

Accommodations Law Is Discussed

A panel of three explored the legality, the rightness, and the wisdom of a public accommodations law in Chapel Hill last night.

The panel discussion was sponsored by six local ministers, Thomas Thrasher, DeWitt Myers, Loren Mead, Robert Seymour, Vance Barron, and Charles Jones. Psychiatrist Dr. Robert Phillips and retired lawyer Marion Wright spoke in favor of the law. Barry Winston, a practicing attorney in Chapel Hill, took the opposite stand. The audience seemed to be almost exclusively pro-accommodations law, and as a result Mr. Winston was nearly trampled in the rush of questions that followed the panelists' statements. He managed to hold his ground in part by the simple expedient of declining to answer questions for which he had no answers — a tactic rarely encountered even at the height of the Chapel Hill meeting season. Mr. Winston stood alone because a fourth panelist was unable to attend.

Considering the make-up of the audience, it appeared safe to say that few if any of the 100 or so people who attended left Carroll Hall with changed minds. But some light was shed on the question, and little heat was generated, which is exactly what UNC Law School Dean Henry Brandis, the moderator, pleaded for at the outset.

"The first and the last, the crucial question," Dr. Phillips began, "is to establish a priority. We must establish what the ultimate is: free enterprise, the capitalistic system, or the democratic system, or the rightness of things. I think the latter takes priority."

He followed his theory through history: the Declaration of Independence, Franklin Delano Roosevelt's "Four Freedoms" speech in 1941 ("This nation has

been quietly adjusting itself to changing conditions without the concentration camp"), and President Kennedy — the issues of the racial question must be settled first on moral grounds.

Dr. Phillips said the Constitution, the Bill of Rights, and the Declaration of Independence were "testaments to human rights, not to property rights." He quoted Blackstone and Walter Lippman on the theory of property, Herbert Hoover on free enterprise, and compared opponents of a public accommodations law to infants who wish to exercise "sole and despotic dominion" (Blackstone).

"In Chapel Hill today I think the right thing, the American thing, is removing by law the last vestige of racial inequality. We can't legislate morality, but we can legislate justice. . . . It seems to me that Chapel Hill is in a position not only to pass this law, but . . . has no other recourse." He said that negotiations had been exhausted, and that "the scourge, the cancer of discrimination can only be removed through a public accommodations law."

Mr. Wright centered his argument on the necessity for cities to have manners. He quoted Emerson and ancient Greek writers who advised living in cities with manners. "The question here is, how does Chapel Hill score on the manners test?" The whole current racial conflict, he added, had started when four young Negroes walked into a Greensboro drug store in 1960 and asked for a cup of coffee. "Greensboro didn't do the right thing, the kind thing, and say, pull up a chair, sit down, have a cup of coffee." Instead, Mr. Wright said, the Greensboro Coffee Party might well rank in history with the Boston Tea Party — though he would be content to let the Maxwell House and Tetley Companies decide which was the most important.

"When man stops being a Robinson Crusoe and starts living with other humans, government is a necessary arbiter, and whenever the common good comes in conflict with individual rights, the common good should be considered first."

As to the legality of a public accommodations law, Mr. Wright pointed out that 32 states and many municipalities in the nation have such laws. "It comes as something of a shock that at

this late date anybody should question the constitutionality of public accommodations laws.

As for the wisdom and rightness of such a law, Mr. Wright said Chapel Hill had to weigh public concern against the right of a man to refuse to serve people because of the color of their skin. He said proprietors of businesses were the "beneficiaries at every turn" of government, and quoted Supreme Court Justice Earl Warren's comment that "the law floats in a sea of morals" — the law is constantly trying to bring itself into accord with what men instinctively think and feel is right.

Mr. Winston said no precedent for such a law had ever been set in North Carolina, though decisions on public accommodations laws had been made elsewhere in the nation. He said that in his opinion if the State passed such a law it would be legal, though he was not sure if the State Supreme Court would uphold such a law if passed by a municipality.

"But I think it would be a mistake for Chapel Hill to pass a public accommodations law, because I think it is neither necessary nor wise."

The law is not necessary, Mr. Winston said, because desegregation in Chapel Hill had put the town far ahead of other towns in the State in racial equality in 12 years without a public accommodations law. "Between (1951) and now nearly every segregation barrier here has fallen . . ."

