advance for the semester. A frequent rule of thumb for younger students is one half-hour lesson per week for each hour of daily practice, although individual interests and cases differ, Newman said.

Students in the community who take lessons at the University

are also invited and urged to join the classes in music theory that will be provided for them at little or no cost on Saturday mornings at elementary, intermediate, and advanced levels. These students will also have opportunities to perform in special recitals scheduled for them during the semester and to play in the community orchestra that meets Saturday morning.

The choice of instructors may be discussed with the chairman

of Instruction for the particular instrument or voice concerned, during registration.

SORORITY RUSH

Today is the final chance for signing up for sorority rush. Jean Dillin, president of the Panhellenic Council, said yesterday girls should sign up at the Office of the Dean of Women, South Building.

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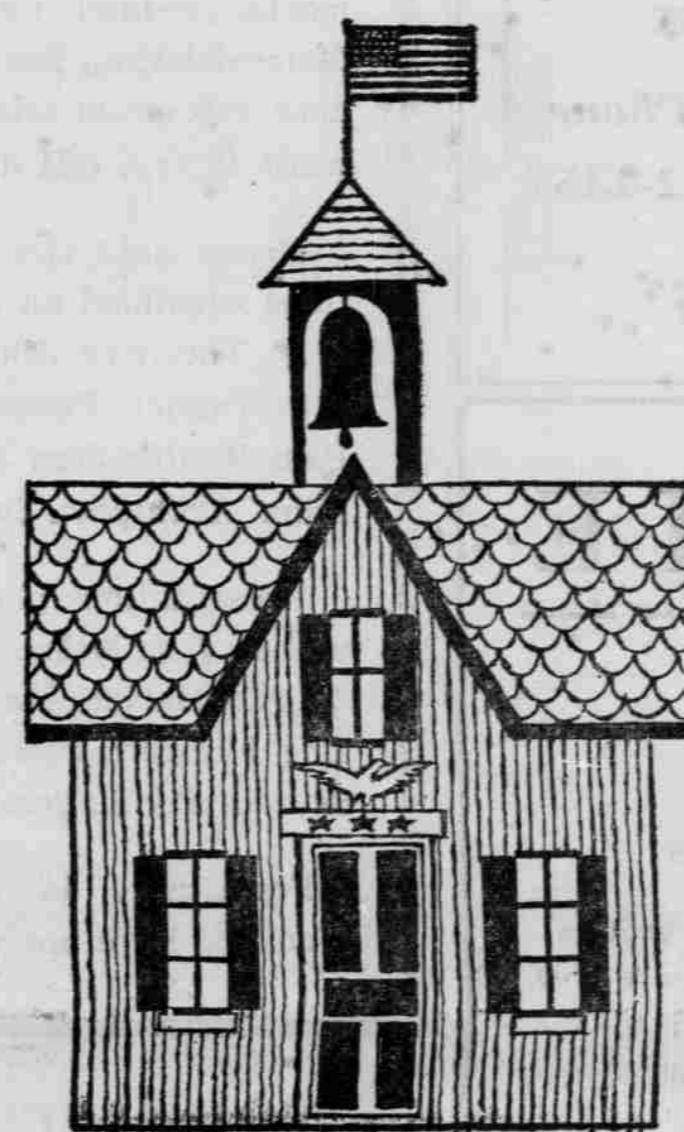
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Town & Campus

149 East Franklin St.

Music Groups

Following is a directory of musical activities and facilities in Chapel Hill.

Chapel Hill Choral Club, Wayne Zarr, director; participation invited by students and townspeople; about 75 voices, rehearsals Mondays, 7:30 p.m. no auditions; apply to Mr. Zarr in Hill Hall.

Chapel Hill Concert Series, Milton Heath Jr., chairman; concerts and performances throughout the year by nationally or internationally known orchestras, singers, and dance troupes; admission by individual concerts or by season tickets.

University Band, John Yesulaitis, director; open chiefly to students, but townspeople accepted when particular instruments are needed; operates as a marching band for sports events, a symphonic wind band in the fall and as a concert band in the spring; auditions during Orientation Week and the first week of the semester; apply to Dr. Yesulaitis in Hill Hall.

University Chorus, Wayne Zarr, director; open only to regular University students, by audition; auditions held during fall semester registration week, in 220 Hill Hall; rehearsals Tuesdays and Fridays at 4:30 p.m.

Gleemen, 75-100 members, many of them freshmen; Dr. Joel Carter, director, Hill Hall. Varsity Men's Glee Club, limited to 50 members, tours annually giving thirty or forty performances; Dr. Joel Carter, director.

University Orchestra, Dr. Earl Slocum, director, Dr. Edgar Alden, assistant director; same qualifications as the Band, same audition schedule; schedule of concerts not yet arranged.

University String Quartet, Dr. Edgar Alden, director; performances of chamber music at various times throughout the year; the Quartet also tours.

North Carolina Symphony, Benjamin Swalin, director; a professional, salaried orchestra which tours the State from January to May giving about 125 concerts more than half of them specifically for children; auditions in the fall in Boston, New York, and Chicago; local auditions encouraged, but players must be free to travel; auditions of soloists, singers and instrumentalists, ages 17-35, Saturday afternoon, September 28, at Guilford College; other information and players' requirements available at Symphony headquarters in Bingham X, UNC campus.

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