

**—The UNC Faculty Council's Statement—**

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had never come to the campus. Indeed, free discussion on the campus, the general tenor of which is always overwhelmingly anti-communist, actually points out to students more constructive methods of giving meaning to their genuine idealism, which the State and nation badly need to encourage and preserve. We fear that the new statute is a step toward destruction of freedom in the name of its preservation. We believe that a university campus is a place where any idea should be open to free discussion—whether it be promise of a communist utopia, a Birchite charge of treason in high places, or the thesis of a government that salvation lies only in defiance of the federal courts. Youthful faith in American institutions can be engendered and preserved far more effectively by meeting our challengers openly than by attempting to put legislative stoppers in youthful ears.

Political tampering with the educational process can, over a relatively brief period, drastically lower the quality of the higher education affected. Legislative censorship, once begun, carries an invidious threat of future proscriptions, and inevitably stirs fears in the minds of both faculty and students that expression of unpopular sentiments may produce reprisals against them. Further, to secure and retain faculty members of high quality we must compete in a nationwide market. It is an inescapable fact that any legislative curtailment of free expression on a campus is a black mark against the institution in the eyes of the overwhelming majority of the best university teachers in America—teachers who are, nevertheless, anti-communist by strong intellectual conviction. We recognize and deeply appreciate the great efforts made by the 1963 General Assembly to provide adequate support for the University and for higher education in general; but, despite the improvement effected, we still have grave difficulties in competing for faculty members. This ad-

ditional handicap could be disastrous.

There are many learned societies of national and international character. A number of these have met in Chapel Hill, in the ordinary course of events many more would desire to do so, and some at this moment have Chapel Hill under consideration. The programs of these meetings are not arranged and their speakers are not selected by the host school. No learned society of standing would seriously consider allowing the host institution to interrogate and possibly blackball its duly selected speakers. They will not meet in Chapel Hill if the University lays down any such condition. And many of the finest teachers will not join or long remain members of a faculty at an institution which these learned societies will not consider as a place to meet. This tends further to lower the prestige of an institution known to be under this kind of legislative restriction.

At this heavy cost to the institutions and to the general quality of higher education in this State, what positive purpose can be accomplished by the statute? The student who is not permitted to hear a speech on his campus may still read quotations from the speaker in the newspaper, may see and hear him on a national news telecast, and may read any books or articles he has written. The student may take advantage of an opportunity to visit a private institution and hear the speaker. A student may also, of course, hear the speaker at any off campus spot in the same community where the school is located. The prohibition itself incite curiosity and give the person banned a larger student audience than he would otherwise have had.

If an author is dangerous as a speaker, he is more dangerous as an author, for his printed words are permanently available. Is there not danger that the General Assembly, once embarked on this course, will ban books from libraries and other-

wise undertake to police the ideas to which a student may be exposed? Indeed, a ban which operates only against speakers on the campus is so clearly inadequate as a device for insulating the student mind (assumed by the banners to be naively susceptible) that, rationally, it must be either abandoned or extended.

The above discussion is necessarily predicated on some implicit assumptions as to what the General Assembly intended the 1963 statute to mean. However, in fact many questions inhere in its interpretation. What significance is to be attributed to the fact that, whereas the title of the statute refers to "visiting speakers," the text of the statute refers more broadly to "any person"? The statute prohibits use of "facilities" for speaking purposes. This University owns not only auditoriums, but also classrooms, dormitories, a campus, a hotel, a telephone system, and a television station (carrying, among other things, national news programs). Are all of these embraced? The statute bans those known to advocate "overthrow of the Constitution." Is this equivalent to "overthrow of the government"? Is advocacy of radical change by constitutional amendment included? (There is no mention in the statute of "force, violence or other unlawful means.") Examples could easily be multiplied. This vagueness is one reason for questioning the constitutionality of the statute; but, more important for present purposes, such vagueness makes enforcement of the statute a more difficult business, fraught with possible legal pitfalls.

We deeply regret the manner in which this statute was rushed through both Houses of the General Assembly in its dying hours—without prior notice, without any opportunity for a hearing, without mature consideration, without even a normal opportunity for debate. Significantly, the bill as introduced was derived from a bill introduced in the Ohio Legislature; but there an opportunity was given for a hearing and the statute finally enacted did not involve legislative regulation of campus speakers.

In summary, by this statute the General Assembly, while attempting to protect our liberties, has unwisely interfered with educational policies, curtailed legitimate freedom on our campuses, and created serious barriers to the maintenance of higher educational institutions of a quality which, in the light of the Assembly's more constructive efforts to improve higher education, the State has a right to expect.

