

The University Takes Its Stand Against The Gag Law

'Handicap Could Be Disastrous'

Statement on the North Carolina Law to regulate visiting speakers at State-supported colleges and universities, unanimously adopted on Oct. 22 by the faculty council of the University of North Carolina at Chapel Hill, presented to the University Board of Trustees on Monday.

We believe that those members of the 1963 North Carolina General Assembly who voted for the statute banning certain speakers at State supported institutions did so because they believed it to be in the best interest of the State. And, like them, we are opposed to communism. Nevertheless, we have the strongest objections to this statute.

There are strong reasons for believing that the statute is unconstitutional under both the North Carolina and the Federal Constitutions; but this is not the place for a legal argument. We recognize that the General Assembly has the power, so long as it stays within constitutional limitations, to regulate the affairs of State supported institutions, including this University. And, obviously, there must be some regulations regarding the use of University property. We believe, however, that the Assembly should not undertake the regulation reflected in this statute. A political body is far from an ideal forum in which to regulate such matters of educational policy. The present attempt at such regulation is most disquieting to us and to university teachers everywhere. A legislature which succumbs to this temptation may soon go further and enact statutes intended to strike at other matters which it finds distasteful. The statute is a step toward substitution of politically controlled indoctrination for reasonably objective education. Regulation of speakers on the campus is best left, along with other matters of educational policy, to the trustees, the administration and the faculty.

and Universities." The concern that we feel in the University about this measure and the basis for our concern are known to most of you from our discussions in a series of informal meetings with trustees and the notice taken in the public press of expressions by many educational leaders and citizens. I wish to make some observations on the measure before this body so that my views shall be quite clear. I shall ask the Chancellors to speak also so that they may state and you may hear their views.

The bill (House Bill 1395), as I have said, was passed into law on June 26. The first knowledge that I had that such a law was contemplated came to me at about a quarter to three in the afternoon of June 25 when someone heard a radio news report that a law which would prohibit certain persons from speaking at state-supported colleges and universities had been introduced in the House of Representatives that afternoon and, after brief discussion, passed under suspension of the rules and transmitted by messenger to the Senate. By a telephone call I learned that the Senate was about to be convened in afternoon session. Mr. Weaver and I drove immediately to Raleigh hoping to reach the Legislative Building in time at least to apprise some member of the Senate of the gravity of such an action. By the time we reached Raleigh the bill had already been passed in the Senate, also under suspension of the rules, and sent to the Enrolling Officer. Even then, after securing a copy of the bill and seeing the difficulties that it must raise, we made inquiry as to whether the technical status

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our Constitution—otherwise he may speak, even if he is behind the iron Curtain. Yet the diseases of humanity, the behavior of light rays and the properties of hybrid corn pose the same questions to the communist and the non-communist. A university is a place where anyone who may have useful knowledge should be welcomed as a visitor to share that knowledge. By this statute, this University is shut off from some of those who possess it—perhaps even prohibited from using the services of scholars from foreign countries who can go to other universities under exchange programs approved or encouraged by our government.

Any American—scholar, scientist, doctor, lawyer, author, poet, artist, or laborer—is banned if he has invoked the Fifth Amendment in refusing to answer "any questions, with respect to communist or subversive connections, or activities, before any duly constituted legislative committee, any judicial tribunal, or any executive or administrative board of the United States or any state." He is banned though there is no proof—and no other basis for assuming—that he is a communist or that he has ever advocated the overthrow of our Constitution. He is banned for the sole reason that he has exercised a right guaranteed to every citizen by the Constitution of the United States—a right which does honor to the Anglo-American concept of justice and which, as much as other single factor, justifies our claim that our system of justice is superior to that of the communist countries.

We do not believe that speakers visiting our campuses have created serious danger to the State or its youth. The wise and great men who wrote into our Constitution a guarantee of free speech were fully aware that the privilege can be abused. Fortunately, they were also aware that the danger to a free society from abuse of free speech is not nearly so great as the danger from attempting to curtail or suppress free speech. We devoutly believe, with them, that error is far more likely to be enshrined by legislative fiat than by untrammelled debate in a public forum.