It is not wise, Mr. Winston said, because the question involved social change; because most social change in this country ("with a few outstanding exceptions") had been evolutionary, not revolutionary; because the former paramount position of property rights, in the eyes of courts, had changed in 50 years to one of parity with human rights; and because "the proposed ordinance would be a great disservice to the tradition of evolutionary social change and would upset the balance of human rights and property rights."

Mr. Winston said prejudice could not be legislated out of existence; that the enforceability of a public accommodations law was problematical; and that he had a "great regard for the right of dissent, the right to be wrong. Admittedly, that right

now comes in conflict with human rights. I don't know the solution, but I am satisfied in my mind that a public accommodations law is not the solution."

Questions followed, all but a very few of them highly challenging and directed at Mr. Winston. In answer to inquiry as to what he thought was the right substitute for a public accommodations law, Mr. Winston said "purport to have a satisfactory answer. It seems to be that the demonstrations are within a reasonable distance of accomplishing their goal. If one of the establishments on West Franklin Street never integrates, it's a moral wrong, but I really don't think it's all that important, to pass a public accommodations law."

In answer to another question on his statement about legislating prejudice out of existence, Mr. Winston said that while prejudice could not be legislated, morality could be and had been. "Sex is a good example." Voice: "Oh, really?" Mr. Winston: "Well, not with complete success . . ."

Father Parker Is Camp's Chaplain

The Reverend Clarence Parker of Chapel Hill has been named Chaplain for the Easter Seal Camp for Handicapped Children, according to camp director Robert Pace.

Father Parker, a priest of the Episcopal Church, has been living in Chapel Hill since his retirement in 1951. He and Mrs. Parker live at 143 East Rosemary Street. They are well known in Chapel Hill for their active participation in community religious and civic affairs.

Board Corrects Some Oversights

The Board of Aldermen got around to correcting oversights in appointments to Town posts Monday night, but not before Assistant Recorder's Court Judge Robert Midgette and Tax Collector Dave Roberts had served in their respective positions without clear mandate for about a week.

The Aldermen, in appointing Mr. Midgette and Mr. Roberts, noted they had neglected to make their appointments at their last meeting. Both had continued in office, however.

Mr. Roberts said the Aldermen's failure to make the appointments at the beginning of this fiscal year did not mean that either he or Mr. Midgette had actually been in office illegally. "There is a certain leeway there," he said. Both are now duly appointed, and no prospect for refund of taxes collected by Mr. Roberts or rescission of judgments rendered by Mr. Midgette during the week can be hoped for.

The Aldermen also passed Planning Board recommendations that a combination preliminary and final plat of a subdivision on Airport Road owned by A. W. Ray be approved, and accepted a minor amendment to the zoning ordinance covering parking requirements.

In other business the Aldermen: —Deferred action on re-appointments to the Recreation Commission until Town attorney J. Q. LeGrand can study the legality of appointing members who live outside the corporate limits of Chapel Hill.

—Called a special public hearing for July 23 on issuance of \$80,000 in Town revenue bonds for purposes of constructing off-street parking on two lots on East Rosemary Street, immediately behind the main business district.

—Accepted the low bid of \$2,177.42 from Yates Motor Co. for a new police patrol car.

—Approved a Planning Contract with the North Carolina Department of Conservation and Development.

Mass 'Civil Disobedience' Workshops Are Planned

Editorial comment on 4-C

The Committee for Open Business has begun organizing on a "crash basis" a series of training workshops for "massive non-violent civil disobedience in Chapel Hill."

The civil disobedience training program is one of the major changes in tactics announced by the Committee following a meeting of its executive committee on Sunday.

The executive committee said the training workshops, scheduled to begin this week, "will train citizens of varying age groups in the philosophy and practice of all forms of non-violent civil disobedience." The executive committee said it also had taken steps to provide legal and financial aid necessary to support civil disobedience.

The executive committee approved a four-point program for accelerated action in the face of "continued segregation in thirteen local businesses and the failure of the Town's Board of Aldermen to vote approval of the equal services law."

Besides the civil disobedience workshops, the Committee is planning a "massive demonstration of at least 600 persons in downtown Chapel Hill during maximum business hours this coming Saturday." A goal of up to 1,000 persons in future demonstrations also was announced.

Another part of the four-point program commended the suggestion of George Coxhead that a new committee of businessmen begin negotiations to persuade those remaining segregated business to lower their racial bars. The executive committee asked that it be given a report of progress in such negotiations by the time of its next meeting, at 5 p.m. next Sunday, Bastille Day.

