

The Chapel Hill Weekly

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The New Immunity Law

In several cases in the last few years the conviction of enemies of the country has been prevented because persons called as witnesses, pleading their right under the Fifth Amendment, have refused to testify. The Fifth Amendment says that "no person shall be compelled in any criminal case to be witness against himself."

There has been difference of opinion about the scope of this declaration. Does it confer upon a person the right to refuse to testify only when to do so would endanger him alone? Or does the protection that it offers go further and extend to other persons about whom he is asked to testify? Does a person have a right to interpret testifying "against himself" to mean not only endangering him by making him liable to conviction and punishment but to mean also, injuring his reputation by disclosing his bad associations and lowering his reputation?

Reflecting the general disgust at witnesses using the Fifth Amendment as a means of protecting other persons as well as themselves, Congress enacted last year an immunity law. This law, by granting immunity from prosecution to any person who will tell what he knows about a crime, removes any reason for his pleading the Fifth Amendment.

In a test case, in which a person, in spite of an offer of immunity under the new law, invoked the Fifth Amendment and refused to give information about a Communist conspiracy, the U. S. Circuit Court of Appeals in New York has unanimously declared the law valid.

In a recent article about immunity laws Judge Samuel H. Hofstadter of the New York State Supreme Court, said:

"To meet the problem presented by the criminally implicated witness, the practice of granting pardons in advance of the testimony was adopted as early as 1742 in England. The first immunity law was adopted by Congress almost 160 years ago in January, 1857. Since then, immunity has been made available to witnesses testifying to violations of almost every regulatory federal statute and there are immunity statutes in probably every State of the Union."

Nobody can ever be sure of just what the men who wrote the Constitution meant by this or that provision. Argument about the meaning of the Constitution, from beginning to end, has been going on, among individuals, at innumerable gatherings, in the public prints, in Congress, in the courts, ever since the birth of the nation. I hold the belief, which I feel sure is held by many other citizens, that the makers of the Constitution had in mind, for the Fifth Amendment, no such purpose as that for which it has been used by persons called to testify in prosecutions of enemy agents. The use to which it has been put is contrary to all sense and decency.

I hope the Supreme Court will confirm the Circuit Court's judgment on the immunity law. If the Supreme Court does not confirm it I should like to see Congress submit to the states an amendment which would make it possible for persons having information about Communist conspiracies, or any other criminal acts, to be compelled to give the information to the Government. This compulsion could be brought about without in any way depriving a citizen of the protection that he ought rightfully to have in a court of justice.—L. G.

Keep your eyes wide open before marriage, half shut afterwards.—(Benjamin Franklin)

Robert W. Madry

It is important not only that an institution of learning perform well but that its creditable performance, its purposes, and its needs be made known. For, only through an effective service of information can it gain the support that will enable it to keep up its good work and attain to an ever higher level of excellence. Hence in these days every university embraces in its regular organization an information bureau, or, as it may be called, a news bureau or a public relations department.

The work of this office is important to privately endowed institutions like Harvard and Yale and Princeton and Columbia and Chicago; it keeps their alumni informed about what they are doing, makes friends for them, and helps to increase their endowments. But it is immeasurably more important to a tax-supported institution like our University here, which depends for its very existence on the support of the whole people of a state.

Like many another performance, the conduct of a university's information service is taken as a matter of course by the great majority of persons who are benefited by it. Only the few who are close enough by to see the wheels go round are keenly aware of the thought and the faithful work that it demands.

When Robert W. Madry died last week he had been director of the University News Bureau for thirty-two years. The building up in that period of the goodwill that the people of North Carolina felt for the University, and of its creditable reputation in the state and outside, was due in large part to the information that went out from his office about its varied activities.

First of all, he was a good newspaperman. He began writing for newspapers when he was a student in the years just before the First World War. He attended the Columbia School of Journalism. He went to France to become a reporter for the Paris Edition of the New York Herald, and returned to join the Herald's staff in New York. This experience, when he settled down in Chapel Hill, qualified him to know news and how to write it. He was a tireless worker, and he understood the value of hunting out, and properly celebrating, the less obvious University activities, notably the achievements of members of the faculty.

Newspaper editors trusted Mr. Madry because they knew that he would send them the real news. The Durham Herald, in its tribute, made this pertinent and accurate comment: "All publicity men provide an abundance of material about the good, the flattering, the pleasant aspects of the institutions they represent. When something not so good, rather unpleasant or definitely unflattering, happens, all too often the attempt is to cover it or gloss it over. That was not the case with Bob Madry."