**—President Friday's Statement—**

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of the bill would admit of some hearing or possible reconsideration, an undertaking rendered all but hopeless by the fact that the bill lacked only the formality of ratification; that is, the signature of the presiding officer, before it became law.

When the Senate convened the next morning a number of Senators introduced a motion favoring recall of the bill from the Enrolling Office hoping thereby to obtain more considered discussion. But the effort failed. A bill of far-reaching significance for higher education and the future of the State, which less than twenty-four hours earlier was unknown to any college of university president in the State and unknown to all but a few members of the General Assembly, was now the law of North Carolina.

From the hour of its enactment, my immediate attention and that of the Chancellors and my other associates in the administration was directed toward securing compliance with the law. This task was not simple because there had been no prior discussion as to the real intention of the authors, and the statute itself was quite vague as to the persons forbidden and the conditions in which speaking would be prohibited. Nevertheless, since the statute placed the responsibility for enforcement upon the Board of Trustees, we went before the Executive Committee of the Board at a meeting on July 8 where, at my request, Chancellor William Aycock, who is trained in the law, presented to the Executive Committee a legal analysis of this bill and a recommended policy of compliance.

There was immediate concern over the impact of this legislation on the University and its standing in the world community of learning. Since the law affected all state-supported institutions of higher learning, presidents of some of our private institutions, and leading citizens joined in expressing opposition to the statute.

This morning it is particularly important that you know of the specific actions taken by the responsible agencies of faculty government on each of the campuses, and that you be informed of the consequences of this legislation which the University had already experienced. I have asked each Chancellor to describe these developments to you.

We have presented these examples because we believe that they illustrate convincingly the seriousness of the problem that this law creates for the University. These have arisen in the short time since the law was passed. Already the exclusion, by law, of vital sources of knowledge from our University has begun. Yet, we have by no means felt the full impact of embarrassment and detriment that will ensue if something is not done, because our students and our faculties and the world of scholars whose respect is quite essential to our success have watched and withheld judgment until the Board of Trustees had the chance to act.

Harmful as the law is to our actual functioning as a university, and to our standing among institutions of higher learning, there is yet another difficulty more vague and possibly even more damaging in its ultimate effect. The adoption of a law that purports to remedy a supposed Communist influence upon our campuses has implanted in the minds of some citizens of our State the disturbing notion that such an influence actually exists.

**Eastern Adds New Non-Stop Service**

Eastern Air Lines will add new non-stop evening service from Chicago to Raleigh-Durham on October 27 when winter schedules become effective.

Flight 125, a Super Electra providing both first-class and tourist accommodations, will depart Chicago at 7:45 p.m. CST, arriving Raleigh-Durham at 10:47 p.m. EST. The new schedule is the fastest service ever provided between Chicago and Raleigh-Durham.

Eastern's flight 126 will depart Raleigh-Durham at 10:10 a.m. EST, flying non-stop to Chicago, arriving at 11:30 a.m. CST.

Flight 561 will depart Raleigh-Durham at 8:55 a.m., arriving Charlotte at 9:32 a.m., and Atlanta at 10:55 a.m.

Flight 580 will depart Raleigh-Durham at 9:30 a.m. for Washington, Philadelphia, New York, and Providence.

Flight 528 will depart Atlanta at 8 a.m., will arrive here at 9:16 a.m. and will depart at 9:35 a.m. for Richmond, Philadelphia, and Boston.

Eastern's non-stop evening service to Atlanta will be changed to a 5:40 departure, arriving Atlanta 7:04 p.m., continuing to Birmingham and Montgomery.

Flight 342 will now depart Raleigh-Durham at 3:40 p.m., arriving Washington (National Airport) at 4:32 p.m., continuing to Hartford.

and is deliberately defended.

It is well known that there is a North Carolina law against subversive activities. The statute, passed in 1941, makes it unlawful for any public building in the State or any building owned by any institution receiving funds from the State to be used by any person for the purpose of advocating, advising, or teaching a doctrine that the government of the United States, the State of North Carolina, or any political subdivision thereof should be overthrown by force, violence, or any other unlawful means. I trust that it is unnecessary for me to repeat that the University has faithfully respected this law. The University, as its president is sworn to do by his oath of office, abides by all the laws of this State and it has faithfully respected this law of 1941 which is a reasonable safeguard against subversion of the government.

I spoke of the president's oath of office. Not only the president but also every member of the faculty and every person who is regularly employed by the University and who is a citizen of the United States is required, as a condition of appointment, to swear (or affirm) that he will support the Constitution of the United States and further swear (or affirm) that he will bear true al-

legiance to the State, and support, maintain, and defend its Constitution.

The University of North Carolina was established by the State nearly two centuries ago to prepare its youth for the responsibilities of citizenship and in insure for them a richer and more rewarding life. The University is proud and respectful of its heritage.

