

William Friday and the North Carolina Speaker Ban Crisis, 1963-1968

WILLIAM A. LINK

On the afternoon of June 25, 1963, during the last days of a grueling legislative session, House Bill 1395 moved through the North Carolina General Assembly with unusual dispatch and remarkably little attention. Momentarily lost in the end-of-session stream of local and pork-barrel bills, what became known as the North Carolina Speaker Ban Law soon embroiled state leaders in a controversy lasting nearly five years. The statute prohibited the appearance, at any public colleges and universities, of visiting speakers who were "known" members of the Communist Party, who were "known" to advocate the overthrow of the constitutions of North Carolina or of the United States, or who had pleaded the Fifth Amendment in refusing to answer questions about Communist subversion.¹ Few doubted that the law's main sponsors had launched a frontal assault on the university in Chapel Hill, for the Speaker Ban had broad, and to academics and their legislative allies, troubling implications. Civil libertarians and others inside the academy saw the Speaker Ban as an overt suppression of the tradition of free inquiry; outside the academy, university loyalists feared that legislative intervention would undermine the status and autonomy of the University of North Carolina (UNC) and tarnish North Carolina's reputation as the most progressive and forward-looking state in the South. To what sociologist Paul Luebke has aptly described as the state's "modernizer" leadership, the Speaker Ban disguised a perilous political and ideological assault on their influence.²

In 1963, UNC's position in state affairs was both remarkable and contradictory. During World War I, beginning with the brief but brilliant presidency of Edward Kidder Graham and continuing, during the next three decades, with his successors Harry Woodburn Chase and Frank Porter Graham, the university at Chapel Hill became a center of intellectual and social activism and of service to the state. In 1931 the General Assembly created a consolidated UNC system composed of campuses at Chapel Hill, Greensboro, and Raleigh: a one-hundred-member UNC Board of Trustees and a smaller Executive Committee cemented the university's political support. UNC trustees included a representative sampling of the state's powerful: all of the state's former and sitting governors, its important legislators, and its most influential agricultural and industrial leaders. Although wedded

1. William A. Stewart III, "The North Carolina Speaker Ban Law Episode: Its History and Implications for Higher Education" (Ed.D. diss., University of North Carolina at Greensboro, 1988), 60-61, and Philip B. Secor, "Academic Freedom in Political Context: The North Carolina Speaker Ban Law," in *Law and Justice: Essays in Honor of Robert S. Rankin*, ed. Carl Beck (Durham: Duke University Press, 1970), 207-225.
2. Paul Luebke, *Tar Heel Politics: Myths and Realities* (Chapel Hill: University of North Carolina Press, 1990).

to the state's power structure, UNC often clashed with the status quo. In the 1920s, 1930s, and 1940s, faculty such as sociologist Howard W. Odum—along with Frank Graham himself—advocated regional self-criticism and uplift, and Chapel Hill became a major center of mid-twentieth-century southern liberalism. Meanwhile, university leaders and trustees succeeded in sustaining public backing while preventing political intrusion into UNC affairs.

By the 1950s, however, public tolerance of UNC liberalism was evaporating. In March 1949, Governor W. Kerr Scott appointed Frank Graham to the United States Senate, and the senatorial primary a year later made the university, with its and Graham's "subversive" views on Communism and race relations, a political issue. Graham's defeat in the campaign of 1950 by Raleigh attorney Willis Smith, after one of the most acrimonious campaigns in the state's history, demonstrated UNC's vulnerability to the politically potent issues of race and anti-Communism. But hostility toward UNC had little to do with any real threat of subversion. In the late 1940s and 1950s, the UNC community, like most other American colleges and universities of that era, prohibited the hiring of Communist faculty, required loyalty oaths of all employees, and excluded Communist Party members from making appearances. In January 1949, Chapel Hill Chancellor Robert Burton House banned John Gates, the editor of the Communist Party's *Daily Worker*, when he attempted to address a group on campus. In the wake of the Gates affair, UNC trustees delegated responsibility for screening speakers to administrators, a decision designed to bar subversive speakers, and, effectively, Communists were banned during the 1950s and early 1960s. When Communist Party head Gus Hall visited Chapel Hill in 1954, he was forced to speak at a Chapel Hill vacant lot. That episode was not exceptional; most members of the Chapel Hill community agreed that Communists should be excluded. The student leadership was as vigorously anti-Communist as administrators. After Junius Scales, a former UNC student who had been convicted under the Smith Act, tried to make a campus appearance in 1956, student government leaders took the lead in banning him. Students reached this decision without the explicit approval but certainly with the blessing of administrators.³

That the North Carolina General Assembly had enacted the Speaker Ban—despite the absence during the 1950s and early 1960s of any Communist faculty or speakers on campus—pointed up the seriousness of UNC's predicament. Rather than Communists invading Chapel Hill, legislators were more concerned about university liberalism—and the extent to which they perceived it as aiding and abetting the breakdown of racial segregation. For the first time since the anti-evolution controversy of the 1920s—when the legislature considered prohibiting the teachings of Charles Darwin in public high schools and universities—the state's political leadership had bludgeoned its way into campus affairs; their intervention upset the delicate relationship between the university and the state. Restoring that equilibrium would not be easy, and the Speaker Ban struggle would sorely test the leadership of the young UNC president, William Friday.

3. Tom Lambeth to Friday, September 27, 1963, "Speaker Ban: General, August 1963" file, subgroup 1, ser. 1, Papers of William C. Friday, University Archives, University of North Carolina Library, Chapel Hill. The Smith Act, which the Congress passed in 1940, forbade persons to advocate the violent overthrow of the United States government. On anti-Communism and American campuses, see Ellen W. Schrecker, *No Ivory Tower: McCarthyism and the Universities* (New York: Oxford University Press, 1986).

Seven years earlier, in 1956, Friday had astounded the academic world when the Board of Trustees selected him UNC president at the age of thirty-six, despite his youth and lack of academic credentials. Reared in Gaston County, Friday seemed an unlikely choice to assume the mantle of Frank Porter Graham. Active in student government at North Carolina State College, Friday was graduated from that institution with a textile engineering degree in 1941. He briefly worked for DuPont Corporation, but World War II interrupted Friday's career plans, and he served more than three years in the navy. Although he entered the UNC Law School when he was mustered out in 1946, Friday never practiced law. Instead, he stumbled into a job as an assistant dean of students at Carolina and then rapidly climbed up the ranks at Chapel Hill's South Building to become an assistant to Gordon Gray, a wealthy Winston-Salem business leader who succeeded Frank Graham as UNC president in 1951. With Gray's departure from UNC in 1955, Friday, who as secretary of the university had developed cordial relations with trustees, alumni, and administrators, survived as the only candidate with the necessary political skills to lead the multi-campus UNC system.

Friday's three-decade tenure as university president (1956-1986) would encompass the most turbulent period in the history of American higher education. Much of this turbulence resulted from a remarkable growth of access to and participation in public colleges and universities, in North Carolina and around the country. In the 1960s especially, UNC faced the most uncertain decade of the twentieth century. Rising student enrollments, beginning in the 1940s but reaching tidal wave proportions during the 1960s and 1970s, swelled the size not only of UNC campuses but of competitors for public resources at former teachers' colleges. Their resentment of Chapel Hill's political power figured prominently in the post-1945 politics of higher education, but Friday faced an erosion of public support on other fronts. In May 1961 he had survived the backlash that followed his cancellation of the Dixie Classic, the popular holiday basketball tournament sponsored by North Carolina State College, because of bribery of State College athletes by professional gamblers. Now, with the Speaker Ban, Friday was entering an even more treacherous political environment. The controversy brought into sharp relief the relationship between the University of North Carolina, the political power structure of the state, and the ways in which Friday sought to manage relations with the political establishment.