Robert W. Madry deserves to be remembered with gratitude for the capability and devotion with which he served the University. And all of us who knew him remember him with affection for his personal qualities. He was helpful to people who needed help. He was possessed of a genial humor. He was a jolly companion and a cordial host. He had a warm and lovable nature.—L. G.

In Praise of the Front Porch

By Mrs. Lucy Phillips Russell in The Buckingham Post-Dispatch

Yes, I know what they say: "When we want a little fresh air we go out in the car, anywhere."

I know they do. A car is a fine thing to get about in. Nobody likes to ride any better than I do. But I love the neighborliness of a front porch where passing friends can drop in for a chat, a tired shopper can put down her bag of groceries and rest for a breath on her way home; a weary man may stretch his legs for a moment of welcome silence after a day of wrestling with a chattering world. One can Stop, and Look and Listen on a porch but in a car you may see a clump of exquisite lupine, or you may smell the fragrance of a bay-blossom in a swamp, but by the time you say anything about it you are three miles on the other side gazing at a clump of dead broom-straw, and drinking in the fragrance of fresh fertilizer newly applied to a hungry field.

"Make your porch both wide and deep so that friends may sit cozily close to exchange the news of the day, or perchance, a choice bit of neighborly gossip."

Sydney Smith—the same Sydney Smith who asked the immortal question, "Who reads an American book?"—said to his daughter: "I will disinherit you if you do not admire everything written by Benjamin Franklin."

Strange Alignments Are Formed During Legislature's Discussion of Tax Bills

By John W. Umstead, Jr. Orange County's Representative in the Legislature

On Friday, March 25, the chairman of the finance committee of the Senate and House called a meeting of their joint committee, and invited the other members of both bodies to attend. When we had assembled, Senator Woodson and Representative Rodman as chairmen of the respective Senate and House committees gave us what they termed a "package" suggestion for raising the revenue to take care of necessary services during the next two years. This "package" contained seventeen suggestions and there were many who thought when they first heard it that it would solve our revenue problems and that we could get through by the last week in April.

When we returned to Raleigh on Monday night we found that there was just about as much opposition to the majority of the taxes proposed in the "package" as there had been to the proposals of the Budget Commission and the Governor. The opposition to many of the suggestions demanded that they be heard, and this week the finance joint committee has been conducting hearings when we had thought they could get down to voting on the many proposals for raising revenue.

Since there seems to be so much interest in this problem of raising revenue, I thought it might be well to go into the matter and explain the procedure for both raising the necessary funds as well as that for spending them during the biennium.

When the committees of both bodies are being named the President of the Senate assigns one-half of the membership of that body to the committee on finance and the other half to the committee on appropriations. This method is followed by the Speaker of the House as regards the membership of that body. This means that there are 25 senators and 25 representatives on both the finance and appropriations committees. This plan means that no senator or representative serves on both committees excepting the chairmen, who serve as ex-officio members.

In making my request to the Speaker for assignments I asked for appropriations since the very life of the University depends on the amounts given it for its various schools, departments, and divisions. He kindly gave me the assignment I requested, which means that I will have no part in

writing the revenue bill. If there are provisions in the bill that come to the floor of the House from committee I will have the privilege of trying to delete such provisions, but this will mean that I will have to propose some other item that will raise the same amount of money or the budget would be out of balance. On the roll call on the bill as finally decided upon I will not be able to vote against the bill since the bill provides the appropriation for the University and all other state agencies and institutions.

Practically every mail brings a letter or letters asking me to support or oppose items in the proposed revenue bill and the "package." Whenever I get these letters I go to some influential member of the finance joint committee and discuss with him the reactions I have from voters in Orange County. This is the only way I have to influence any action by that committee. The most direct way for any citizen of the county to get his viewpoint before the committee would be to write Senator Barnhardt or Mr. Rodman expressing his opinion as to the best place to get the revenue necessary.

In connection with the revenue bill, let me say that I am unalterably opposed to a tax on food. I will vote for any of the proposed levies before I will vote for the tax on food. I am also opposed to the tax on feed, seed, and fertilizers. I prefer the tobacco tax to this tax on the necessities for farmers. I would prefer the tax on bottled drinks to some of the suggestions in the so-called "package" bill proposed on March 25. I hope the revenue bill when finally decided upon by the finance committee will not contain any of the provisions to which I am opposed.

While the revenue items have been under consideration we have seen some strange things happen as regards lobbying. The lobby against the tobacco products tax has been carried on almost entirely by the farming interests rather than by the tobacco companies. In the matter of removal of the maximum sales tax of 315 we have seen many other interests lined up with the auto dealers who were supposed to be hit hardest by removing the maximum tax. Before the tax bill is finally written we may expect to see further strange alignments.