The remainder of the four-point program is a canvass of the University campus and the community for signatures of at least 1,000 registered voters who support a public accommodations law. The signatures will be presented to the Board of Aldermen.

erated program, the Committee expressed concern at the increase in traffic violations during demonstrations, and praised Police Chief William Bleke and his men for "their fairness and objectivity in carrying out their police duties during the marches."

The executive committee's actions were announced in a press release sent to news media and to the Board of Aldermen.

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The HUB of Chapel Hill

Taller Chapel Hill Buildings Probable

(Continued from Page 1)

Realtors John Foushee and John Allen Cates also spoke in favor of increasing height restrictions and in favor of the one-zone central business district plan the Planners are offering. The one-zone plan will come before a special public hearing sometime in August.

"I would like to see the height raised to ninety feet," Mr. Foushee said. "If this height is permitted on the University campus, we ought to be able to do it downtown."

"No one can justify the value of property on Franklin Street without being able to go up at least ninety feet," Mr. Cates said. "There are very few if any modern offices in this town, and the present restriction is responsible for this; the only way to meet progress is to increase the permitted height. You can't overcome the basic cost of your land without going up."

Roy Martin, chairman of the Planning Board's zoning committee, read the committee's report on height and off-street parking for the Central Business District. If the recommendations are adopted, the new hotel would have to install a minimum of 178 parking places. The builders have planned 128 spaces.

The Aldermen referred the matter to the Planning Board for recommendations. After recommendations from the Planning Board the Aldermen may at any time lift the restrictions or confirm them as they are at present.

The second item scheduled for public hearing concerned Planning Board recommendations on amending the zoning ordinance as it pertains to non-conforming uses of land, non-conforming structures and non-conforming uses of structures and premises. That section of the zoning ordinance did not distinguish clearly between non-conforming uses and non-conforming buildings or the non-conforming use of conforming buildings. The amendments are hoped to clarify the distinction, and to eliminate certain non-conformities presently in existence within the Planning area. Specifically the amendments would:

—Force owners of small non-conforming structures representing a small investment either to bring them into conformity or raze them within a reasonable period of time. Where there is "substantial" investment involved in the building or in cost of bringing it into conformity, it will be permitted to remain with certain restrictions, until removed, or abandoned.

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—Place a one-year limit on uses of land which will be rendered non-conforming by amendment to the ordinance, specifically junk yards and land fills for which no special use permit has been obtained.

trailer courts and use of mobile homes if they were located on their sites before January 9, 1961, provided the owners apply for a special use permit and comply with regulations governing operation of trailer courts and mobile homes.

—Permit continued use of non-conforming structures under the definition of the amended ordinance, provided they are not enlarged or altered in such fashion that its non-conformity is increased; that it shall not be replaced if over 60 per cent destroyed; that it shall conform if moved to a new site.

—Require removal of non-conforming signs on non-conforming structures and non-conforming signs on conforming structures within one year of the effective date of this amendment.

—Set a five-year deadline for the cessation of non-conforming use of conforming buildings.

—Limit repairs on non-conforming buildings to a period of twelve consecutive months, provided the repairs do not alter the basic building or exceed ten per cent of the replacement cost of the building.

The proposed amendments were referred back to the Planning Board as a matter of procedure.

The third item for public hearing, an ordinance governing utility transmission lines within the Planning Area, was also a Planning Board recommendation. If enacted, the ordinance would prohibit further transmission lines anywhere within the planning area, unless installed underground, or in presently existing rights-of-way. If further above-ground transmission lines are built on these rights-of-way a separate building permit will be required for each tower or pole. Gas transmission facilities are also regulated.

No restrictions are placed on utility distribution lines, including electric lines, telephone lines, water and sewerage lines. Any line above 15,000 volts will be classified as a transmission line.

The proposed ordinance was drawn after attempts by Duke Power Co. to construct a 110,000-volt above-ground transmission line through the Morgan Creek area. The Duke bid was defeated early this year.

The proposed ordinance was referred unanimously back to the Planning Board for its recommendation, but opposition from some Aldermen is expected when it comes up for enactment.

PRE-REGISTERS

James Comstock Dunlap, the son of Mr. and Mrs. Ralph L. Dunlap of Chapel Hill, has completed pre-registration at the University for classes beginning next fall.