Already, an increasing number of conservative Tar Heels were warning the public about the dangers of Chapel Hill liberalism. Fears of Communism merged with fears of racial integration; the Speaker Ban bill brought those tensions into the open. In the gubernatorial primary of May 1960, in which arch-segregationist I. Beverly Lake opposed moderate Terry Sanford, State Senator Robert B. Morgan attacked appearances during the spring of 1960 on the Chapel Hill campus by the African American poet Langston Hughes and the civil rights leader Martin Luther King Jr. Morgan further claimed that black leaders used the UNC-run educational television station to publicize the sit-in movement during the winter and spring of 1960. Later, the Chapel Hill post of the American Legion continued the attack. After two leftist organizations, the Progressive Labor Club and the New Left Club, obtained campus recognition and sponsored appearances by black activists, the Legion's Chapel Hill post, in a resolution written by Colonel Henry Royall, denounced leftist leanings on the Chapel Hill campus and urged a legislative investigation. When Progressive Labor leader Milton Rosen spoke on campus under the auspices of the New Left Club on

December 3, 1962—an event attended by fourteen people—the legionnaires were further aroused, and they adopted two resolutions in June 1963 urging state intervention.⁴

Meanwhile, Jesse Helms, known already for his nightly televised editorials on Raleigh's WRAL-TV in which he attacked a variety of liberal enemies, joined the assault on UNC. Helms suggested a "head count" of professors of political science and history to determine if there was an imbalance between conservatives and liberals so that administrators could rectify it. The issue, Helms claimed, was not academic freedom. The search for truth was legitimate only insofar as its "substance is sometimes debatable." Helms continued his attack on UNC into late 1962, when he joined the legionnaires' attack on Milton Rosen's visit and criticized an appearance by folk singer Pete Seeger, whom Helms described as a "known Communist." In April 1963, Helms, complaining about the "avowed Communists, leftwingers, ultra-liberals in a solid phalanx" who had visited the Carolina campus, urged that "the matter ought to be looked into."⁵

Anti-UNC hostility was rooted in the perception that Chapel Hill liberalism had somehow encouraged, and perhaps even ignited, the African American rebellion in the towns and cities of North Carolina during the spring of 1963. Across the state, a movement emerged that largely paralleled the model of nonviolent disobedience spearheaded by Martin Luther King Jr. in Birmingham, Alabama. In Greensboro, street demonstrations lasted most of May and into June 1963, while similar demonstrations occurred in other cities. In Raleigh the movement became galvanized after the Liberian assistant secretary of state and ambassador to the United States, Angie Brooks, a graduate of Shaw University, returned for a seminar at her alma mater. Along with a student and Allard Lowenstein, a Chapel Hill graduate and longtime activist who was then on the political science faculty at State College, Brooks went to downtown Raleigh, where the management of both the coffee shop at the Sir Walter Hotel and the S&W cafeteria refused her service.⁶ An organized movement of street demonstrations followed for much of May and June 1963. Demonstrators marched down Fayetteville Street, singing freedom songs along the way; before long, activists sought service at segregated hotels, restaurants, and movie theaters. By early May police were beginning to arrest blacks for trespassing when they entered all-white establishments; black marchers responded by producing even larger groups of demonstrators. On May 8 police arrested ninety-two blacks as they descended on the coffee shop at the Sir Walter Hotel, the S&W cafeteria, and two theaters. Nearly two hundred demonstrators, most of them Shaw students, strained the jails' capacity.⁷

4. Robert Spearman, Senior Honors Thesis, North Carolina Collection, University of North Carolina Library, Chapel Hill, 1965, 2/6-2/10; William B. Aycock to I. M. O'Hanlon, December 26, 1963, subgroup 1, ser. 1, Friday Papers.

5. Helms, WRAL Viewpoint Editorials nos. 275, 502, 582, file entitled "WRAL Television: Editorials, 1961-1971" file, subgroup 1, ser. 8, Friday Papers.

6. Spearman, Senior Honors Thesis, 3/1; "80 Arrested in Protests at Raleigh," *Greensboro Daily News*, May 9, 1963; "Raleigh Finds Silence No Solution to Race Problem" (editorial), *Charlotte Observer*, May 14, 1963; William H. Chafe, *Never Stop Running: Allard Lowenstein and the Struggle to Save American Liberalism* (New York: Basic Books, 1993), 178-179.

7. Bob Lynch, "92 Negroes Arrested Here," *Raleigh News and Observer*, May 9, 1963; Johanna Adler, "Special Race Relations Group Is Proposed Here," *Raleigh Times*, May 9, 1963; Lawrence Maddry, "Holiday may Delay Trials of Negroes until Monday," *Raleigh Times*, May 9, 1963; "New Arrests Overflow Wake Jail," *Greensboro Daily News*, May 10, 1963; "New Protests Are Staged by Negroes," *Greensboro Daily News*, May 12, 1963; Chafe, *Never Stop Running*, 179.

After the mass arrests of May 8, city leaders and demonstrators reached a truce with the creation of a biracial committee. But the truce broke down about a month later, when demonstrators conducted a sit-in on the night of Monday, June 10, 1963. About 8:30 P.M. that evening, six blacks attempted to register at the Sir Walter Hotel; when they were refused, they sat down in the lobby, and the hotel manager called in the police. What became known as the "suitcase sit-ins" had begun, and it resulted in another round of arrests as about thirty more black demonstrators arrived with their suitcases that evening, inviting arrest. With the beginning of the suitcase sit-ins, legislators, most of whom usually took up residence at the Sir Walter for the legislative session, were exposed to the demonstrators on an almost daily basis.⁸

On the evening of June 10, many of the legislators angrily observed the demonstrators, convinced that white UNC faculty had incited the black uprising. Secretary of State Thad Eure later remembered standing in front of the Sir Walter on the evening of June 10 when, he recalled, "the motliest Negro group you ever saw" appeared and announced their intention to sleep in the hotel. Jim Phipps, a state representative from Orange County who was standing next to Eure, nudged him and pointed to a white who, he said, was a professor at Chapel Hill. T. Clarence Stone, president of the state senate, loudly complained that university faculty members were instigating the demonstrations. Frank Taylor, a UNC trustee from Goldsboro, recognized among the marchers Al Amon, a psychology professor at Carolina, and denounced him for damaging the university's reputation. Other faculty who took part included Lowenstein and Nancy Adams, who was a member of the dean of women's staff at Chapel Hill. "If I hadn't already signed the university appropriation bill," Stone was heard to say, "I'd be holding back my pen."

Jesse Helms made the same connection between Chapel Hill liberalism and the black uprising. White faculty members involved in civil rights marches, he explained to WRAL television viewers on June 14, were participating in a host of other causes. "They hate this nation's immigration laws," he intoned, "which require the careful screening of foreigners coming to this country." They favored greater governmental centralization, world government, and deficit spending. "You pull a thread in the torn fabric of the structure of America," he said, "and the thread endlessly criss-crosses from one stormy issue to another." Activist Allard Lowenstein became a Helms target. Lowenstein was an "announced leader and promoter" of the demonstrations, Helms said; he had been a "close friend" of Junius Scales. This was a man, according to Helms, whose life had been "dedicated primarily to agitation and the promotion of strife."

To many General Assembly leaders, UNC faculty participation in the civil rights demonstrations of 1963 was compounded by the indifference of the UNC administration.

8. Spearman, Senior Honors Thesis, 3/4-5; Aycock interview with author, Chapel Hill, April 11, 1990; Johanna Adler, "Negro Students Leave Jail," *Raleigh Times*, May 10, 1963; Allen Paul, "City Is Quiet after Intense Day of Strife," *Raleigh Times*, May 11, 1963; Johanna Adler, "Protests Postponed As Biracial Group Set to Meet Tonight," *Raleigh Times*, May 13, 1963; Jonathan Friendly, "76 Business Firms Here Integrating," *News and Observer*, June 6, 1963. As the uprising continued into June 1963, inevitably, indeed purposefully, the demonstrators made themselves known to the governor and legislature. Earlier, on the evening of May 10, demonstrators marched to the Executive Mansion, confronting Governor Sanford and booing him. Sanford had been inside participating in the North Carolina Symphony ball; the hymn singing by demonstrators at times drowned out the music inside. Bob Lynch and Roy Parker Jr., "Negroes Boo Gov. at Mansion," *News and Observer*, May 11, 1963; Bette Elliott, "Negroes Visit Governor," *Raleigh Times*, May 11, 1963.

Phipps, who had seen Stone, Taylor, and Eure, tried to reach Friday by phone on the evening of June 20 to communicate the growing antagonism toward the university, but the UNC president was out of town. Instead, Phipps talked with Fred Weaver, then secretary of the university, and informed him that legislators were upset about the UNC faculty's participation in the demonstrations and that the UNC educational television bill, then pending, might be endangered. Weaver, however, refused to restrict the political liberties of the university faculty; Friday fully endorsed Weaver's position.