The new statute reflects a fear regarding the strength of our democratic institutions which we do not share. Freedom of discussion on the campus has made few if any converts to communism. Over one of the very small number of student communists was induced to become a Party member by speeches on the campus. More probably, student communism has resulted from a tragically irrational reaction to inequities and injustices in our society. The rare student communist either was already such before he arrived, or would probably have become a communist

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UNC-G Chancellor Otis Singletary

'Discriminatory And Unnecessary'

Statement to the University Board of Trustees presented here Monday by Otis A. Singletary, Chancellor of UNC at Greensboro.

While it is neither necessary nor desirable for me to take up much of your time here this morning, I do want to endorse the sentiments already expressed by my colleagues and to add a brief statement of my own reasons for opposing the recently enacted law "to regulate visiting speakers" on the campuses of state-supported institutions of higher education.

It is my basic contention that there are many and good reasons for opposing this bill. If for no other reason, one would be justified in opposing it because of the way it was passed. I refer specifically to the veil of secrecy which enshrouded it and the denial to interested parties of the right to be heard on the merits of the issue. One might also be justified in opposing it because of the way it was written. Vague, imprecise language makes the bill difficult to administer at best and impossible to administer with effectiveness. These objections, however, are essentially technical in nature and do go to the heart of the matter. I believe that there are far more pertinent and more meaningful reasons for opposing it.

I object to this bill because it is discriminatory in nature. It singles out one specific group—the academic element—in our society and unjustly points the finger of suspicion in their direction.

I object to this bill because it is unnecessary. It is a matter of record that there are laws already on the statute books dealing with this matter. These laws are being complied with.

I object to this bill because it is detrimental to the University's posture in the academic world. History shows time and again that universities can only be damaged when the state exercises direct influence upon it to the point of limiting freedom of inquiry and expression.

I object to this bill because it is destructive of faculty morale. Our faculties are made up largely of men and women who have by-passed the practical world with its emphasis upon material gain in favor of the more modest but no less demanding world of thought. They are people who like to teach, or they would not be doing it. They like to study, to do research and in some cases to write books that often times bring fame but seldom bring fortune. They are people with inquiring minds, minds that range, minds that are free. They do not want and will not long tolerate

'Our Efforts Will Be Frustrated...'

Statement presented Monday to the University Board of Trustees by John T. Caldwell, Chancellor of North Carolina State.

Passage of House Bill 1395 produced immediate reaction on the Raleigh Campus. In less than a week the Faculty Senate passed a strong resolution expressing "concern" and "alarm" over passage of the act.

A university faculty is an element of extraordinary importance and value to a society. Its feelings and reactions are a product of centuries during which universities have become centers of intellectual freedom and discourse. Our faculty, like any other first-rate university faculty, hold convictions about intellectual freedom, convictions which they do not wish to see violated. Furthermore, they have felt a great pride in being a part of a university which maintains freedom of the mind. They do not want to be embarrassed in the world of universities by having to submit to restrictions which detract from their pride.

The apprehensions of this faculty on the effect of the Speaker Ban Act have already been borne out.

CASE 1.

Professor Robinson, of our Department of Genetics and Director of our Institute of Biological Sciences, was informed by a colleague in the School of Medicine at Chapel Hill early in the spring that the distinguished scientist, J. B. S. Haldane, would possibly be available for lectures in this area in the fall. Dr. Haldane is one of the world's most honored scientists and is now attached professionally to the Genetics and Biometry Laboratory of the Government of Orissa in India. In a recent issue of the *Wall Street Journal* the editor of the *Journal* referred to him as "the distinguished British philosopher-scientist." (This piece was reprinted in the October 14th issue of the *U. S. News and World Report*.) Correspondence ensued between Dr. Robinson and Dr. Haldane in which Dr. Haldane indicated possible subjects with which he would deal in his lectures here. They were of a highly technical and scientific character and represented thinking at the leading edge of knowl-

edge in genetics and the application of mathematics and statistics to research in genetics. Meantime, however, House Bill 1395 had become law. Interpretations were not immediately available. Nevertheless the law raised an inevitable question about the legality of the invitation of Dr. Haldane.

