

# The Daily Tar Heel

77 Years of Editorial Freedom

Bobby Nowell

## Carswell: Will No One Oppose A Racist?

Well, it appears the confirmation of G. Harold Carswell as a Supreme Court justice is almost as sure to happen as that total eclipse of the sun which will be visible in this area next month.

The Senate, as a body, apparently has so little spine for another winnable wrangle with Premier Nixon, that it will present the Court with its first unquestionably racist member.

Carswell's confirmation will likely represent the first phase of an eclipse of the sun of American justice, which shone brightest during the Earl Warren years.

After all, Nixon has already obtained himself a "strict constructionist" (euphemism for reactionary) Chief Justice in Warren Burger. There is no reason to believe the Premier's future High Court appointments will not be other Carswells—and remember that the "liberals" on the Court (i.e., Hugo L. Black, 83) are getting mighty old.

At any rate, the arrival of Carswell will likely represent a painful turning point in the pseudopod progression towards equality by American racial minorities—who owe much of their progress to the "Warren Court."

An undistinguished judge by any consideration, Carswell is nonetheless exactly what Tricky Dicky angrily promised after Judge Clement Haynsworth had been regurgitated by the Senate. Nixon predicted his next nominee likely would be more of a "strict constructionist" than Haynsworth is... and on that count, the Premier surely has delivered.

The bonus the Senate gets for its rejection is a judge who is not only more conservative than Haynsworth, but is a racist as well.

It is galling to hear legal authorities, such as William Van Alstyne of Duke University, testify that Haynsworth was a much better choice than Carswell.

Certainly, on the grounds of race alone, the Senate has the opportunity for a fight against Carswell—and an even better chance to defeat him. The bipartisan effort which resulted in Haynsworth's rejection was based on a somewhat nebulous "conflict of interest" charge among the judge's stock transactions.

Admittedly, the Senate had to work hard to find a charge which would cause Haynsworth to miss the "beyond reproach" ethical quality supposedly required of Court appointees. But they did it, and Haynsworth was shot down, 55-45.

Now, the ersatz nominee Carswell

John Agar

## Scott's 'Cowardly' Busing Stand

*I have taken an oath to uphold the laws of North Carolina, and until this statute (prohibiting the use of state funds for involuntary busing of students to achieve racial balance in the public schools) is declared unconstitutional I shall not authorize the expenditure of any funds for such involuntary busing.*  
Gov. Scott, Feb. 11, 1970

Governor Scott had his chance and muffed it. In the terrible tragedy of the races in America, Scott could have played a constructive, if minor, part. Instead, he cast his lot with the increasing popular opposition to "involuntary" busing—which is to say, to desegregation. As the news media reported it, Scott's decision to prohibit the use of state money for using was an "apparent change of mind." Like all such things, this one dutifully spawned a long and conscientious history as Scott declared that he had "always" been an opponent of busing.

Those few of the governor's constituents who perhaps remembered otherwise were left to figure out for themselves what had become of Scott's recent statements on the need to comply with federal court orders—with the law. What happened, apparently, was that this kind of well-reasoned moderation didn't go over well in the state. There was no hay to be made out of this law and order issue; Southern governors had gotten charisma by defying federal court injunctions, not obeying them. Scott apparently assessed the situation and then provided us with yet one more instance of the kind of unimaginative, uninspired, cowardly political leadership which daily intensifies the already critical race problem in America.

To justify his intransigence, Scott found a 1969 state law, of which, in the old, abolished past, he had been unaware. In itself a defiance of federal court orders, the law changes nothing, but it allows Scott to talk like a Governor, in firm, high-minded tones, when he tells his voters that he's on their little old bigoted side.

But now the state must go through the courts, and who knows, by the time the case is finally settled the Nixon Court of the silent majority may already have ruled that policies which confirm people in their hatred and fear are legal. But whatever the decision, the damage has been done.

It's been done and done and done more times than anyone can count. The minute Scott opened his mouth to declare that he was against this latest

presents a much easier target for criticism—but the Senate archers, particularly the Republicans who bucked Nixon, apparently have become unwilling to draw the bow.

At least four instances of Carswell's racist identification have surfaced during the period of his hearing by a Senate subcommittee. All of them have been glibly explained away by White House commissars, and by Carswell himself.

The most widely publicized example was, of course, the now-famous speech G. Harold delivered in a political campaign 22 years ago and published in his own newspaper down in Irwinton, Ga:

*... I believe that segregation of the races is proper, and the only practical and correct way of life in our state. I have always so believed, and I shall always so act."*

When confronted with this adumbration, Carswell appeared astonished and cried, "My God, Almighty! Did I really do that?" Later, after collecting himself, he "repudiated" the statement as "obnoxious" to his present philosophies.