When Phipps returned with the news, the angry legislators regarded this as an insulting brush-off from UNC administration. The university, Robert Morgan would later recall, "wasn't willing to heed public outcry" about "objectionable" speakers. Much of the legislature's anger, he explained, had to do with the perception of UNC "arrogance" toward public opinion. Friday perceived the legislators' hostility differently. The "accumulated animosity" that focused on the civil rights demonstrations and the university's involvement in them lay behind what Friday would, years later, call the General Assembly's "bad mood, an angry mood, a vengeful mood."⁹

Led by Stone in the state senate and Clifton Blue, Speaker of the House, a group of legislators that included representatives Ned Delamar of Pamlico County and Phil Godwin of Gates County held private discussions about how best to discipline Chapel Hill liberals. Among those legislators there emerged a consensus that a 1941 North Carolina law—a "little" Smith Act that prohibited the advocacy of the violent overthrow of the government—was insufficient. On Friday, June 21, Helms broadcast an editorial over WRAL praising Ohio State University's decision to bar Communists from its campus and the Ohio House of Representatives for passing a bill prohibiting them from speaking. Over that weekend, Delamar approached Secretary of State Thad Eure and asked him to obtain a copy of the Ohio bill. Eure sent a telegram to Ted Brown, an old friend and his counterpart in Ohio, from the Sir Walter lobby. By Monday, June 24, Eure had a copy of the Ohio bill in hand.¹⁰

A day later, on June 25, passage of the Speaker Ban occurred quickly. Although Godwin subsequently denied any conspiracy, he and a small group of legislators proceeded carefully and deliberately.¹¹ Godwin and Delamar showed the bill to potential supporters, picking up allies;

9. Spearman, Senior Honors Thesis, 3/4-10; Robert Morgan, interview with William A. Stewart, Lillington, March 24, 1987, North Carolina Speaker Ban Collection, University Archives and Special Collections Department, University of North Carolina Library, Greensboro; Helms, WRAL Viewpoint Editorial no. 631, subgroup 1, ser. 8, Friday Papers; Roy Parker Jr., "Marchers' Footsteps Echoed in Assembly," *News and Observer*, June 29, 1963; Friday, interview with author, Chapel Hill, May 5, 1992. On Lowenstein, consult Chafe, *Never Stop Running*.

10. Friday, interview with author, Chapel Hill, November 28, 1990; Spearman, Senior Honors Thesis, chap. 5; testimony of Phil Godwin, August 11, 1965, "Hearing before Speaker Ban Study Commission," subgroup 1, ser. 1, Friday Papers.

11. Godwin denied the existence of any conspiracy at the subsequent Britt Commission hearings. He would reiterate this position nearly three decades later, when he was interviewed on Bill Friday's television show, *North Carolina People*; that interview first aired on September 2, 1994. The idea for the bill, Godwin said, arose when a group of legislators were gathering for dinner and drinks at the Sir Walter Hotel. Grieving as he was over the death in Vietnam of a close personal friend from his hometown of Gatesville, Godwin said that he blamed Communism. When someone appeared with a draft of the bill, he agreed to sponsor it. "I just sponsored the bill and didn't think much about it," he said. "Looking back, I wouldn't do it. But at the time I was just thinking of that boy from Gatesville who died. I never thought of the uproar I would cause." Ned Cline, "Sponsor of That Infamous Speaker Ban Now Concedes It Was a Mistake," *Greensboro News and Record*, September 7, 1994.



In June 1963 T. Clarence Stone (left), president of the state senate, and Speaker of the House Clifton Blue led the movement in the General Assembly to seek ways to discipline University of North Carolina faculty members for their liberal views on civil rights and freedom of speech. Photograph from State Archives, Division of Archives and History, Raleigh.

by lunchtime, there were six additional cosponsors, along with Godwin and Delamar. That afternoon, during the waning hours of the 1963 session, Godwin introduced House Bill 1395 and moved that the rules, which normally required a lengthy process of consideration of a bill, be suspended. Few university supporters remained in the house; many of them had gone home. Those legislators remaining in the house chambers were, as Blue later admitted, "tired and inattentive." After the clerk read the bill, Godwin spoke on its behalf; copies of the bill were not made available. Most legislators paid little attention to the bill, which was grouped with the flood of local bills that usually accompany the end of a legislative session. David M. Britt, then in the house and later a state supreme court justice, remembered that the bill "sounded just like apple pie and everything else a true American would back." Impressed by Godwin's "very forceful remarks," he "didn't pay much attention to it." Nonetheless, he admitted that he and other legislators were "just taken by surprise." Four minutes after Godwin introduced the bill, Speaker Blue declared it passed by a voice vote. House Bill 1395 was sent by special messenger to the senate, and Stone, who had become that body's presiding officer after the death of Lieutenant Governor H. Cloyd Philpott on August 18, 1961, rammed the bill through three readings, gaveling down the opposition and ruling the bill passed by voice vote even before

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opponents had a chance to open their mouths. By three o'clock, barely an hour after Godwin introduced the bill, the Speaker Ban bill had passed the General Assembly, and the senate adjourned for the day.¹²

Whatever explains the passage of the Speaker Ban, one fact remains clear: for one of the few occasions of his thirty-year tenure as UNC president, Bill Friday was caught off guard. He was engrossed in other, seemingly more pressing issues, particularly the attempt to reorganize the multi-campus UNC system as a result of the governor's commission, chaired by Winston-Salem attorney Irving E. Carlyle, that examined higher education in the state and presented its recommendations to the General Assembly of 1963. Two years earlier, in January 1961, the death of his confidant and mentor William D. "Billy" Carmichael Jr., who had served as a leading figure in South Building since he joined Frank Graham's administration in 1941, meant the loss of Friday's ablest political adviser; none of his administrative team in 1963 could so aptly sense the legislative mood. Carmichael, according to one contemporary, could "talk the language of the educators and the legislators" as no one else seemed able to do.¹³ Although Friday and Weaver attended virtually every day of the 1963 legislative session, they were absent from Raleigh during the events of June 25 and, more seriously, suffered from an intelligence gap about the maneuvering of Speaker Ban supporters. No one in the entire university, remembered UNC Chancellor William Aycock, "had the slightest notion" of the impending Speaker Ban.¹⁴

Not until about 2:45 on the afternoon of June 25, when Grace Mewborn Aycock, wife of the UNC chancellor, heard on the radio that the bill had passed its house readings and notified her husband, did Friday learn of the Speaker Ban.¹⁵ Hearing more about the bill after a telephone call to the UNC Institute of Government, Friday telephoned Raleigh to discover that the senate was about to be convened in an afternoon session. He and Weaver immediately drove to Raleigh; during the drive, they heard a radio newscast about the bill but discovered, upon arrival, that the senate had passed the bill and adjourned. After conferring with legislators at the Legislative Building, Friday, as he said a few weeks later, "sought out friends" and walked over to the Sir Walter Hotel to see if enough votes could be organized for reconsideration. Meanwhile, he told reporters that he would "do everything possible" to oppose the law, which he described as "totally unnecessary."

12. Friday interview, November 28, 1990; James Ross, "Bill to Ban Speakers Passed," *Greensboro Daily News*, June 26, 1963; Jay Jenkins, "Senate Chief Kills Opposition to Bill," *Charlotte Observer*, June 26, 1963. For accounts of the Speaker Ban controversy, see Arnold K. King, *The Multicampus University of North Carolina Comes of Age, 1956-1986* (Chapel Hill: University of North Carolina Press, 1987), chap. 4; Timothy Gunther, "No Reds in Blue Heaven: A Discourse on the Passage, Amendment, and Repeal of the North Carolina Communist Speaker Ban Law," (Senior Honors Thesis, University of North Carolina at Chapel Hill, 1985); Spearman, Senior Honors Thesis 1/4-8, 7/6; Stewart, "North Carolina Speaker Ban Law Episode," 61; William D. Snider, *Light on the Hill: A History of the University of North Carolina at Chapel Hill* (Chapel Hill: University of North Carolina Press, 1992), 271-279; David M. Britt, interview with author, Raleigh, June 4, 1991. Stone provided a rendition of the passage of the bill to William T. Graves, March 8, 1965, in which he claimed that it was "passed like any other Bill." Papers of T. Clarence Stone, box 6, Southern Historical Collection, University of North Carolina Library, Chapel Hill.

13. Bob Smith, "What's Wrong at UNC?," unidentified clipping, June 15, 1965, box 2, the Papers of Paul F. Sharp, University Archives, University of North Carolina Library, Chapel Hill.

