# The University Takes Its Stand Against The Gag Law

countries who can go to other

universities under exchange pro-

grams approved or encouraged

Any American-scholar, scien-

tist, doctor, lawyer, author, poet,

artist, or laborer-is banned if

he has invoked the Fifth Amend-

ment in refusing to answer "any

questions, with respect to com-

munist or subversive connections,

or activities, before any duly

constituted legislative committee,

any judicial tribunal, or any ex-

ecutive or administrative board

of the United States or any

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 citi-

zen 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 sys-

tem of justice is superior to that

We do not believe that speak-

ers 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. For-

tunately, 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 devout-

ly believe, with them, that error

is far more likely to be enshrin-

ed by legislative fiat than by un-

trammeled debate in a public

The new statute reflects a fear

regarding the strength of our

democratic institutions which we

do not share. Freedom of dis-

cussion on the campus has made

few if any converts to commun-

ism. Over all the years, we doubt

that even one of the very small

number of student communists

was induced to become a Party

member by speeches on the cam-

pus. More probably, student

communism has resulted from a

tragically irrational reaction to

inequities and injustices in our

society. The rare student com-

munist either was already such

before he arrived, or would pro-

bably have become a communist

(Continued on Page 2-B)

of the communist countries.

He is banned though

by our government.



**UNC President William Friday** 

### 'Embarrassment And Detriment'

Statement by University President William C. Friday to the UNC Board of Trustees on Mon-

This is the first meeting of the Board of Trustees since the General Assembly adjourned in June. A legislative year is always a significant and interesting year for the University. This one was particularly interesting and significant. A higher education bill incorporating the recommendations of the Commission on Education Beyond the High School and a special committee of the Board of Trustees was passed giving effect to a comprehensive plan for development of facilities for public higher education and needed broadening of educational offerings within the University. The Biennial budget as finally approved authorized substantial sums for salaries, necessary equipment, land, and buildings. Our faculty members and employees were heartened by the Legislature's action authorizing improvements in the state retirement plan to proand increased retirement contributions and benefits. The trustees as well as the administrative officers and faculties have reason to commend and thank the Governor, the budgetary authorities, and our legislators for these wise

and far-seeing actions. Along with such measures of inestimable benefit to the State and to higher education, however, the General Assembly of 1963 passed, on the very last day of the session, a law of an altogether different character, effect, and import. I refer to the law passed on June 26 entitled "An Act to Regulate Visiting Speakers at State Supported Colleges

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 statesupported colleges and universities had been introduced in the House of Representatives that afternoon and, after brief discussion, passed under suspension of enger 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 Legistative 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

lina 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

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

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

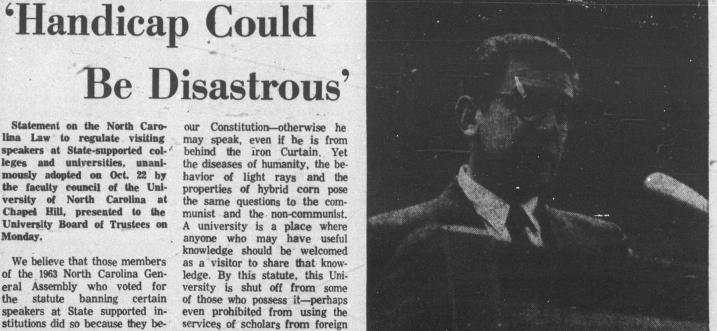
limitations, to regulate the affairs of State supported institutions, including this University. And, obviously, there must be some regulations regarding the use of University property. We believe, however, that the Assembly should not undertake the regulation reflected in this statute. A political body 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 compus is best left, along with

istration and the faculty. To the extent that the legislative purpose may have been to prevent advocacy of the overthrow of our government by force, violence or other unlawful means, the statute adds nog to existing law. Ever since 1941 such advocacy in a State owned building has been a crime in North Carolina. The 1963 statute goes much further. It undertakes to prohibit any person to whom it applies from speaking on any State supported campus on any subject. Under this statute it would not even be possible to invite the Russian Ambassador to come and speak about the nuclear test ban treaty, cultural exchanges, or the present differences between Russia and China.