The judge's wide-eyed innocence at having these heinous dregs dumped in his lap must have been a thoroughly convincing act. The Senate has been

dismayingly forgiving on this "rash incident" of Carswell's youth.

It is entirely possible that Carswell could indeed have had a complete reversal of attitude in those 22 years—but a look at the record simply does not bear him out.

He has belonged to a segregated country club. He has sold property under discriminatory requisites. Both of these travesties were dismissed by the White House as "standard practices in the South" which do not necessarily reflect Carswell's beliefs. Ha Ha. Good ole Harrold.

In 1963, as a federal district judge, Carswell summarily dismissed a plea by blacks to open movie theaters to them in the judge's hometown, Tallahassee, Fla. Two years later, Carswell gave short shrift to a suit asking that Tallahassee's public swimming pool be integrated.

For those who savor figures, seven of Federal District Judge Carswell's 24 verdicts involving civil rights were overturned by higher courts.

If it can be said that Attorney General John Mitchell failed to complete his homework on Haynsworth, then it can also be contended that the S.S. Chief failed to open the book on Carswell.

Despite the blatant danger Carswell poses to civil rights in this country, the opposition to him has been at best

lukewarm. A handful of "liberal" senators have bargained for time, stalling a committee vote on Carswell's approval in the hopes that even more damaging evidence may be unearthed. But time is running out.

Nixon must have really given hell to Sen. Hugh Scott, the Republican majority leader who voted against Haynsworth. This time around, Scott, looking very much like a browbeaten Reginald Van Gleason III, has said things like, "Carswell's going to be confirmed" without even being asked.

Other Republicans who dared to walk the line against Haynsworth aren't bothering to speak out against Carswell, bowing to pressure tactics. And there is no hope of rejecting G. Harold if another Republican-Democratic coalition fails to transpire.

Somehow, enough Senators must awaken to the dangers of putting this man on the highest bench in the land. Only 50 years old, Carswell can severely damage the court's attempts to advance civil rights justice in 20 or 25 years of service on the Court.

Will no one oppose this racist, before it is too late? Will no one keep shadow off the face of the sun?

### Letter to the Editor

## Union Director Told To 'Wake Up'

Dear Editor:  
I think it is time for Mr. Howard Henry and the Carolina Union to wake up to the realities of the entertainment business. In last week's DTH article, Mr. Henry states that "colleges have become the largest single entertainment buyer" and then proceeds to explain how no college can afford the top groups. His major example seems to be Madison Square Garden in New York. Of course UNC can not match 18,000 people and a \$100,000 gross, but since November only three shows have played there. They are The Rolling Stones, Janis Joplin, (supported by Butterfield Blues Band), and Sly and the Family Stone. Except for these few examples, the \$100,000 gate is non-existent.

Sure Janis Joplin played Madison Square Garden, but she also played Fayetteville on November 30. (Editor's Note: *Joplin cancelled her Fayetteville appearance.*) These groups have to play other places other than New York. Why not here?

Mr. Henry keeps quoting a price of \$50,000-\$100,000. I would like to see five groups who get that much. His only specific example is the Creedence Clearwater Revival which is now getting \$25,000-\$30,000. This may be true but the Creedence Clearwater Revival has been releasing top hits faster than anyone else which makes them one of the hottest groups in the country.

I would also like to see Mr. Henry's list of groups who do not play concerts because of electric complications. All major groups know their money and life is based on playing in concerts and not turning it out in the studio (except the Beatles). Another brilliant example of Mr. Henry's concerned the refusal of groups to play in the South. He cited Harry Belafonte and Crosby, Stills, Nash, and Young as examples. However, Belafonte has not played anywhere besides night clubs in recent years and Crosby, Stills, Nash, and Young are only one of many groups.

The major problem at UNC seems to

be a lack of money. It is obvious that if we want the top groups, we must be willing to pay for them. If the Carolina Union would charge \$3.00 a person for Jubilee (\$1.00 per day), we would have about \$30,000 extra to work with. I doubt if anyone would object to paying \$3.00 for three good concerts. Without this money, the Union has to horde its money all winter to insure enough for Jubilee. This prevents the Union from staging any winter concerts unless it is a sure money maker. Mr. Henry and his crew can not rest on last year's Jubilee forever.

There is no reason for a major university of 16,000 students to go five or six months without a major attraction. As a final note, I would like to remind Mr. Henry that the Rolling Stones, on their U.S. tour, appeared at Auburn University in Alabama. Somebody at the Union must be sleeping if we miss out on concerts like that. With the Union's imagination and a little more money, the Carolina entertainment scene would show a great improvement.