14. William Aycock, interview with Frances Weaver, Chapel Hill, March 8, 1990, Southern Oral History Program, University of North Carolina Library, Chapel Hill.

15. Aycock interview, April 11, 1990.



On June 25, 1963, Rep. Philip Godwin of Gates County introduced the Speaker Ban bill in the North Carolina House of Representatives. On the same day both the house and the senate quickly ratified the act and it became law. Photograph from State Archives.

In fact, the matter was already beyond Friday's control. Efforts on June 26 to recall the bill from the enrolling office before it became law, despite the furious efforts of UNC's legislative supporters, failed because of Speaker Ban supporters' iron grip over the legislative process. Once House Bill 1395 became law, Friday realized, university administrators would be waging an uphill battle in seeking repeal or amendment. In the summer and autumn of 1963, Friday communicated with legislators in person and by mail, while he orchestrated trustee support for repeal or modification. Friday also pumped editorialists statewide with information, and the immediate response of the mainstream newspaper dailies of the state was to condemn the law.¹⁶ The *Raleigh Times*, for example, described it as "unworthy of the long tradition of the people of North Carolina." Both in the manner in which it was enacted and the substance of the law, the Speaker Ban was "shameful," an "admission of weakness, a terrible and dismaying weakness." It proclaimed to the world that the young people of

16. Friday to William P. Fidler, July 4, 1963, subgroup 1, ser. 1, Friday Papers; Friday interview, November 28, 1990. When William D. Snider wrote a favorable editorial in September 1963, for example, Friday wrote to him: "It is excellent and does the job." Friday to Snider, September 30, 1963, subgroup 1, ser. 1, Friday Papers.

the state were “so stupid and so impressionable and so weak that just the mere threat that a Communist might make a speech to them could turn them into Communists.” Were young North Carolinians really “that weak and that stupid?” The law struck at the autonomy of college campuses and was a “slap in the face” of administrators and trustees; it opened the way for “scheming and unscrupulous meddlers to stick their dirty and ignorant and fearful fingers” into academic affairs.¹⁷

Yet public opinion, by the summer of 1963, had hardened against repeal.¹⁸ Clarence Stone, one of the Speaker Ban’s leading backers, received numerous letters commending him, as one correspondent expressed it, for “standing up for our concept of the truly American way of life.”¹⁹ Why should Communists be able to “speak and spread their poison, and be honored at our colleges and university?” a Wilmington attorney wrote. “Should they be honored by the very State they are trying to destroy?”²⁰ If he was “any judge of the public mood,” added Helms a day after the Speaker Ban became law, “the law banning Communists from our campuses will be greeted by overwhelming approval by the general public.” The law was a “vote of no-confidence” in those running the state’s public universities and colleges.²¹ Despite what one Winston-Salem journalist described as “almost unanimous newspaper criticism of it,” many Tar Heels strongly endorsed the Speaker Ban law in the summer of 1963. UNC supporters in the legislature soon realized, as one assemblyman later reflected, that they had crashed into a “hornet’s nest.”²² Even Friday acknowledged that there was “wide-spread and disturbing public support” for the law and that it was “an almost impossible task” to repeal it.²³

In fact, opinion on the Board of Trustees reflected the public mood, and Friday began efforts to inform them of the threat posed by the Speaker Ban. In July he obtained the support of the Board of Trustees’ Executive Committee for repeal. During the remainder of the summer and the autumn of 1963, Friday, along with Chancellor Aycock of Chapel Hill, visited trustees at meetings around the state. The first of those meetings was held in September 1963 in Greenville, where, according to Aycock, Friday did “all of the talking” but relied on Aycock’s legal opinion of the law. They next visited Raleigh, where they met

17. “This Last-Minute Law Surely Is Not Worthy of N.C. Senate” (editorial), *Raleigh Times*, June 26, 1963. See also “Speech-Ban Bill Unworthy of N.C. General Assembly” (editorial), *Charlotte Observer*, June 27, 1963.

18. Philip P. Godwin to Friday, June 29, 1963; Friday to Godwin, July 2, 1963, subgroup 1, ser. 1, Friday Papers.

19. William Wise Smith to T. Clarence Stone, June 28, 1963, Stone Papers, box 3.

20. Isaac C. Wright to Friday, July 1, 1963, subgroup 1, ser. 1, Friday Papers.

21. UNC officials were “in no position to demand public confidence,” said Helms; “they must earn it.” They were “public servants, paid with tax funds, and therefore answerable to the public. . . . This is what the law passed by the legislature is all about.” Helms, WRAL Viewpoint Editorial no. 640, June 27, 1963, subgroup 1, ser. 8, Friday Papers. “So we see what happens when so-called ‘liberalism’ receives a setback,” he said a few days later. The free speech issue was simply a “smokescreen” that obscured the “basic issues involved.” Helms, WRAL Viewpoint Editorial no. 642, July 1, 1963, subgroup 1, ser. 8, Friday Papers.

22. R. D. McMillan, interview with author, Raleigh, May 14, 1991.

23. Robert F. Campbell to Friday, July 24, 1963; Friday to Campbell, August 5, 1963, subgroup 1, ser. 1, Friday Papers.

with a group of ten or twenty trustees; Aycock then visited a group in Charlotte by himself, while Friday traveled to Asheville and Wilmington.²⁴

On October 28, 1963, as a result of these efforts, the full Board of Trustees endorsed the formation of a special trustee committee to seek repeal or modification.²⁵ In the meantime, however, politics intervened. In the gubernatorial campaign of 1964, conservative Dan K. Moore defeated the moderate ally of Governor Terry Sanford, L. Richardson Preyer Jr., in a run-off primary in which the black uprising of 1963 and Sanford's racial moderation were major issues. Fearing that the Speaker Ban might become an issue in the campaign, Sanford delayed appointing the special trustee committee for a year; it was formed on October 21, 1964.²⁶ Headed by attorney William Medford, the special trustee committee eventually sought a formula for amendment rather than repeal in which authority over speakers would be transferred to UNC trustees and administrators.²⁷

The Medford Committee report was delivered to Moore on April 24, 1965. The report rejected outright repeal, chiefly because of Moore's opposition. Instead, it recommended amendment of the law to return responsibility for speakers to UNC's administration.²⁸ About a month after Moore received the Medford Report, on May 22, the governor learned of a telegram sent two days earlier to Friday by Emmett B. Fields, chairman of the accrediting committee of the Southern Association of Colleges and Schools (SACS). After a SACS accreditation team visited Chapel Hill in mid-March 1964 and heard faculty complaints about the Speaker Ban, it expressed its concern to Fields. Meeting on May 19, 1965, the SACS executive council, which was the chief accrediting body of southern colleges and universities, ruled that the Speaker Ban law interfered with the "necessary authority" of UNC administration.²⁹

Some legislators responded defiantly. Tom White, a state senator from Kinston and vocal supporter of the Speaker Ban, believed that UNC should withdraw from an organization "unworthy of being privileged to 'accredit' any kind of educational institution."³⁰ But the possible loss of accreditation, and the disastrous consequences that would follow it, spurred Governor Moore to action. Friday urged the governor to appoint a legislative study commission to examine the law. Although disappointed that repeal now seemed unlikely, Friday realized that a legislative majority opposed even modification. Moore was deluged with constituent mail that was overwhelmingly in favor of the Speaker Ban.³¹ Meanwhile, a solid majority in the legislature opposed any changes; although Moore might have

24. Aycock interview, April 11, 1990; minutes of the Administrative Council, August 29, 1963, subgroup 1, ser. 1, Friday Papers.

25. Minutes of the UNC Board of Trustees Executive Committee, October 18, 1963, subgroup 1, ser. 1, subseries 3, Friday Papers.

26. Stewart, "North Carolina Speaker Ban Law Episode," 80.

27. Fred H. Weaver to the Medford Committee, January 15, 1965, subgroup 1, ser. 1, Friday Papers; "Report of the Special Committee in Connection with H.B. 1395 of the 1963 General Assembly," enclosed in William Medford to Dan K. Moore, April 24, 1965, subgroup 1, ser. 1, Friday Papers.

28. "Report of the Special Committee"; Friday interview, May 5, 1992.

29. Emmett B. Fields to Friday, May 20, 1965; Friday to Moore, May 22, 1965; testimony of Fields, August 11, 1965, "Hearing before Speaker Ban Study Commission," subgroup 1, ser. 1, Friday Papers.

