

The Chapel Hill Weekly

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The Advocacy of the Pearsall Plan

Hearings on the plan proposed by the North Carolina Advisory Committee on Education (the Pearsall committee) for legislation in connection with the State's school problems were held last week at the extra session of the Legislature.

What opponents of the plan had to say was published at length in Friday's issue of the Weekly. Here in this issue we publish statements in advocacy of the plan. Following are passages from the Raleigh News and Observer's report of the appearance before the Legislature of Colonel W. T. Joyner, vice-chairman of the committee and chief legal witness, for its advocates.

Dr. Douglas Maggs, Duke University professor of constitutional law, said on Tuesday that the Pearsall plan is wholly unconstitutional. Maggs was a favorite and frequent target for most of yesterday's witnesses. As Joyner pointed out, Maggs' position as a Duke professor of constitutional law carried considerable weight with laymen who read about the hearings or heard them over radio and TV sets.

Two State school teachers—Dr. Charles F. Carroll, State superintendent of public instruction, and John A. Pritchett, Windsor lawyer and veteran member of the State Board of Education, declared the Pearsall plan offers the best hope for public education.

Joyner went to the witness' lectern as both a Pearsall Committee member and lawyer. He took up immediately the questions previous witnesses had raised. He informed the legislators that the Pearsall Committee had no responsibility for the several extremists who endorsed its recommendations and that he personally subscribed to very little they said.

(Some of the questions presented by Mr. Joyner and his answers to them were as follows):

Question: Dr. Lake's contention that the Pearsall provision for closing public schools by local vote would be in conflict with the State constitutional provision that the county commissioners must maintain at least one school in each school district. Answer: The matter can and will be settled by adding two words "or all" in the Pearsall bill. And for other alleged conflicts, the Pearsall bills dispose of these with a provision which says: "Notwithstanding any other provision of this Constitution."

Question: Dr. Maggs said the plan is unconstitutional because its provisions for private schools are purposeful "and involve subterfuge." Answer: For the record and in case the proceedings of the public hearings are ever brought into court, Joyner and the other members of the Pearsall Committee state flatly there is no effort to evade the Supreme Court decision either by purposeful arrangement or subterfuge.

Joyner expanded his answer by recalling the history of the Pearsall Plan from the original advisory committee appointed by the late Governor Umstead. The original study group had three Negro members. All members of the group, Joyner said, signed the report willingly and all agreed on the findings.

The Pearsall Committee worked from the foundations laid by the original group. It began with the finding that the majority of white and Negro citizens of North Carolina did not wish to integrate and that if given free choice, their decision would result in "separation in the schools of not less than 99 per cent."

"I am frank to say that at the beginning," he said, "I did not think a constitutional amendment would be necessary. I thought the local assignment law (adopted in 1955) would be sufficient."

He changed his opinion, he said, in attempting to answer questions people asked him. He had to admit in the answers, he said, that (1) there could

be mixing under the local assignment law; (2) the individual parent, regardless of his objections, would have to send his child to a mixed school or keep him home; (3) this was not fair, and (4) no provision was provided for the education of those children whose parents would not agree to integration.

So, it developed, he said, that the committee decided provision should be made for the local option and tuition grant plans. The decision was not reached until last December, he said, and even then members of the committee doubted the provisions would be widely used.

"We not only are recommending legislation which we do not expect will be widely used, we are adopting legislation which we hope will not be widely used. I'm here to say for the record that we were sincere in what we said."

The Committee, he said, did not put forth a plan to sponsor private schools; it merely sought to provide an equitable provision for the education of all the children of the State. Exactly the same thing applies, he said, to the closing of public schools.

The committee took the position, he said, that the closing of a school is such a serious thing that it ought not to be done except by a vote of the local community affected.

Question: Dr. Maggs declared the whole plan would be found unconstitutional. Answer: The moment anybody comes out and dismisses a whole plan as unconstitutional, he, Joyner, becomes suspicious.