Anais Nin Is to Speak at Showing of Ian Hugo's Experimental Movie Films

(A public showing of Ian Hugo's prize-winning experimental movie films, accompanied by a talk by Anais Nin, will be given at 8:30 p.m. Wednesday, April 26, in Carrall hall. The following article about this event is by Kenneth Ness of the University's art department.)

Neglect by contemporaries, through misunderstanding, oversight, or other factors contributing to limited recognition, is no uncommon distinction in the arts. Accomplishment and recognition followed by loss of audience and then by later reinstatement can today be called into review by renewed awareness of the essential qualities present in the work of the artist, critic, novelist, and philosopher Wyndham Lewis.

Despite later clarification, a title or two written in pre-World War II days acted to bring taboo on Mr. Lewis as suspect for Fascist leanings. But more than to this lapse, some of his temporary obscurity can be charged to his keenly objective insight as evidenced in some of his novels. His satirically lucid and penetrating pictures of Bloomsbury society incurred hostility from a number of individuals who perhaps rightfully considered themselves the targets of Mr. Lewis's fast barpoons.

Mr. Lewis, who has but few compeers as critic and polemicist, more than once has attacked the stream-of-consciousness method of Joyce and the subjective approach to writing.

It now becomes imperative to point to the fact that the direct object of an up-until-now indirect approach is another writer, Anais Nin, who becomes subject of further consideration.

Miss Nin would probably be castigated by the objective Mr. Lewis for her subjective vision. She has experienced considerable recognition, but at the same time has been afforded a too brief and limited audience. Writing with poetic fluency and instinct, Miss Nin is in the ranks with some few others who sooner or later should achieve more general recognition. She is a feminine writer who with poignancy and clarity, often within a dream framework of exotic passages, goes quite a way in depicting the subtleties and reaches of the feminine mind.

Press in Paris in 1939, Anais Nin's "Winter of Artifice" was later reprinted by the author herself. Having found such editorial interest in her writings, but with no offers of publication, Miss Nin acquired a foot-powered Kelly press. She set her own type and made the first American printings of "Winter of Artifice" and "Under a Glass Bell" in limited editions illustrated from engravings by artist Ian Hugo. With subsequent trade publication of her works, a total of nine titles in more than a dozen editions can be listed.

Recognition of Miss Nin's writings was early given by Rebecca West, Edmund Wilson pointed to qualities comparable to Virginia Woolf. Henry Miller considered that Miss Nin's long-sustained series of dairies would, when completed, take their place with works of St. Augustine, Pater, and Proust. Publication of "D. H. Lawrence, An Unprofessional Study" brought recognition as a prime work on that controversial writer.

Miss Nin becomes of pertinent local interest with the coming presentation of three films by Ian Hugo. Appearing in person, she will speak on "The Poetic Film."

Sponsored by the combined interests of the University's departments of art, English, music, physics, and radio, TV & MP, the films, experimental in nature, will offer a variety of appeal. Two incorporate the use of electronic sound, with effects achieved by pre-set controls in a method better known as used in computers or "electronic brains."

Mr. Hugo's graphic background has led him to explore the film as a creative art medium. He has received substantial recognition.

"Jazz of Lights," his latest film, is composed from documentary material shot in New York over a two-year period. The final composition is open to personal reception and interpretation much as is a musical composition. It was received with much interest in its New York premier last year.

"Ai-Ye" (Mankind), taken in color in several South American countries, is not a travelogue, but a poetic story built from scenes of real life. The musical accompaniment consists of chanting and drumming by a talented

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about the newspaper correspondents' nightly poker games. Another told about the noisy night-time revivals held in clearings in the woods near Dayton. Howard Odum and I were not in the poker games but we attended some of the revivals. We could have played in the poker games if we had wanted to because we were both in Dayton as journalists. Howard for the "Journal of Social Forces." I for the Chapel Hill Weekly.

Scopes was convicted but was released by the state supreme court on a technicality. Five days after the trial Bryan died in his sleep. An institution named the William Jennings Bryan University was established in Dayton and is still in existence.

The occasion for the Baltimore Sun's article was the opening last week of a play, "Inherit the Wind" that tells the story of the Scopes trial. The Sun's reviewer says:

"Though it could stand a bit of cutting, and possibly a speeding up of the action here and there, 'Inherit the Wind' is on the whole fascinating entertainment; and if one can judge by the ovation it received from a packed-house audience on opening night, it may well become one of the season's biggest hits when it reaches New York."

One day in the 1920's—I don't remember the year; my guess is it was 1925 or 1926—when I was walking through the University campus a big black limousine drew up in front of the South building. A man in it beckoned to me. It was Josephus Daniels. I went to the car and he introduced me to the man beside him, Franklin D. Roosevelt. They had driven over from Raleigh so that F.D.R. could have a look at the University. This was an incident of the visit of the former Assistant Secretary of the Navy to the former Secretary, whom he always called "Chief."