30. Thomas J. White to Derwood B. Bray, May 25, 1965, folder 129, Papers of Thomas J. White Jr., Southern Historical Collection.

31. Britt interview, June 4, 1991.



In October 1964 Gov. Terry Sanford appointed a special committee of UNC trustees to study the Speaker Ban issue. The committee recommended amendment of the law to take responsibility for speakers from the legislature and return it to the UNC administration. Sanford (left) is pictured here conferring with UNC president William Friday at a meeting of the trustees in the fall of 1963. Photograph from the State Archives.

obtained a slight majority favoring amendment of the law in the senate, it faced certain defeat in the house. Clarence Stone, typical of General Assembly opinion, remained opposed to what he described as "people who would destroy our way of life," whether they were Fidel Castro or a "pink professor."

Realizing that repeal or modification during that year's regular session was politically impossible, the governor endorsed Friday's suggestion. On June 1, 1965, he proposed that the legislature establish a commission composed of nine members appointed by the governor, lieutenant governor, and the Speaker of the House, to examine the law and propose remedies that might be considered in a special legislative session.³² To head the commission, Moore appointed his old political ally, David Britt; the commission was also composed of a representative sampling of the North Carolina political system.³³ Meeting

32. Laurie Holder Jr., "Moore Urges Legislators to Leave Gag Law Alone," *News and Observer*, June 2, 1965; "Moore Moves to Forestall Action on Speaker Ban," *Greensboro Daily News*, June 2, 1965; Stewart, "North Carolina Speaker Ban Law Episode," 82. The *Charlotte Observer* called this a "weaseling approach" that reflected Moore's "finger-in-the-wind philosophy." "What's with This Position Ban?" *Charlotte Observer*, June 3, 1965.

33. Moore appointed conservative Democrats such as Col. William Joyner, a Raleigh attorney who had supported Willis Smith against Frank Graham in the senatorial primary of 1950; Charles Myers, president of Burlington Industries; and Gordon Hanes, state senator and member of a wealthy



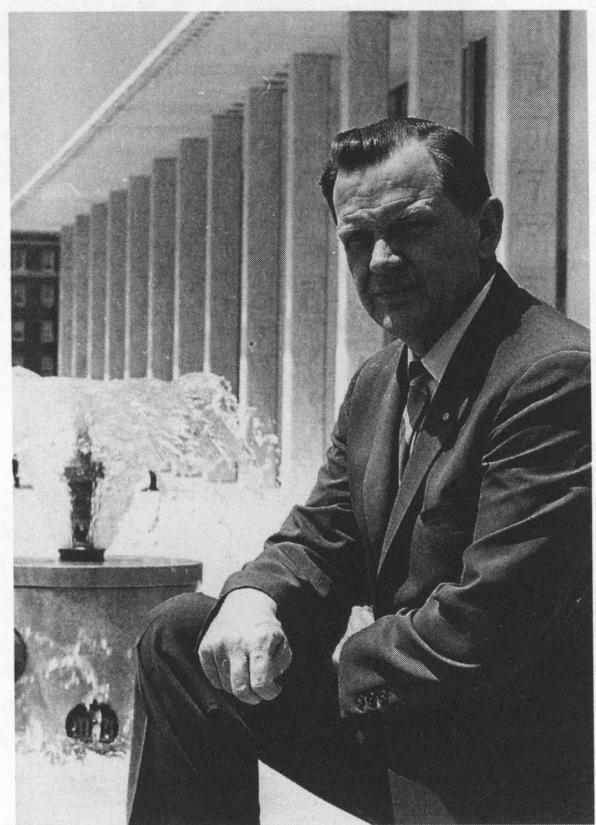
Fearful that UNC might lose its accreditation, Gov. Dan K. Moore (who had succeeded Sanford) accepted President Friday's recommendation and proposed that a legislative commission examine the Speaker Ban law and its possible modification. Photograph of Moore from State Archives.

privately during July, the commission conducted television public hearings on August 11-12 and September 8-9 in the Legislative Building in Raleigh, and those hearings attracted widespread press and public attention.³⁴

The Britt Commission's hearings did not immediately yield a compromise that would satisfy both the requirements of SACS accreditation and the concerns of Speaker Ban proponents. Britt, who recalled that he was seeking a means to "defang" the political problem, was disappointed. So was Moore, who wanted a politically acceptable solution. Friday was equally frustrated, for the Speaker Ban issue had consumed much of his time for the previous two years. The lack of firm trustee support, the hardening of public opinion,

Winston-Salem family. Elizabeth Swindell, Wilson newspaper publisher; Rev. Ben C. Fisher, a leading Baptist; state senator Russell Kirby; state representative A. A. Zollicoffer; and state representative Lacy Thornburg rounded out the membership. Russell Clay, "Eight Men, Woman Named to Study Gag," *News and Observer*, June 25, 1965; Britt to William T. Joyner, June 25, 1965; Jane P. Ryder to David M. Britt, June 29, 1965, box 2a, Records of the North Carolina Speaker Ban Study Commission, State Archives, Division of Archives and History, Raleigh.

34. "A State on Trial" (editorial), *News and Observer*, August 11, 1965. See also "Gag Hearings Starting Here Today," *News and Observer*, August 11, 1965.



Rep. David M. Britt (a future state supreme court justice) received Moore's appointment to head the legislative commission to study the Speaker Ban. Photograph from State Archives.

and the likely prospect of legislative opposition, had led him to support modification along the lines proposed by the Medford Committee. But even the minimal Medford formula—which would have awarded UNC greater flexibility but retained the objectionable law—provided no sure path to compromise. Nonetheless, Friday received feelers from several quarters in the summer and autumn of 1965 that a compromise was still possible. In late July, before the public hearings began, Britt Commission member Gordon Hanes urged Friday to propose that the UNC administration assume responsibility for enforcing the Speaker Ban along the lines of the Medford formula. Hanes also urged that his letter be kept confidential and that the proposal should appear to come from trustees.³⁵

Even while exploring possible compromise, Friday, testifying before the Britt Commission on September 8, 1965, offered an impressive argument in favor of repeal. Universities, he told a packed audience, were only “useful and effective” if they remained “free from unnecessary political control.” Legislatures should manage UNC affairs through publicly appointed boards of trustees; faculty and students should be protected in an “atmosphere of intellectual freedom that permits them to chart the scope and direction of their professional activities.” Although controversial speakers had occasionally visited the campus, the freedom

35. Gordon Hanes to Friday, July 26, 1965, subgroup 1, ser. 1, Friday Papers.

to discuss was basic and indispensable. Such freedom was not a matter of favoring or opposing Communism; the university opposed "all systems of government that suppress the liberties and freedoms of its people."³⁶

Through his spirited defense of academic freedom, Friday had cracked the door open. Speaking for himself, Friday declared, he favored repeal, but failing that he would support amendment of the law. If the legislature would renounce its control over campus speakers, Friday said, the trustees, through the chancellors, would assume responsibility by imposing three requirements: that meetings be chaired by faculty members or administrators; that speakers take questions from the audience; and that differing points of view also be represented. Friday's proposals coincided with another development: an East Carolina College Board of Trustees policy statement, on August 31, that was staunchly anti-Communist but insisted on trustee control over speakers. Robert Morgan, a Speaker Ban supporter and chairman of the ECC trustees, endorsed the plan but asked that trustees provide "some assurance" that they would regulate objectionable speakers.³⁷

Friday's willingness to compromise, combined with Morgan's about-face, offered a way out of the Speaker Ban thicket. Britt, consulting with Friday and Weaver, spent the next weeks drafting language amending the law. As Britt subsequently recalled, he and Friday became "much closer friends . . . during that time than we had before."³⁸ The report of the Britt Commission, which was transmitted to Moore on November 5, contained three important provisions that were central to Friday's conception of a compromise. While the first cleared the university of any "irresponsible radicalism" on campus, the second proposed that the Speaker Ban law should be amended to transfer control over visiting speakers from the legislature to the trustees and to grant them the power to establish rules and regulations concerning speakers. The third provision was a specifically worded speaker policy that was drafted by Friday and bore a close resemblance to his September 8 proposals in the commission hearings.³⁹ Moore made the findings of the Britt Commission public on November 5 and then called for a special session of the legislature later that month, and it eventually enacted changes in the law.⁴⁰

36. Testimony of Friday, September 8, 1965, "Hearing before Speaker Ban Study Commission," subgroup 1, ser. 1, Friday Papers. The text of Friday's statement is reprinted in *Charlotte Observer*, September 11, 1965.

