

# The News - Journal

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PAUL DICKSON . . . . . Publisher  
SAM C. MORRIS . . . . . General Manager  
JIM TAYLOR . . . . . Editor  
MRS. LUCY GRAY PEEBLES . . . . . Reporter  
MRS. PAUL DICKSON . . . . . Society Editor

THURSDAY, FEBRUARY 22, 1968  
RULED UNCONSTITUTIONAL

## Speaker Ban Is Banned

A three-judge federal panel Monday laid to rest an absurd law which for the better part of two years kept the state of North Carolina in a turmoil. It was the highly controversial Speaker Ban Law, which in its original form barred known communists and persons who had pleaded the fifth amendment in loyalty questions from speaking on state-owned college and university campuses.

The law was passed in the dying moments of the 1963 General Assembly, with a "questionable call" by T. Clarence Stone, then president of the Senate, enabling the bill to avert protests from the floor. Stone simply gavelled down the opposition, according to many North Carolinians who were in the Senate chamber that day. The bill was then delivered to the House, where within a few minutes it was passed and the solons went home, obviously not realizing what they had done.

Almost immediately, there came a roar of anger from the boondocks, and almost every editor in the state dipped his pen and attacked with purple phrases the Legislature ignoble decision. In the course of time, most legislators discovered the frailty of the law, and when they convened in special session two years later the law was amended to provide that any person speaking on a state-owned college or university campus would do so at the pleasure of the administrators of the school concerned.

That, in effect, negated the law, because that policy already was established when the Speaker Ban Law came along. Nonetheless, academic freedom was vindicated and almost everybody wrote off the law as being one of those ob-

sure statutes likely to be come upon a generation hence and not taken seriously at all.

A group of students at the University of North Carolina at Chapel Hill had filed a suit in March, 1966, challenging the law's constitutionality, and after the law was amended, they kept pushing the issue until the three-man court finally got around to ruling on it.

In a word, the three judges declared the law was unconstitutional because of its "vagueness," meaning that the term "known communist" and "member" of the communist party were not sufficiently clear to identify potential speakers to whom the law applied. The three judges did not define the laws faults beyond that, no further definition being necessary, since they already had uncovered a flaw which made the law unconstitutional, and if there were a dozen other reasons for declaring it so, it would be no more unconstitutional than for the divulged fault should all 12 of the weaknesses be brought to light.

It is significant that at least two other state legislatures considered similar laws after the North Carolina controversy gains national attention (Virginia and Alabama), but the move was soundly defeated on both occasions.

Members of the special session of 1965 deserved commendation, to be sure, for watering down the law until it could be made harmless (or used unreasonably, if an individual administrator saw fit). We said then, and know now, that they didn't go far enough. That error was corrected this week, taking the dunce cap off institutions which at one time were being made the laughing stock of the nation.

## Bladen Seeks Housing

A Fayetteville Observer editorial earlier this week commended officials of Bladen County for establishing a housing authority and taking other first steps to provide low-rent housing for impoverished or underprivileged families. "Bladen On The Move," the editorial's headline proclaimed, and the writer singled out three municipalities in that county as showing "proper concern for the well-being of people" and as enhancing "the prospects of a county and area for economic and social development, thus building a better future for generations to come."

Such noble prospects undoubtedly are inherent in low-rent housing programs, but in plainer English, low-rent housing units built by local housing authorities and backed by the federal government immediately take people out of substandard housing and put them into clean, comfortable, adequate quarters, many for the first time in their lives.

We have been disappointed that our own Raeford Board of Town Commissioners had kept pigeon-holed for 12 months a petition signed by more than 100 Raeford property owners in which the board was asked to establish a housing authority, with an eye toward building 100 low-rent units here. At the time the petition was presented and the whole proposition explained, the board established a

committee of disinterested citizens to survey residential districts of Raeford to determine how great a need exists here for such housing. When the committee's work was finished, there then was to have been a public meeting to air the proposition.

All this was to have cost the town or the county nothing. The town board's only responsibility in the matter would have been in setting up the housing authority. It would neither build the units nor administer the program, and whatever bonds issued for building the units could not be paid off, the federal government would have picked up the tab.