David Stollmuck  
608-A Poplar Ave.  
Carrboro

### Readers Forum

Letters to the editor must be typed and double-spaced, not exceeding 300 words. The letter writer must indicate his willingness for his opinion to be expressed in print. All printed letters must carry the name and address of the writer(s). Letters should be addressed to the Associate Editor, care of The Daily Tar Heel, Student Union.

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## After SAGA, What Goes?

The University will not operate the food service next year unless forced to do so by the trustees, according to Joe Eagles, Vice Chancellor for Business and Finance.

Eagles has acted a little prematurely, and we strongly question his rationale. Although he used some fancy logic to support his pronouncement, he did not give any evidence that he has fully comprehended the various communities of opinion which exist on this critical matter.

The Faculty Council has heard, and the workers have suggested, that some form of a co-operative replace SAGA when it leaves in May.

Those proposals have enough worth to merit at least some consideration by Eagles and his fellow administrators.

But neither Eagles nor his boss, Chancellor Sitterson, have displayed much of a willingness to address the various proposals which have arisen from the swamps of the common people who, believe it or not, do survive outside the closed doors of South Building.

Eagles uses some fancy figures to explain his position. There are 59 eating places in the vicinity of the University campus and 15 are in walking distance, he said. Also, 8,000 students, almost half, he willingly pointed out, have vehicles registered with the university.

Mathematician Eagles cited some real impressive figures there. He neglected to point out, however, exactly how many of those students with cars are undergraduates, and how many of those 59, or 15, or how ever many, eating places offer food at prices as low as a campus food service could or would offer.

Eagles does leave a glimmer of hope though: "If we decide students want a central food service and will support it, we will contract

## Chicago Nine: Tears Of Rage

The visibility of the politics of repression in this country has never been more clear than in the Federal courtroom of Judge Julius Hoffman these past five months.

Now this cantankerous, 74-year-old tyrant has sentenced the defendants and their lawyers in the "Chicago Eight" conspiracy trial. They will be jailed for contempt of court, the sentences varying from a low of six months to a high of four years, 13 days.

The longest stretch was meted out to Attorney William Kunstler. Hoffman told Kunstler, "I have never heard a lawyer say the things you have said to me."

No judge has ever more richly deserved the epithets flung by Kunstler during this lengthy mockery of justice.

Hoffman, operating with the awesome power of the state behind him, has tried his best to prevent the defense from constructing a case. He may have been successful in keeping the more violent incidents from the eyes of the jury, but he cannot keep the truth of the violence his actions have predicated from the eyes of the nation.

with someone to do it."

Two questions here: How will he obtain student feelings, and who will he contract?

If, as Sitterson has already suggested, a poll will be taken, through the resident advisors, to decide what should be done about the food service, then we strongly question that method.

We oppose Sitterson's idea for the simple reason that since the SAGA fiasco, and even before the arrival of SAGA, the quality of the food service here has been such that students have changed their habits of eating. A great many do not eat in the campus dining halls.

If Sitterson and Eagles plan to capitalize on that fact, then doubtless there will be no food service next year.

But if they take into account the change in eating habits, and also the possibility that with the introduction of a good, inexpensive place to eat, students might return to campus to eat, then the campus dining halls might not be in their last days.

Neither Sitterson nor Eagles has publicly addressed the proposals for various forms of a co-operative food service to replace SAGA when it leaves the University in May. Before either of those up-to-now silent analysts makes any final decision, he might do well to open his mind to all possibilities, not just the ones which pop up in with no real, fair study of the total problem.

Neither Sitterson nor Eagles has much of a history of soliciting the feelings of the community—the students, and the workers especially, as well as the faculty and administration.

They might do so in this case. After all, representation is supposed to be one of the finer points of our great democracy.

Isn't it.

The purpose of the contempt sentences is of course to put the eight "conspirators" in jail. Lock them up and keep them from causing trouble for our orderly democratic processes of government.

However, it is not enough balm on the wounded ego of Julius Hoffman that the defendants be put away. The judge also wants to silence the lawyers who dared to criticize his atrocities. In so doing, he has said lawyers like Kunstler have "a stimulating effect on the increase in crime" in this country.

Hoffman said Kunstler was of the legal breed who "go beyond their professional responsibilities in the defense of clients," thus helping to increase crime.

The sad part of all of this is that only a higher court can do anything to correct the atrocities of this crusty Little Caesar. A higher court hopefully will overturn the sentences.

Meanwhile, William Kunstler, who pulled out all the stops to defend the "right to dream" of the "Chicago 8" will sit in jail.



Premier's future High Court appointments will not be other Carswells—and remember that the "liberals" on the Court (i.e., Hugo L. Black, 83) are getting mighty old.