37. Russell Clay, "UNC Offers Alternate to Ban Law," *News and Observer*, September 9, 1965; Joseph Knox, "Ban Law Repeal Linked to Trustees' Stand," *Greensboro Daily News*, September 9, 1965; Joe Doster, "Speaker Ban Law Amendment Likely," *Charlotte Observer*, September 10, 1965; testimony of Friday, "Hearing before Speaker Ban Study Commission," subgroup 1, ser. 1, Friday Papers; Britt interview, June 4, 1991. Britt noted that Morgan supported the change, but when it came before the special session of the legislature in November 1965, he voted against the compromise. That switch may have reflected his belief, expressed as early as September 12, that the UNC proposal fell far short of what he believed were the necessary restrictions. "Bob Morgan Says UNC Proposal Is Not Acceptable to Legislature," *Greensboro Daily News*, September 13, 1965.

38. Britt interview, June 4, 1991; Friday interview, May 5, 1992; Friday to Britt, October 19, 1965, box 3, Records of Speaker Ban Study Commission. Britt, in mid-October 1965, told commission members that "strict secrecy" was "essential for us to accomplish our purpose." Britt to members of the commission, October 1, 1965, box 3, Records of Speaker Ban Study Commission.

39. Report of Britt Commission, November 1965, subgroup 1, ser. 1, Friday Papers.

40. Laurie Holder Jr., "Governor Calls Special Session to Amend the Speaker Ban Law," *News and Observer*, November 6, 1965.



In the fall of 1965 the Britt Commission held hearings on the Speaker Ban act and recommended that the law be amended to transfer control over campus speakers from the legislature to the university trustees. Photograph of members of the commission from State Archives.

The Britt Commission report reflected Bill Friday's style of consensus-building. Through a compromise that restored trustee integrity yet also satisfied the political leadership who were keenly suspicious of campus liberalism, Friday found a middle ground that forestalled confrontation and crisis. The *Greensboro Daily News* described the compromise as an "honorable way out of this difficulty" that mixed "respect for fundamental principles with common sense."⁴¹ Yet not everyone agreed with that assessment. As an editorialist for the *News and Observer* noted, the Britt Commission's recommendations demonstrated the "utter lack of necessity for this law in the first place." It provided for free speech only to the extent that "infrequent" appearances by radicals would be tolerated. It made administrators directly accountable to trustees, and trustees accountable to the political system. By throwing the burden of responsibility upon the university itself, it threw "some scraps to the roaring lions of reaction."⁴²

When the special legislative session concluded its business in late 1965, Bill Friday was far from sanguine about the future. Under his guidance the Britt Commission reached a compromise that satisfied both General Assembly anti-Communism and UNC autonomy—and maintained SACS accreditation—but it was a compromise that preserved important

41. "North Carolina's Time of Testing" (editorial), *Greensboro Daily News*, November 15, 1965; Jay Jenkins, "Ban Session Will Be Test for Moore," *Charlotte Observer*, November 15, 1965.

42. "Scraps to the Lions" (editorial), *News and Observer*, November 6, 1965. Arnold King later described the speaker policy as "almost taking an oath not to hurt your mother." Cited in Stewart, "North Carolina Speaker Ban Law Episode," 105.

restrictions over academic free speech. The legislative actions of the special session were, he later recalled, "a step forward coming back." He hoped that UNC administrators would be able to "do pretty much anything under the law, . . . with the way it was phrased." His main concern was to find a way to blunt legislative intrusion, but, as he later admitted, that was an "error in judgment." As events would soon prove, the political compromise struck in the autumn of 1965 was fragile indeed.⁴³

The fragility of the Britt compromise became apparent almost immediately, for soon after the special session concluded its business in November 1965, student leaders at Chapel Hill challenged the law. In the spring of 1965, Carolina student leaders had expressed dissatisfaction with Speaker Ban restrictions and hinted that they might litigate. Placing additional pressure on mainline student leaders was the fledgling Students for a Democratic Society (SDS), which had originated at the University of Michigan and had already become an important New Left student organization. The Chapel Hill chapter of the SDS, founded during the spring of 1965, remained small, with a membership that never exceeded twenty-five. It needed a rallying cause, and the Speaker Ban provided the perfect issue.⁴⁴ Agreeing to challenge the Speaker Ban in December 1965, the Carolina SDS chapter formally invited two controversial speakers on January 3, 1966: Frank Wilkinson, who had served a month in prison because he refused in 1958 to answer questions about his purported Communist membership and who was leading an effort to abolish the House Committee on Un-American Activities (HUAC); and Herbert Aptheker, a historian who joined the Communist Party in 1939 and who, in 1965, led a delegation to visit the Vietnamese Communists in Hanoi. On January 21, Roy James McCorkel Jr., a UNC graduate student and SDS president, telephoned Paul F. Sharp, who had succeeded Bill Aycock as chancellor in 1965, telling him of the SDS invitations. Sharp immediately informed Friday.⁴⁵

Despite reservations about its ultimate success, Friday believed that the Britt compromise provided a workable framework. As part of that compromise, the Board of Trustees, on November 12, 1965, had adopted a general speaker policy that permitted "infrequent" appearances by controversial speakers if they served "the advantage of education." Then, on January 14, 1966, the Executive Committee adopted, subject to approval by the full board, more specific regulations concerning speakers.⁴⁶ The trustees stipulated that all statutes, including the 1941 law that prohibited speeches advocating the violent overthrow of government, had to be obeyed. Only recognized student, faculty, and university organizations could sponsor and invite outside speakers; student attendance was voluntary.

43. Friday interviews, November 28, 1990, May 5, 1992.

44. Russell Clay, "Invited Speakers Causing Concern," *News and Observer*, January 29, 1966; C. O. Cathey, memorandum to file, February 2, 1966, box 2, Sharp Papers.

45. Clay, "Invited Speakers Causing Concern"; Joe Doster, "UNC May Not Have Power to Ban Controversial Figure," *Charlotte Observer*, February 4, 1966; James K. Batten, "Aptheker Called Bore, Not Threat," *Charlotte Observer*, February 7, 1966. Actually, Wilkinson was not an admitted Communist, nor had he taken the Fifth Amendment. When questioned about Communist Party membership by a HUAC subcommittee in Atlanta in 1958, Wilkinson responded, "As a matter of conscience and personal responsibility, I refuse to answer any questions of this committee." The distinction made little difference, as events would show. Wilkinson was to speak on March 2, Aptheker on March 9. J. Carlyle Sitterson subsequently recalled that Aptheker earlier had spoken at Chapel Hill immediately before World War II, and that he had appeared on a panel with him. Sitterson, interview with Pamela Dean, Chapel Hill, November 4, 1987, Southern Oral History Program.

46. King, *Multicampus University of North Carolina*, 62-63.

Each chancellor, moreover, could impose conditions that included a requirement that a campus officer or ranking faculty member preside at the meeting; that speakers be required to field questions; and that opposing points of view should be represented.⁴⁷

Because the SDS invitations to Wilkinson and Aptheker defied the legislature's delegation of authority over speakers, however, Friday occupied a difficult position. Proceeding on the assumption that the invitations to Wilkinson and Aptheker could be regulated, in late January 1966 Friday met with Chancellor Sharp, Chapel Hill vice-chancellor for academic affairs J. Carlyle Sitterson, and dean of students C. O. (Phil) Cathey. Cathey, who had already investigated the Chapel Hill SDS and had received information about it from the FBI and HUAC, reported nothing disloyal about SDS. Moreover, he warned of student support for permitting the two speakers to appear on campus. After further consultations with Carolina faculty, Friday and the Carolina administrators then endorsed a panel discussion format that followed the Executive Committee speaker regulations. Chaired by UNC Law School professor Henry Brandis, the panel would consist of the speaker, along with a historian, a sociologist, and a political scientist. The UNC administrators then decided to take the proposal to the Executive Committee for approval.⁴⁸

The Executive Committee reluctantly considered the matter on January 28 at a meeting in Governor Moore's office. Although it seemed only two months earlier that the Speaker Ban issue was settled, many trustees now feared that a small group of campus radicals would sabotage a hard-won compromise. Many of them were frightened by the potential for a political backlash,⁴⁹ and the meeting on January 28, lasting for nearly four hours, exposed serious divisions. Friday and Sharp endorsed the faculty proposal to permit Aptheker and Wilkinson to speak but also to ensure free discussion and rebuttal. The SDS was a recognized student organization, Friday told committee members. Because it had followed existing regulations regarding speakers, UNC officials "could do no less" than permit the speeches and provide for a panel format. The Britt compromise called for infrequent visits by banned speakers if some educational purpose were served, and a trustee asked Sharp whether the Wilkinson-Aptheker speeches would further that objective. In view of the procedures established to safeguard varying points of view, Sharp responded, he believed that a "very definite" educational purpose would be served. But hard-line trustees, led by Governor Moore, rejected concessions, and, after heated and prolonged discussion, several motions were proposed and withdrawn. Shelton Wicker moved that the Executive Committee reject outright the Wilkinson-Aptheker visits; longtime trustee Victor S. Bryant then offered a substitute motion that trustees recess to a later date. The Bryant motion carried narrowly, five to four.⁵⁰

47. Regulations about speakers, enclosed in A. K. King to Paul F. Sharp, January 14, 1965, Sharp Papers; minutes of the Executive Committee, January 14, 1966, subgroup 1, ser. 1, subseries 3, Friday Papers.