Roosevelt had been an unsuccessful candidate for Vice-President on the ticket with Cox against Harding and Coolidge in 1920 and was to be a successful candidate for Governor in 1928 when Al Smith ran against Hoover.

He had been stricken with polio a year or so after the 1920 campaign, but, seated, he showed no sign of the malady. He was young and gay and smiling.

The other time I saw him in Chapel Hill was when he was President. He stopped here for an hour or so on his way from Warm Springs, Georgia, to Washington and made a speech in the Woolen gymnasium. His second coming was very different from the first. This time there was an impressive escort of Secret Service officers as bodyguards, a parade, music and cheering, altogether a great fanfare.

American Negro, Osborne Smith, and two companions. It is unique in that the music was improvised upon Mr. Smith's first viewing of the film. "Ai-Ye" has been shown in the Edinburgh and Venice film festivals. It won an award in Cleveland. In 1953 it was awarded a prize by a jury of twenty French critics as "the best experimental film."

The third film, "Bells of Atlantis," is based on one of Miss Nin's works. It was honored in 1952 at the Venice film festival and given further honor by international showings in Zurich, Paris, Amsterdam, and London. While in Chapel Hill for the film showing and her talk on "The Poetic Film" Miss Nin is also to give a reading from her works, for a group limited to students from classes in creative writing.

Most of Miss Nin's books are out of print. However, copies are being provided and will be available at the Bull's Head Bookshop and at the Intimate Bookshop.

On the Town

By Chuck Hauser

I HAVE JUST FINISHED listening to Adlai Stevenson's radio talk on the Chinese off-shore islands. It is with some reluctance that I am forced to agree with him that we should give up the islands to the Communists and take a firm stand on Formosa itself.

There are advantages to retaining the islands of Matsu and Quemoy, but the disadvantages seem to far outweigh them at this time. The advantages, just to keep the record clear, are these: (1) Militarily, or tactically, maintaining outposts close to enemy territory is smart business. On a battlefield of smaller scale, we do the same thing: establish what are known as "outposts," "outguards," or "listening posts" in no-man's-land to keep close surveillance on enemy activities and also to serve as an early-warning system to alert us to enemy attacks; (2) Psychologically, refusing to yield again to Communist aggressive pressure gives us stature in the eyes of (some of) our friends and our enemies. Conversely, retreating from Matsu and Quemoy (after our withdrawal from the Tachens, and with the memory of our defeats in Korea and Indo-China still fresh) would cause us to appear to be practicing appeasement, and, in the oriental idiom, to lose face.

However, to agree with Mr. Stevenson, the United States would be foolish to run the risk of starting World War III (atomic variety) and alienating many of its allies in the bargain by being stubborn over a pair of rocky little islets of dubious military value. The islands are historically (and, to be sensible about the matter, geographically) part of the China mainland, whereas Formosa was annexed by Japan in 1895 and remained a part of the Japanese empire until the end of World War II.

In going along with Mr. Stevenson on the off-shore islands, I hope he will continue to maintain his position in regard to Formosa itself. To give up Matsu and Quemoy would seem to be good, common sense. To retreat further, to fail to defend Formosa with every weapon and military force at our disposal, would be appeasement. And I feel I have a right to make the latter statement, since I can predict with a reasonable amount of certainty that if American ground forces are committed in such a battle I will probably be among them.

LEGISLATIVE NOTEBOOK: Those little green stamps you collect down at Berman's and in a few other places in town have weathered the Raleigh storm, thanks to an extremely effective pressure campaign brought to bear on members of the General Assembly. The bill to regulate (and, in effect, discourage) use of the stamps was killed by a House Judiciary committee Tuesday morning. Re the pressure campaign, Sen. Claude Currie of Durham showed me a number of letters he had received concerning the stamps—many of them addressed in the same handwriting, and many of them written by the same person, but signed by others. An indication of a well-organized campaign which paid dividends to the green stampers... Sen. Ralph Scott's Haw River clean-up bill inspired more bad puns and strained humor than anything which has come up in the Legislature this session. Prior to its final reading in the House Tuesday, I asked radio broadcaster Carl Goerch whether he was going to cover the House or come over to the Senate to witness the fight over the "Blue Bill" on cancellation of hospitalization insurance. Mr. Goerch agreed that the Blue Bill was probably the more important of the two, but he was going to cover the Haw River debate because "it'll raise much more of a stink!" And Billy Arthur "lowed as how he could smell a fight" brewing over the Scott measure.

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