"No top notch lawyer," Joyner said, "goes that far."

"Attorney General William Rodman is a top notch lawyer. He says the plan is constitutional. W. Frank Taylor (Goldsboro lawyer and former House speaker) is a top notch lawyer. He says the plan is constitutional. Mr. Pritchett is a top notch lawyer. He says so. "I join Attorney General Rodman, Mr. Taylor and Mr. Pritchett."

By the time any appeal involving the Pearsall plan would reach the U. S. Supreme Court, Joyner said, the court may be different than the court of which Maggs spoke so authoritatively. The failure of the school integration experiment in Washington, D. C., schools, the outcome of the national elections and changing political winds might result, he said, in a change of the court's attitude.

Question: Dr. Maggs generally criticized the Pearsall program. Answer: The criticism as levied by Dr. Maggs is without merit.

"I leave it to you," Joyner said, "as to whether the seven members of the Pearsall Committee, the Attorney General and the superintendent of public instruction are guilty of evasion and subterfuge or whether Dr. Douglas Maggs has been guilty of unwarranted statements."

Question: Dr. Maggs contended the State had failed to provide leadership in the segregation struggle. Answer: Dr. Maggs should go to Halifax County and offer to lead the people there to accept integration.

Joyner said of the Reverend Mr. Kidder from Chapel Hill: "I deny the accuracy of his accusations. I characterize them as being improper, inaccurate and intentionally abusive."

Joyner said of the State PTA Congress: "They came with a conscientious and proper and courteous approach. They say let the people make the decision. That is what the Pearsall Plan seeks to do."

"The only comment I would make is that they are doing some wishful thinking. They are hoping that things will go on as they are. We don't think they will."

"I agree with everything they've said except their request that we do nothing now."

And for the Legislature, Joyner offered a lawyer's advice: Stick to the Pearsall proposals; "let us take the moderate course."

N. Y. Republican Attacks Snooping Bill

(Richmond, Va., Times-Dispatch)

The so-called "civil rights" bill is one of the most monstrous pieces of legislation ever introduced in Congress. Even the House member who introduced it had to ask whether the section which allows the Attorney General to sue persons "about to engage in" certain acts, is not "a form of thought control."

Consider, too, the bitter attack on the bill made by Rep. William E. Miller, Republican, of Lockport, N. Y., who served as an assistant prosecutor in the

Letter From Moscow

(The following article by Chuck Hauser of the Weekly staff was written for us in Moscow on July 15.)

By Chuck Hauser

My trip to Russia, in many ways, confirmed what I have read and heard about the country. In other ways, however, it has been full of surprises. The biggest surprise, I guess, is the fact that I have had complete freedom to roam where I please, taking notes and shooting pictures. I have an interpreter, plus a car and driver, and they are at my disposal day and night to go where I want to go, rather than to places specially selected to impress foreigners.

I came to Russia by boat from Stockholm to Leningrad, and after a few days there came on to Moscow. I am at the National Hotel, a plush pre-Revolutionary building across the street (but what a street!) from the Kremlin. My bedroom is the size of a tennis court, and my living room would accommodate a Carolina-Maryland football game. I am sure. In one corner is a grand piano that I didn't even notice until the second day.

A photographer (Free World Variety) in Russia just isn't worth his salt unless he gets arrested at least once for taking the wrong picture at the wrong time. In my capacity as an amateur Cartier-Bresson, my "wrong time" came day before yesterday. I was detained for only 10 minutes, and on the complaint of a woman who objected to my taking her picture because she was dressed in overalls!

The policeman she called apparently wasn't familiar with the "New Look" in photographic regulations because the first question he asked my interpreter was, "Do you have permission?" Finally he conceded that, "Well, maybe it is legal," but he wouldn't release us until he received an okay from one of his officers.