Our University with other universities the world over has an honored tradition of freedom of thought and expression that has endured for centuries. We are answerable to this essential standard of intellectual freedom.

Therefore, we who are entrusted with the administration of The University will not knowingly employ as a teacher or as a research investigator any person who, because of membership in the Communist Party or who because of other commitment of mind, is not free to serve the university standard of unbiased search for truth.

In safeguarding intellectual freedom from destructive influences, either from within or from without, the University is naturally vigilant. It spares no means of ordinary prudence or administrative arrangement to insure that it shall not be undermined. There is not to my knowledge—a knowledge reasonably informed according to deliberate, appropriate, responsible process of administration—there is not to my knowledge any member of the Communist

Party on the faculty of either campuses of the University of North Carolina. If there by anyone here or elsewhere possessing contrary facts, I invite him to make them known.

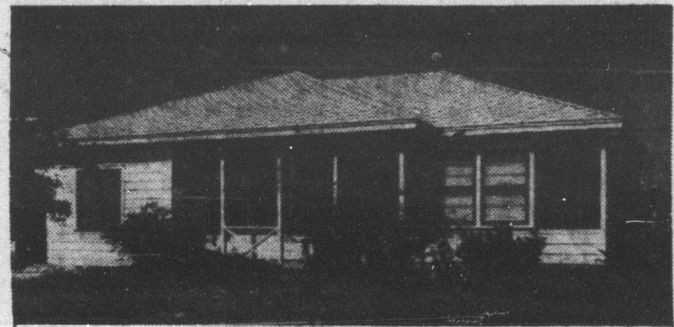
To be sure there are individuals among the faculty and student body who hold and express unpopular or unorthodox views. They enjoy the same constitutional protections, including the right of due process, and the same guarantee of freedoms as all other citizens.

Mr. Chairman and ladies and gentlemen, we have no doubt that the authors of this legislation were motivated by considerations of duty, loyalty, and concern for the security of our State and nation. We do not doubt their abiding devotion to the cause of education, our colleges and universities. Such motives and such devotion we applaud. But we believe that no single consideration is fundamentally more important to the security of our nation—indeed to the survival of free society—than the preservation of free universities. We believe that nothing is more fundamentally necessary to the continued progress of our State than the vitality and soundness of its educational institutions.

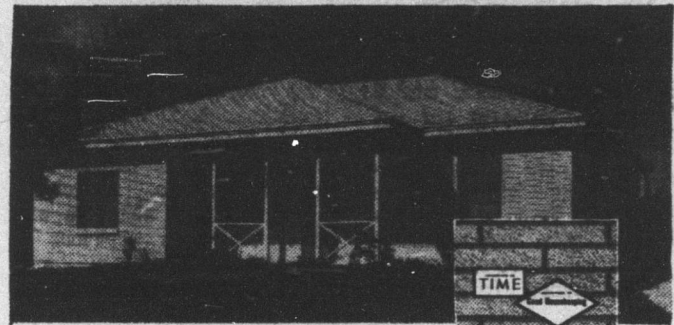
We are fully aware that a state university is a creature of the state, that it receives its money from the public treasury, that its existence depends upon political considerations. We are aware al-

so, however, that a peculiar virtue of the American system is that its state universities can be free and, indeed, that they cannot render to the State the benefits for which they were created in the first place unless they are free to conduct fair and open discussion of all ideas.

As those who have been called for a time to be the guardians and trustees of an institution of such noble past and high purpose, we are humbled by the dimension of our responsibility. We stand in the train of a beneficent heritage and at a crisis in the undergirding tradition. Since 1789 when the destiny of the nascent University was entrusted by the General Assembly to the hands of forty leading citizens of the State with the injunction to fit the rising generation for "an honorable discharge of the social duties of life," successive generations have gone to the University to fit themselves for lives of individual fulfillment and social usefulness. The fruit of the conception and the continued willingness of the General Assembly to secure the trustees in their trust is a commonwealth that has been singularly blessed with enlightened servants of the public good, and a people's university, that, despite vicissitudes of fate and fortune, has stood and yet stands among the most respected in the land. Such is the character of what our forebears and predecessors did. You—we—are called to do it now.



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The soft Helena silt soil in Northern Orange County is highly suitable for producing a smooth skin potato. This year the Parkers planted about 12 acres of Centennial, Nugget and Goldrush sweet potatoes. These potatoes are relatively new varieties and have high acceptability in the market trade. They are copper-skinned and have deep orange colored flesh.

The Parkers are extremely careful in following recommended sweet potato production practices by the Agricultural Extension Service.