Dr. Haldane had been chairman of the Editorial Board of the *Daily Worker* in England from 1940 to 1949. This would not necessarily make him a "known member of the Communist Party," but suggested it so strongly that one of the scientists at Chapel Hill assumed he must be a member and properly raised the point in a letter to the University Administration, bemoaning the fact that we undoubtedly would not be able to have him and calling attention to the "predicament" which would "make both the State and the University a laughing stock in the academic world." Professor Robinson had no alternative but to write Dr. Haldane a dignified and sympathetic letter asking the necessary question: "If I could have a reply at an early date regarding your present status with the Communist Party, I will know how to proceed with our plans." Dr. Haldane's reply was no surprise. He stated:

"I absolutely refuse to answer your question as to my membership of the communist party. This is a matter of principle. The Soviet Union does not ask whether intending scientific visitors are members of the Swatantra or Jan Sangh parties here, or of the conservative party in England. . . . I am perfectly willing to sign a declaration that while in North Carolina I will make no statements in public or private on political or economic matters. But in the interests of others less fortunately situated than myself, I refuse to answer the question you put to me. . . . I have been granted a visa by your consul in Calcutta, who was most polite, asked no questions, and was told no lies. Your Federal Government realizes that persons may be communists, anarchists, polygamists, or what you will, but that their opinions on scientific matters may be of

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N. C. State Faculty Statement

Statement of the Faculty Senate at North Carolina State, presented to the University Board of Trustees on Monday.

The Faculty Senate expresses its profound concern over the implications of the legislative enactment of June 26, 1963, "An Act to Regulate Visiting Speakers at State-Supported Colleges and Universities," which bans appearances of certain categories of persons on the campuses of state-supported educational institutions.

This enactment represents an intrusion of a law-making body into a sphere of responsibility normally delegated to the Legislature, through the Board of Trustees, to officials and faculties of institutions of higher learning.

It constitutes a restriction on the free exchange of knowledge and opinion that is absolutely essential to the educational process.

It establishes a dangerous precedent, since any assumption of responsibility assigned to the administration of the University may be extended to a greater degree of control over the internal affairs of the University.

For these reasons, the Faculty Senate views this legislation with genuine alarm. We urge the Board of Trustees, the full Board of Higher Education, and the Board of Trustees, to take appropriate steps toward bringing about the earliest possible reconsideration and repeal of this legislation.

'Seriously Harm The Entire State...'

Statement presented to the UNC Board of Trustees Monday by William B. Aycock, Chancellor of the University at Chapel Hill.

In 1941 the General Assembly of North Carolina enacted a criminal statute (General Stat-

utes 14-11, 14-12) making it unlawful for "any person, by word of mouth or writing, willfully and deliberately to advocate, advise or teach a doctrine that the government of the United States, the State of North Carolina or any political subdivision thereof shall be overthrown or over-

turned by force or violence or by any other unlawful means." This statute also prohibits the use of any public building for such purposes. In 1953 the 1941 statute was extended to outlaw certain types of secret societies. The officials of the University have been aware of this statute since the time it became law. I do not know of any violation of this 1941 statute. Moreover, I do not know of anyone who has knowledge that this law has been ignored by the University. Clearly if any person has such knowledge, he is derelict in his duties as a citizen so long as he withholds such knowledge from those officials charged with the enforcement of the laws of this State.

The 1963 Legislation (H.B. 1395-Chapter 1207 of the 1963 Session Laws) goes much further than the 1941 Act in that it prohibits any person to whom it applies from speaking on any State supported campus on any subject. Apart from this blanket prohibition the statute is fraught with uncertainties and ambiguities.

The 1963 Act by its own terms does not impose any penalties for failure to comply with its provisions. However, General Statutes 14-230 declares that: "If any . . . official of any of the State institutions . . . shall willfully omit, neglect or refuse to discharge any of the duties of his office, for default whereof it is not elsewhere provided that he shall be indicted, he shall be guilty of a misdemeanor." Presumably this latter statute ap-

plies and, if so, the 1963 Visiting Speakers Law is a criminal statute.

On the surface this Act appears to be a simple one to enforce. But to one charged with the duty of enforcement it is quickly evident that it is worded in extremely vague terms in almost every particular. A few selected examples will illustrate the vagueness of the Act.