We can only look toward Bladen County and wish Elizabethtown, Bladenboro and Clarkton well, knowing all the while, that the same thing could have happened here.

A match would not burn in a space ship traveling beyond the pull of earth's gravity. Instead of rising, the hot gases would accumulate in a sphere that would put out the flame.

Almost half of Alaska's 250,000 people live near Anchorage, the State's largest city, the National Geographic says.

"Don't Be Naive-It Was Just That Sign That Was Temporary"



By Jim Taylor

## These Are B'ar Facts



Hoke County had this week what we call a "bear tale" back home.

The local hoax probably was not made for the same reason, though, for back in the hills, whenever a "b'ar" is reported running wild in a neighborhood, whipping people's dogs and scaring the young'uns half to death, it is a sure sign somebody is making, or getting ready to make, a run of moonshine.

Don't believe that was the case in Hoke, because officers here cut up only four stiffs all last year, and to date this year, only one "stumpthole" operation has been discovered.

Just the same, word got around town that a colored man had plowed up fruitjars containing \$30,000 in U.S. currency. I called the owner of the land and he said there was nothing to the tale, and not to put it in the paper. Since I am not identifying him, I assume it will be all right to mention the matter, because it already is general knowledge.

The first tip came to The News-Journal first of the week when a lady who works nearby came over bubbling over with the news. I tried to check out the story that afternoon, but wasn't able to make contact with anyone who could either confirm or deny the story.

Next day, the same woman was back again. Said she talked to a girl who "lives out that way," and the girl said the story was absolutely true.

Finally, I talked on the telephone with the landowner and he said the colored fellow started the story for the fun of it among some of his cronies.

Thus, my treasure story for 1968 was shot to heck and gone.

Several years ago, I worked for the Statesville newspaper, and in the nearby Brushy Mountains, a "b'ar" tale got out one fall.

The critter was reported seen one place one night, a mile away next, and in between, there'd be signs of a scuffle, as if the bear had fended off dogs. Some people swore they heard the dogs yelping late in the night.

Ever notice how all those animal sounds in the night are described as sounding "like a baby crying?" I have. Everything from a purple panther to a screech owl sounds like a baby bawling, or so report people who are afraid of 'em.

The Brushy Mountain bear rampaged for the better part of two weeks. I went out to the hills and examined the tracks. I ain't no Frank Buck, but I know a b'ar spoor when I see one, and the signs this critter left behind had all the makings of a genuine bruin, and surely it was a big'un.

In the end, the hoax turned out to be exactly what I should have known. In the first place, it would be. Some fellows mashed in out in the hills. One of them rigged up a pair of stilts (known in the hill country as "tomwalkers") and traipsed hither and yon, scaring all but the foolish and the brave into staying inside their houses at night.

Speaking of bears, I saw the television program, "Gentle Ben," t'other night for the first time in quite a spell. It made me sick to my stomach.

Tommy, I think the kid's name is, was playing baseball with the other swamp angels

and he had racked up six straight wins, according to the dialogue. Trouble was, he was pulling the wool over opposing batters and the umpire at crucial points of the late innings by giving 'em the old whatchamacallit. That it, the kid would pretend to be looking up at an airplane, and when the batter let his eyes drift skyward, the kid would burn one in and the ump would cry, "Steerrrikke THREE."

Well, the kid didn't have to be an Einstein to be smarter than the ump, because such a delivery would be a balk, unless they've changed the rules of Abner Doubleday's little brainchild. Dumbest fellow of the whole smear, however, was the script writer, who managed to make the kid look terrible -- yet able to wrap his pa and the umpire around his little finger.

And when his father, played by Chester Good of Gunsmoke fame, berated the kid, the young'un practically told his pa where to go peddle his peanuts.

Then along comes Bob Gibson, the St. Louis Cardinal pitcher who practically won the World Series singlehanded last fall, and he straightened the whole thing out.

First of all, he warmed up the kid, playing catch with him while Gentle Ben (who was the smartest thing in the episode, including the kid) lay close by.