other matters of educational pol-

icy, to the trustees, the admin-

A doctor, scientist or other expert from a foreign country is banned if he is known to be a member of the Communist Party



**UNC-G Chancellor Otis Singletary** 

## **Discriminatory** And Unnecessary'

Board of Trustees presented here Monday by Otis A. Singletary, Chancellor of UNC at

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

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

I object to this bill because it 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 the building of fences around their minds. These people value intellectual freedom above all else and once they become convinced that it is being denied them, they will move to places where this valued freedom will be assured them. Such a migration can only be disastrous to a university for Gresham's Law also operates in the academic world

I object to this bill because of its air of condescension toward our students. It is only natural that they react with resentment to the pointed implication that they are completely lacking in any powers of discernment or discrimination. They see with more clarity than you might suspect the curious situation whereby this bill has been given support even from graduates of the University of North Carolina - men and women who enjoyed the privilege of attending an unfettered university and who most certainly did not, in the process, become subversive themselves - but who are someunwilling to extend that same privilege to today's students. Believe me when I say that the irony of this situation is not lost upon them.

But most of all, ladies and gentlemen, I object to this bill because, unwittingly or not, it strikes at the very heart of the University, at its basic mission its inescapable responsibility - to seek the truth. If it is to discharge this responsibility with reasonable effectiveness, it is imperative that the University investigate every area of human knowledge. I need hardly remind you that only a free university can so function.

It is my personal opinion that the University of North Carolina has been a great institution not because it has been the freest. Its traditional freedom grew out of the fact that it has been relatively well protected, as any true university inevitably must be, from the pressures of prevailing fads and from the rapidly-changing and often times capricious currents of public opinion. I believe that this protection has historically been provided by this Board of Trustees; and I further believe that this service stands as one of the most important ones that the Board has rendered.

Believing these things to be true, I urge you ladies and gentlemen to take whatever action you deem most appropriate to regain that which has been lost through this legislation and to restore to the University of North Carolina that enviable degree of freedom that has been its proud heritage in days past and which remains the indispensable condition for its continued preeminence.

# 'Our Efforts Will Be Frustrated...

to the University Board of Trustees by John T. Caldwell, Chancellor of North Carolina

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 for 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 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 philosopherscientist." (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-

cation 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 chair-

man 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" 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 tne 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 re use to answer the question you put to me. . . 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 communists, anarchists polygamists, or what you will, but that their opinions on scientific matters may be of (Continued on Page 4-B)

### 'Seriously Harm The Entire State...'

**UNC Board of Trustees Monday** by William B. Aycock, Chancellor of the University at Chapel

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

Statement presented to the tutes 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-

(Continued on Page 2-B)



**UNC Chancellor William Aycock** 

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 of-

ficials 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 spraking on any State supported campus on any subject. Apart from this blanket prohibition the statute is fraught with uncertainties and ambigui-

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 applies and, if so, the 1963 Visiting Speakers Law is a criminal

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 (Continued on Page 4-B)

#### **UNC-G Faculty Statement**

Resolution adopted at meeting of Faculty Council of The University of North Carolina at Greensooro on October 22, and presented to Board of Trustees on Mon-

Be it resolved that the faculty of the University of North Carolina at Greensboro endorse the position taken by the President and Chancellors of the University of North Carolina and the Executive Committee of the Board of Trustees in protesting the passage of "an Act to Regulate Visiting Speakers at State Supported Colleges and Universities," and in seeking the repeal of this measure at the earliest possible moment.

And be it further resolved that this faculty declare its conviction that this Act will result in the restriction of academic freedom, freedom of speech, and freedom of information, and that it is not in keeping with the traditional educational goals for which the University of North Carolina has been so justly noted.

#### 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 by the Legislature, through the Board of Trustees, to officials and faculties of institutions of higher essential to the educational pro-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 in-

ternal affairs of the University.

It constitutes a restriction on

the free exchange of knowledge

and opinion that is absolutely

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



State Chancellor John Caldwell