48. Paul F. Sharp to Friday, January 27, 1966, "Speaker Ban: Board of Trustees, 1963-1968" file, subgroup 1, ser. 1, Friday Papers; Clay, "Invited Speakers Causing Concern"; A. J. Beaumont to Cathey, February 4, 1966, box 2, Sharp Papers. Sitterson remembered that he and Sharp "were of one mind" about their approach. Sitterson, interview with author, Chapel Hill, March 6, 1991.

49. Sitterson interview, March 6, 1991.

50. Clay, "Invited Speakers Causing Concern"; minutes of the Executive Committee, January 28, 1966, subgroup 1, ser. 1, subseries 3, Friday Papers; deposition of J. Carlyle Sitterson, October 5, 1966, North Carolina Speaker Ban Collection.

The issue thereafter became appreciably more polarized. Once the invitations became public, Friday and the trustees experienced formidable pressure. Caught between "public clamor and . . . the academic conscience, which can be fastidious to an irritating point," as *Greensboro Daily News* editorialist Edwin M. Yoder Jr. put it, trustees could not appear to surrender.⁵¹ "Those of us who stood up for U.N.C. during the special session," added Britt, would become the "laughing stock of North Carolina," while those who opposed them would become "heroes for a long time to come." He believed that if Aptheker and Wilkinson came to the Carolina campus, the 1967 session of the legislature might reenact the Speaker Ban and apply it exclusively to Chapel Hill. If Wilkinson and Aptheker spoke at Chapel Hill, Britt Commission member A. Augustus Zollicoffer wrote to Friday, he had made "one hell of an error," and his confidence in Friday and UNC trustees was misplaced.⁵² On February 2, Moore turned up the pressure by publicly announcing his opposition to permitting the appearance of either speaker. The SDS invitations, he said, were an attempt "to create controversy for the sake of controversy and not for any legitimate education purpose." The exceptions to the Speaker Ban adopted in November 1965 therefore did not include the Aptheker and Wilkinson invitations.⁵³

Friday, throughout his career as UNC president, preferred compromise to conflict, behind-the-scenes discussion to acrimonious public debate. For nearly three years, he had wanted a political settlement that would restore campus autonomy but not alienate General Assembly support, would reflect a trustee consensus, and would satisfy students and faculty. He insisted on the need for formal, legal procedures governing speakers and believed that the trustees would adopt the solution he preferred—reaffirming a procedure for controversial visitors.⁵⁴ But, by the winter of 1966, Friday's middle ground, which seemed to exist only months earlier, was disappearing.

While trustee opinion was coalescing around a hard line, student opinion at Chapel Hill was moving in a different direction. Student body president Paul Dickson III took a leading role. From Raeford, North Carolina, Dickson was twenty-four years old, a slender, tall, and thoughtful man who had served in the Air Force for three and a half years, with ten months of service in Vietnam. Earlier, in the autumn of 1965, Chancellor Sharp had demanded Dickson's resignation as student body president when he had taken a co-ed into a fraternity house on an unauthorized visit and had been charged with a campus code violation. But after a student delegation stormed the chancellor's office Sharp reversed himself and Dickson remained in office. The UNC student body president displayed equal determination in dealing with trustees, and during the Speaker Ban crisis would earn respect among educators and politicians around the state.

On February 2, 1966, Dickson announced a procedure developed by student government in consultation with Friday and UNC administrators. The students seized upon a distinction

51. "The Big Little Boo," *Greensboro Daily News*, February 7, 1966.

52. Hanes to Friday, January 1966, February 2, 1966; Britt to Friday, January 29, 1966; Zollicoffer to Friday, February 1, 1966, file entitled "Visiting Speakers: General, 1966" file, subgroup 1, ser. 1, Friday Papers. See also Mrs. M. A. Bolt to Friday, February 5, 1966, "Visiting Speakers: Aptheker-Wilkinson Appearance, Feb. 1966" file, subgroup 1, ser. 1, Friday Papers; Joe Doster, "Speaker Bids Put University on the Spot," *Charlotte Observer*, February 3, 1966.

53. Russell Clay, "Moore Says He's Opposed to Speakers," *News and Observer*, February 3, 1966.

54. Friday to Gordon Hanes, January 26, 1966; Friday to A. Augustus Zollicoffer, February 1, 1966, "Visiting Speakers: General, 1966" file, subgroup 1, ser. 1, Friday Papers.

in the November 1965 revision of the Speaker Ban law, which called for administrative control over the “the invitations to and appearance of visiting speakers.” Heretofore, the discussion about speakers had focused on the problem of the “appearance of” unpopular speakers once they had been invited. Dickson, with the encouragement of Friday, now suggested that the focus should rather be on the policy regarding invitations. Officers of recognized student organizations seeking to invite speakers would inform faculty advisers beforehand and submit the names of speakers, topics, and dates and places of speeches at least a week ahead of time to the chancellor’s office. On receipt of the information, the chancellor could require a faculty member to preside over the meeting, ask that the speaker answer “any and all questions,” and ensure that opposing viewpoints be represented.⁵⁵

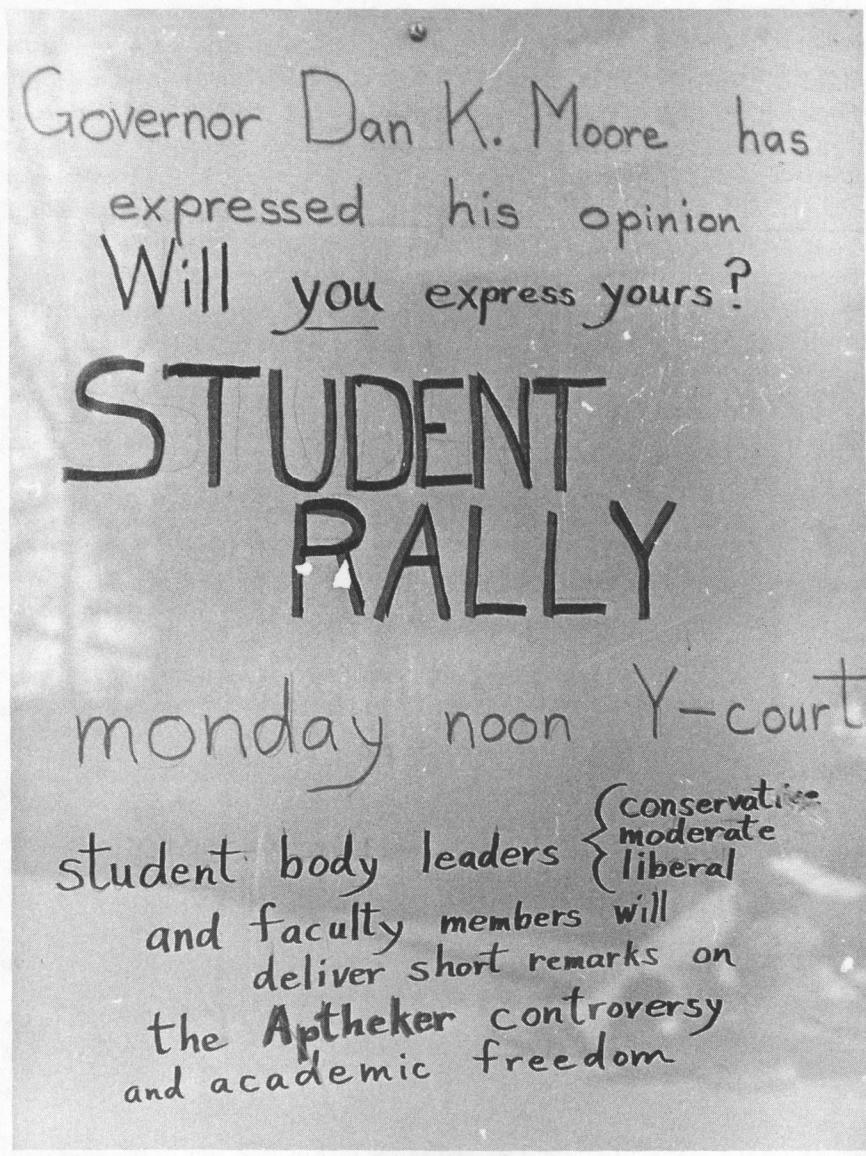
Yet it became obvious that Dickson and Friday had a different conception of this proposed policy. Friday saw the new emphasis on “invitation” as a way of banning Aptheker, who he realized had become an emotional symbol. Friday had earlier urged the Carolina Faculty Advisory Committee to consider banning Aptheker outright. Later, he saw Dickson’s February 2 memorandum as another way to achieve that objective; he and other administrators could say that, because SDS had not consulted with faculty advisers, the invitation to Aptheker was invalid.⁵⁶