The officer finally showed up, and after several minutes of conversation, he told us we could go. But he delivered a parting word of advice to my interpreter: "Tell the American journalist that he would be wiser not to have to do with women." As rendered by my interpreter, the sentence didn't turn out in the best English in the world, but the sentiment was profound.

To tell the truth, I wasn't worried about being arrested. What worried me was the possibility that the Russian woman would take a swing at me. She was as big as a bull elephant, and twice as ugly.

One of my most interesting adventures in Moscow so far landed me in the middle of Dynamo Stadium, which just happened to be filled with 67,000 people at the time. I hadn't taken my interpreter along with me that evening, which probably accounted for most of that happen.

The incident began when I tried to arrange for a ticket to the Olympic qualification soccer match between the Israeli and Russian national teams. The game had been sold out for months, but I got in touch with the Israeli coach and received permission to accompany his team into the stadium.

Well, I rode through the gates on the team bus, followed the players to their dressing room, and then stuck with them as they headed for the field. I planned, of course, to grab the first convenient place I spotted to sit down. There was no place to grab, and no way to leave the group as it marched out onto the center of the field.

So there I was, in the middle of Dynamo Stadium along with a bunch of Russian and Israeli soccer players, as 67,000 people looked on. The opening ceremonies were about to begin, and my only salvation lay in

Nuremberg trials after World War II. Mr. Miller compared the bill to some of Hitler's edicts—although he had originally favored it.

He declared that "this bill does not give one additional right to any American," and added that it empowers the Attorney General "to summarily hail somebody into court, temporarily restraining his actions without any recourse at all." He predicted that the land would be filled with "snoopers," and said he could now see how Hitler got control of Germany.

All of which greatly angered Leader "Joe" Martin, who blurted out what amounted to an admission that the purpose of the bill was political, by saying that the Republican party would suffer if the measure was beaten. Martin

shouted:

"I want to tell the Republican members of this House that if they follow the Southern Democrats into defeat of this bill, they will regret it every day until the next election!"

A more blatant admission that the GOP is behind this vicious invasion of the rights of the states for purely political reasons would be hard to imagine.

Discreetly keep most of your radical opinions to yourself. When with people be a listener a large part of the time. Be considerate in every word and act, and resist the tendency to say clever things. The best evidence of your culture is the time and temper of your conversation.—Grenville Kleiser.

Chapel Hill Chaff

(Continued from Page 1)
and Titian lived to 99.

And so on and on—history presents performances, far more than any of us can remember, that seem miraculous for either youth or old age—and for every such performance in history there have been untold numbers not conspicuous enough to be recorded in the books. Through the centuries there has been much speculating and theorizing about the time of life at which man's powers are at their height, but nobody has ever been able to decide it.

Some half a century ago the great medical scientist, William Osler, was chronicled by the newspapers as having said in an address that, as far as original achievement was to be expected, men might as well be chloroformed at forty. And correctly so chronicled, but the editorial writers, humorists, and other commentators, gave his statement a much broader meaning than the words justified. He didn't advocate wholesale chloroforming, as a large part of the public was led to suppose. He was in favor of men's and women's living on and enjoying life. But the word "osierize" came into common use as meaning to dispatch a person because he was of no more use in the world.

What Dr. Osler said related not to useful and worthy effort but only to original achievement. And he was not intending to be absolutely literal; he had in mind what happened to a normal set of nerves, tissues, and brain cells when the owner thereof reached the age of around forty. Of course he knew there were exceptions.

Eisenhower, if he is re-elected, and serves out his second term, will have served to an older age than any President thus far. The three youngest at the time of taking office were Theodore Roosevelt, 42; U. S. Grant, 46; and Grover Cleveland, 47; the three oldest were William Henry Harrison, 68; James Buchanan, 65; and Zachary Taylor, 64. (Harrison died a month after his inauguration.) Thomas Jefferson became President at 57, Abraham Lincoln at 52, and Woodrow Wilson at 56.