The writer might succeed in getting me to believe Gibson could reform the little brat, but a colored fellow (or a white one, for that matter), nonchalantly play catch with a real live bear breathing down his neck? Never.

## Philosopher Claims Each Year Produces More Crises Than Last



Dear editor:

Although it's gotten to a point where a man opens his newspaper these days wondering, "Well, what new place in the world did trouble break out in last night," I screwed up my courage and opened a copy of a paper a magazine salesman dropped out here while getting in his car one jump ahead of my dog. Understand, I've got nothing against magazine salesmen. The difficulty was between him and my dog, and I don't take responsibility for the attitude of my dog, any more than Fruchmen are responsible for what DeGaulle says.

After checking the latest reports on Vietnam, Hanoi, Greece, Egypt, Israel, North Korea, England and New Hampshire, I noticed a smaller item

which reported that the Secretary of the United Nations, U. Thant, said "1967 produced more crises than any other year in history."

What the United Nations ought to do is buy Mr. Thant a new adding machine.

Take any year. It doesn't matter which one, and if you check up on it closely enough you'll find it produced more crises than any other year, provided you check on it while it's fresh in your mind.

This is just the second month, but 1968 already has produced more crises than 1967, with 10 more months to go and 1969 still to come.

It's gotten so a country that can't produce at least one crisis a week just isn't trying. DeGaulle used to do better than

that, but lately he's been crowded out. He doesn't know that if you can't produce a brand new one now and then, using the old ones over and over gets tiresome. You get to feeling sorry for France when some little country like Vietnam, no bigger than the state of Florida, can beat her off the front page weeks on end. In the crisis race, Vietnam, wins as consistently as the Green Bay Packers.

I'll tell you, if man doesn't learn to ration his crises-- string them out instead of having one on top of another-- nobody is going to take them seriously, which would be a crisis of a different sort.

Yours faithfully,  
J.A.

## CLIFF BLUE ... People & Issues



TENSE WEEK--This will be a tense week up until filing deadline on Friday, February 23, at noon for district and state candidates who are unopposed at this time.

Things are looking rosy as of this writing on Saturday, February 17, for Pat Taylor Jr. to wrap up the Democratic nomination for lieutenant governor without opposition; for Richardson Preyer to receive the Sixth District Democratic nomination for Congress unopposed, and for Volt Gilmore to receive the Eighth District Democratic nomination for Congress unopposed. (But it will be a right tense time for the three right up to the time the clock ticks off the filing deadline on Friday.)

It's not often that the Democratic nomination for a vacant Congressional seat is picked up without a fight. In fact, we do not remember a time when the nominee for a vacant seat has won without a fight. And the same thing goes for lieutenant governor.

Other officials standing for nomination and election who also will breathe a little easier after the filing deadline are members of the new State Court of Appeals, with all members seeking election to a full term. Thus far, only Chief Judge Raymond B. Mallard has opposition. He is being opposed by Kidd Brewer of Raleigh, who four years ago sought the Democratic nomination for governor but received only 8,028 votes.

In 1956, he received 58,227 votes for lieutenant governor.

HOUSE & SENATE--In contests for the State House and Senate, chances are that there will not be as many confrontations this year as in previous years due to the fact that in most instances the House districts are much larger than before redistricting and the disregard for rotation agreements. Take the 19th Senatorial District, for instance. In these five counties -- Davidson, Montgomery, Moore, Richmond and Scotland --heretofore, with the rotation agreement in effect, a candidate had to run for the nomination in only one county. Now, he must run in five counties -- an area about half the size of a congressional district. This causes some who would not mind running in one county to throw up

their hands and refuse to take on a five-county campaign.

POWDER PUFF -- Some weeks ago, Jack Stickley suggested that the race with Jim Gardner would be a nice "powder-puff" type campaign. From the looks of the claim last week by the Gardner people that they had siphoned out of the Stickley take some eleven county managers certainly knocks the "powder-puff" idea into a cocked hat. The Stickley-Gardner race will probably be a bitter as the Broughton-Scott-Hawkins race. Broughton's needling of Scott on the "open housing" issue last week indicates that it will not be long before the sap will start rising in the Democratic contest.