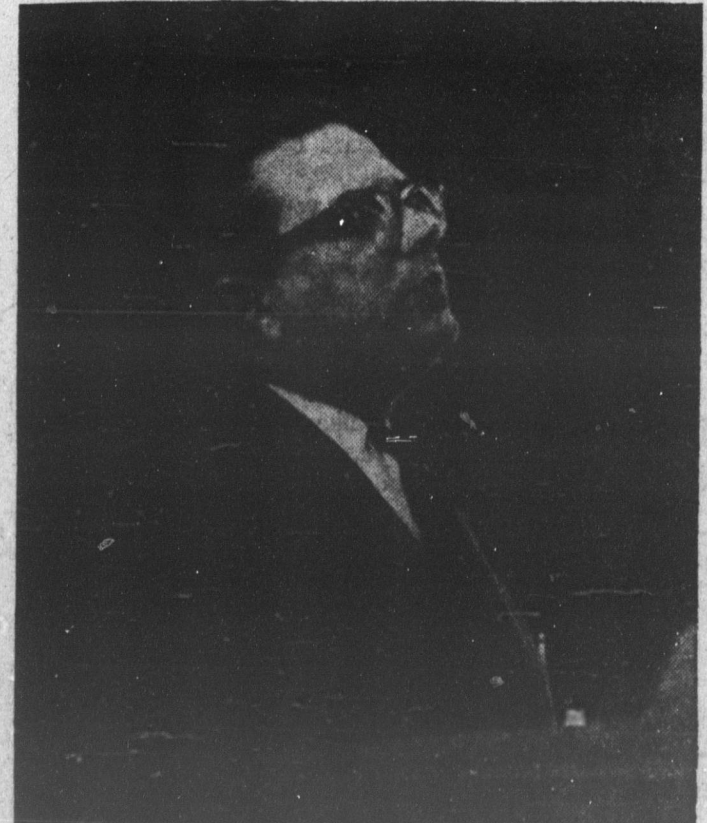
1. What is meant by a "known member of THE Communist Party? American Communist Party only? Communist Party of Great Britain? France? Italy? Etc? Does it include all citizens of Russia whether or not they are members of the Party? Does it include all citizens in the Russian Bloc?

2. "Known" by what means? Judgement of a court? Admission? Reputation? Accusation by some official body? Accusation by some unofficial body or individual?

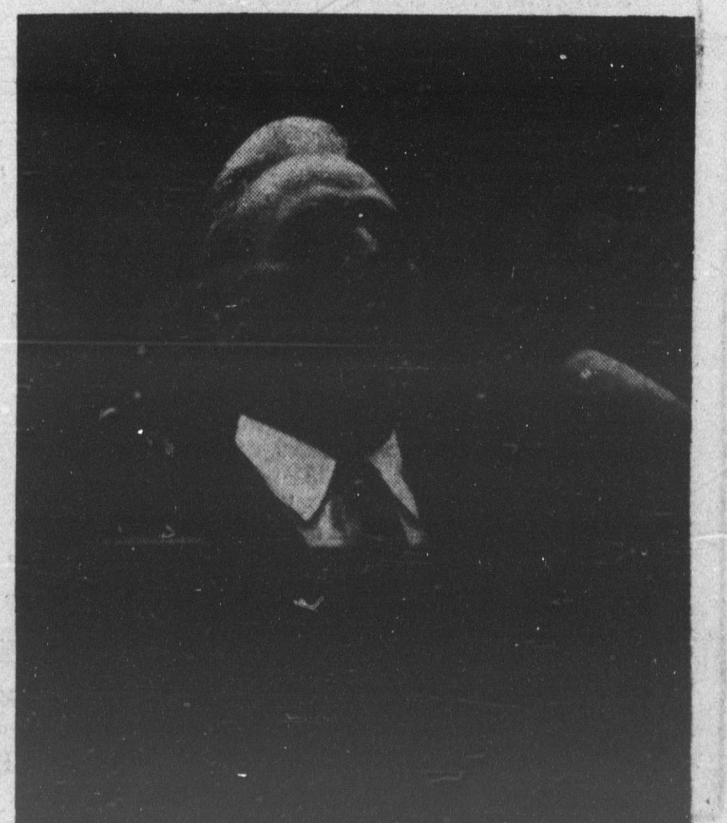
3. Section (B) "Is known to advocate the overthrow of the constitution of the United States or the State of North Carolina." This section does not specify by force or violence. Does it include "overthrow" by peaceful means? If so, would it include those who advocate radical changes of our government through political action? For example, proposals for the establishment of a Super Supreme Court.

4. Section (C) involves persons who have pleaded the Fifth Amendment in specified circumstances. Is this section similar

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UNC Chancellor William Aycock



State Chancellor John Caldwell