As a tribute to their success, 4-H members placed 2nd and 4th place in the Junior Sweet Potato Show at the State Fair in Raleigh.

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CHAPEL HILL'S FAMILY RESTAURANT

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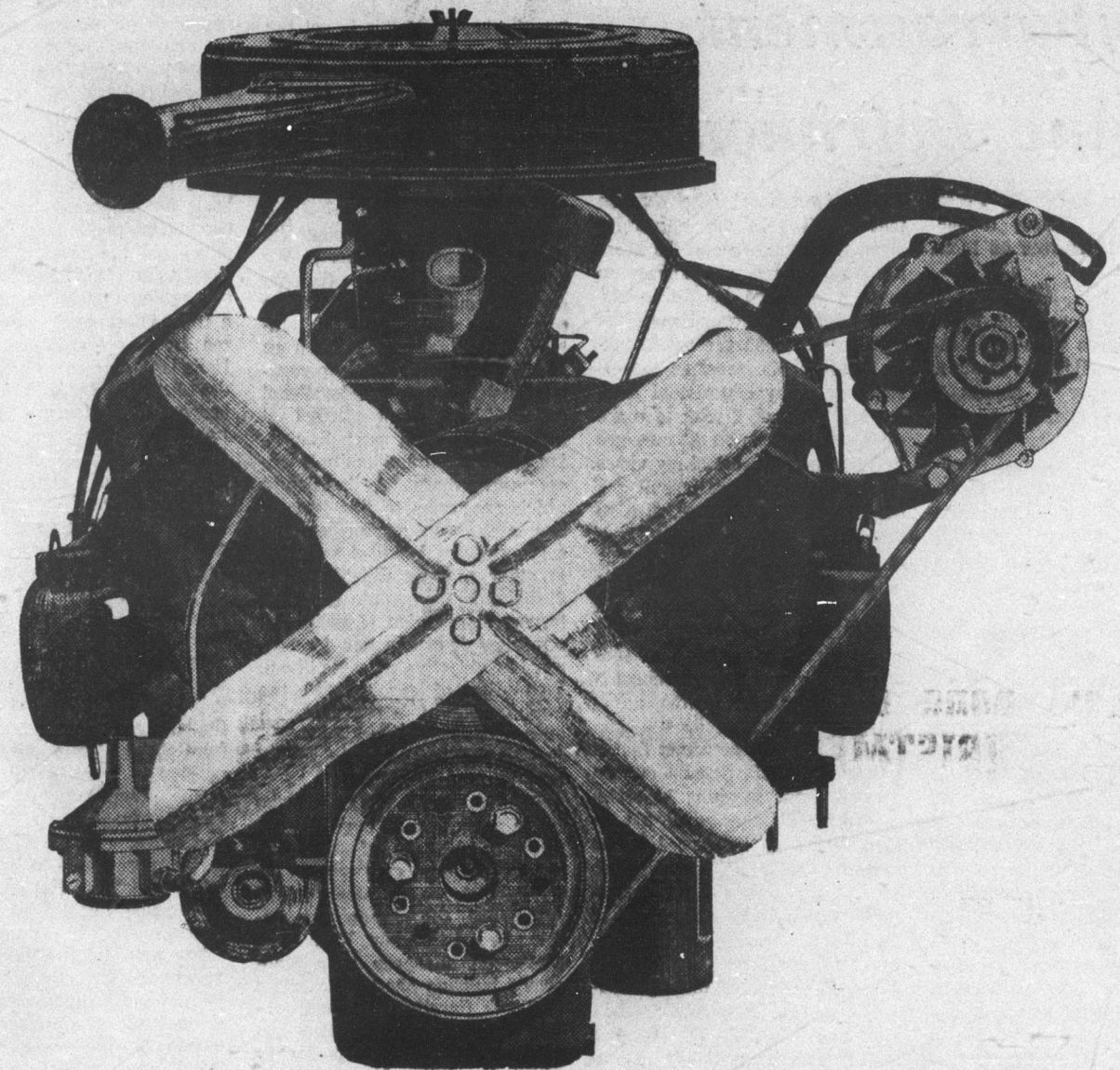
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And we've also added a choice of a 4-speed Synchro-Mesh transmission\* with a floor-mounted shift.

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milder, we should point out you have a pick of three other engines as well. The standard 4 (or 100 Series sedans), the standard 6 and a new 155-hp 6\*.

And, of course, whatever one you decide on, you're getting a car with the pure and simple integrity of a Chevy II. (Upkeep has been even further reduced this year by such refinements as larger self-adjusting brakes.)

It's a simple matter to spot one of these '64's by styling touches like the new grille design and trim accents. But we'd like to suggest a more memorable way. Drop down to your dealer's and drive one.

\*Optional at extra cost.

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