TERRY SANFORD -- While Terry Sanford says he is not interested in a position with the LBJ administration in Washington, we seriously doubt that he would turn down a bid to become a member of the cabinet should he be offered the job as secretary of health, education and welfare.

REGISTRATION--To our way of thinking, the laws should be changed to enable a person to switch parties easier to run for public office when the field looks greener on the other side of the road. We feel that when a person wants to join another party that he shouldn't be held up. Open the gate and let 'em go, and pretty quick they will be going and coming.

RUMOR--At the Cumberland County Democratic fund raising breakfast held last Saturday morning, State Democratic Chairman Jim Valentine said "rumor is the weapon of the weak." In politics and contests for public office, little things can be magnified and whispered all out of proportion. We have had "whispering" campaigns in the past and we will have them in the future. "Whispering" campaigns can sometimes explode in the face of the people doing the whispering, as well as hurt the intended victim. But Tim was 100 per cent correct when he said "rumor is the weapon of the weak."

MUSING--A political wag was heard to say recently that it was sometimes as hard to tell who is on one's side in the political contests as who among the South Vietnamese are true "friends of the American troops."

## SENATOR SAM ERVIN SAYS



WASHINGTON--The Post Office Department and the Public Health Service are ready to launch a war of innuendo against smoking.

Mail trucks are scheduled to carry posters displaying the statement: "100,000 Doctors Have Quit Smoking (Maybe They Know Something You Don't)!" Obviously, the poster seeks to say that statistics reveal that your doctor has found out something you should know. What you are not told is that the allegation is based on data so defective and inconclusive that if the statement were made by anyone except an agency of the government, it would be justly designated as false pretense. Moreover, if this statement were made by a business firm in an advertisement, it would be prohibited by the Federal Trade Commission as plainly false and misleading.

How did the government come up with such a statement? For one thing, the Public Health Service chooses to ignore the fact that reputable doctors are not in agreement about the health consequences of smoking. How about the "100,000 doctors" then?

At a cost of more than \$140,000, the Public Health Service had a poll taken by the National Opinion Research Center. Questionnaires went out to 5,000 doctors out of the 242,569 practicing physicians in this country. Only 1,867 doctors replied. The non-response rate was so high that the survey should have been abandoned at that point, when it was all over, exactly 828 doctors said they had stopped smoking. But note this. Any doctor who answered that he had smoked and had stopped was put down as a doctor who had "quit smoking", "quit" and "why" the doctor "quit smoking" are still questions to be answered. The poll leaves that up in the air.

Thereafter, on the basis of the finding that 828 doctors had "quit smoking" the statisticians took over and said that this indicated that 81,018 or more doctors had "quit smoking" for medical reasons. Then to raise the figure to the magic "100,000"

000 doctors," it was assumed that retired and non-practicing doctors had given up smoking at the same rate as practicing physicians, and that resident doctors and interns were "giving up" smoking at the same rate that graduating students did some years ago.

One wonders by this time what the poll and the poster were all about. Perhaps it was to show how the Public Health Service can get carried away in its effort to brainwash the people. Worse still, it indicates how the government can use propaganda to achieve whatever policy it deems important at the moment.

The comment of the New York Daily News is appropriate: "The government could save itself a barrel of grief by simply dropping this plan right now." Smokers, non-smokers, and taxpayers will likely agree to that extent.

### Big Brewer

The world's largest beer fermenting vessel, in Dublin, Ireland, has a capacity of 8,106 barrels of beer. To protect the purity of the brew it is constructed entirely of nickel stainless steel.

### All-Climate Power

Vented rechargeable nickel-cadmium batteries can be charged and operated effectively at temperatures ranging from 85°F below zero to those near the boiling point of water.

### Mining Research

The world's largest and most modern laboratory devoted to research on processing of nickel ore is operated by International Nickel at Sheridan Park, near Toronto, Ontario.

### Mine Potential

The nickel mines operated by International Nickel in Northern Canada have proven one million tons of nickel and copper.