Here is the record of the ages at which the past Presidents of the University of North Carolina took office:

- 1804: Joseph Caldwell, 31. He resigned in 1812, remained in the faculty during the next administration, was re-elected President in 1816, and served till his death in 1835. He had come to the University in 1796, the year after it opened.
 - 1812: Robert H. Chapman, 42. He served 4 years.
 - 1835: David L. Swain, 34. He served 33 years.
 - 1876: Kemp P. Battle, 45. The University was closed during Reconstruction, 1868 to 1875. Mr. Battle, a lawyer in Raleigh, was elected chairman of the faculty in 1875 and President in 1876. He served 15 years.
 - 1891: George T. Winston, 39.
 - 1896: Edwin A. Alderman, 35.
 - 1899: Francis P. Venable, 44.
 - 1914: Edward K. Graham, 38.
 - 1919: Harry W. Chase, 36.
 - 1931: Frank P. Graham, 45.
 - 1950: Gordon Gray, 41.
- These were in the faculty before becoming President: Caldwell, Chapman, Winston, Alderman, Venable, E. K. Graham, Chase, and Frank P. Graham. Swain was Governor of North Carolina. Gray was a lawyer and a newspaper proprietor and was in Government office between his graduation from the University and his election to the Presidency.

I Like Chapel Hill

By Billy Arthur

I'm disappointed. For years I've thought Orville Campbell made his own paths to travel on, moved about in his own right, and traveled under his own name.

Imagine my disappointment last week when I overheard a man presenting him to others as Crowell Little.

Of course, Orville did the Emily Post thing and did not embarrass the man by correcting him. Too, he seemed to enjoy it.

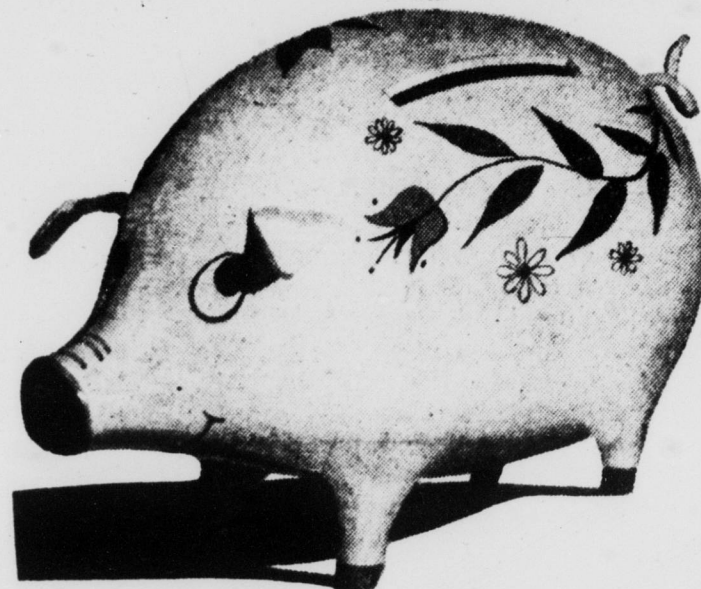
I got a plan to solve all of Chuck Erickson's, George Hogan's, and Vernon Crook's worries about football tickets. You know how everybody wants to sit on the 50-yard line and no one wants to sit in the end zone.

My plan is a revolving stadium, one that will slowly turn all the way around at least two or three or more times during a game. An alternate plan is playing the game on a lazy Susan gridiron. Let the field turn before the fans.

That way, everybody will have a 50-yard line seat and will get to see the game from all angles. Of course, some folks accustomed to nothing but the 50-yard line might complain a bit, but they could be told, "Look, this way you get to sit both on the North and South sides. And you get some sun and some shade, too."

Mrs. Carl Pegg tells of the ad on the bulletin board at the campus Y, reading:

"Wanted ride some place. Want to get away from here. Will pay all expenses."



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