Student leaders were, however, unwilling to accept any Aptheker ban. Although the SDS had originally extended the invitations to Wilkinson and Aptheker, the main-line student speaker programming group, Carolina Forum, along with the *Daily Tar Heel*, now embraced the cause. On February 3, four days before the reconvening of the Executive Committee, Dickson released a statement announcing that student government was also officially sponsoring Aptheker’s visit, which was scheduled to occur on March 9, 1966. As “responsible students who directly represent the student body,” Dickson’s statement said, “we invite Dr. Aptheker for solely educational purposes with no intent whatsoever of sensationalism.”⁵⁷

55. Russell Clay, “Speaker Ban Law Issue May Become Court Action,” *News and Observer*, February 6, 1966; Paul Dickson to Sharp, February 2, 1966, “Visiting Speakers: General, 1966” file, subgroup 1, ser. 1, Friday Papers; “Under the Dome,” *News and Observer*, February 5, 1966.

56. Russell Clay, “UNC United in Support of Speakers,” *News and Observer*, February 5, 1966; “Under the Dome,” *News and Observer*, February 5, 1966. McCorkel, president of SDS, disputed this claim vigorously, asserting that the decision to issue the invitation had occurred after between five and ten meetings and with extensive consultations with faculty advisers. Cathey, memorandum to file, February 2, 1966, box 2, Sharp Papers. Thomas Straley, a faculty adviser for SDS, later said that the invitation had his prior approval. Russell Clay, “Controversial Speakers Denied Forum on Campus,” *News and Observer*, February 8, 1966.

57. Pat Stith, “UNC Campus Leaders Join Bid for Red’s Appearance,” *Greensboro Daily News*, February 5, 1966; James Ross, “Red Speaker Issue Uniting UNC Faculty and Students,” *Greensboro Daily News*, February 6, 1966. According to the editor of the *Daily Tar Heel*, student groups endorsed the invitations “to remove this complicating factor from the decision facing the executive committee of the board of trustees because we wish the decision to be made solely on the grounds of academic freedom, not emotional opposition to the inviting organization. . . . We are united in our opposition to Dr. Aptheker’s views and actions, but we are also united in our belief that he has the right to speak.” Ernie McCary, press statement, February 4, 1966, “Visiting Speakers: General, 1966” file, subgroup 1, ser. 1, Friday Papers. On faculty support for the students, see “A Statement of Concern from the Chaplains and Religious Workers at the University of North Carolina in Chapel Hill, February 3rd, 1966,” “Visiting Speakers: General, 1966” file, subgroup 1, ser. 1, Friday Papers; Friday interview, May 5, 1992; Joe Doster, “UNC May Not Have Power to Ban Controversial Figure,” *Charlotte Observer*, February 4, 1966. Many older faculty, in contrast, believed that the invitations were “untimely” and the circumstances “inflammatory.”



Unhappy with the General Assembly's adoption of the Britt Commission's compromise, UNC students who wanted the Speaker Ban repealed challenged the law. The campus chapter of Students for a Democratic Society invited two controversial speakers to the university: Frank Wilkinson, leader of a movement to abolish the House Committee on Un-American Activities, and Herbert Aptheker, a historian and avowed Communist. But the board of trustees, led by Governor Moore, expressed opposition to permitting Wilkinson and Aptheker to speak on campus. In protest of that response, UNC students gathered at a rally on February 7, 1966, to proclaim their support for allowing the speeches. This sign announced the rally. Photograph from State Archives.

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With Friday caught between students and trustees, Governor Moore reconvened the Executive Committee on February 7, 1966. Some five hundred students gathered for a Chapel Hill rally preceding the meeting to express their strong support for Wilkinson's and Aptheker's visit.⁵⁸ Later, at the Executive Committee meeting at the governor's office in Raleigh, trustees learned that the Faculty Advisory Committee; a group of younger faculty headed by faculty member Nathaniel Rodman; SDS President McCorkel; and a student delegation headed by Dickson had arrived to present their cases. Agreeing to receive only the Faculty Advisory Committee and Dickson's delegation, the trustees heard their prepared statements. The faculty group believed that it was "imperative" that Aptheker be permitted to speak; banning him would inflict "incalculable—and irreparable—harm to the University." Communism posed no danger on the Chapel Hill campus. Trustee suppression of free speech was "in line with Communist, not American tenets," and "by such action the Trustees, in the name of preserving freedom, will have destroyed it." One of Aptheker's companions on his trip to Hanoi had freely appeared on television, yet few North Carolinians who viewed the broadcast "were inspired by his remarks to emulate him." Should the trustees forbid Aptheker to speak, the faculty delegation warned, the result would be lower campus morale. Moreover, the "tiny minority" who sought a crisis would "actually be happy."⁵⁹

Paul Dickson, representing the Chapel Hill student government, spoke next. He had already demonstrated his anti-Communism by fighting in Vietnam, he told trustees; Chapel Hill, he said, should be preserved as an "open forum" for diverse views "no matter how unpopular or divergent." Since April 1964, the campus had been host to speakers from all sides of the political spectrum: Mississippi segregationist governor Ross Barnett, diplomat and statesman Averell Harriman, Herbert Philbrick of the FBI, economist John Kenneth Galbraith, *Playboy* editor Hugh Hefner, and civil rights activist Floyd McKissick. The invitation to Aptheker simply followed Chapel Hill's tradition of hearing diverse opinions. Although he disagreed with Aptheker's trip to Hanoi and with his avowed Communism, Dickson believed that he should be permitted to air his opinions, no matter "how distasteful" they might be. The best defense against Communism was "a thorough understanding of it." Distancing himself from the "sensationalism" of SDS, Dickson asserted that an overwhelming majority of the student body supported him. "Ladies and gentlemen," he told the trustees, "there are no traitors among us." The Carolina student body was American, Tar Heel, and "loyal and patriotic." "When we are called by our country," he said, "we shall answer, even in the cannon's mouth."⁶⁰

Corydon Spruill to Sharp, February 6, 1966, "Visiting Speakers: General, 1966" file, subgroup 1, ser. 1, Friday Papers; Paul Green to Friday, February 12, 1966, "Visiting Speakers: Aptheker-Wilkinson Appearance, Feb. 1966" file, subgroup 1, ser. 1, Friday Papers.

58. Russell Clay, "Controversial Speakers Denied Forum on Campus," *News and Observer*, February 8, 1966.

59. Statement of Faculty Advisory Committee, February 6, 1966, in minutes of Executive Committee, subgroup 1, ser. 1, subseries 3, Friday Papers; Russell Clay, "Controversial Speakers Denied Forum on Campus," *News and Observer*, February 8, 1966.

60. Ambrose B. Dudley, "The Students Must Know What They Are Fighting," *Durham Sun*, March 10, 1966; statement by Paul Dickson III, February 6, 1966, in minutes of Executive Committee, subgroup 1, ser. 1, subseries 3, Friday Papers.

Speaking next, Friday began by reviewing the events of the past three years. The situation, he said, was "severe," and the Speaker Ban controversy had taken a toll. The university community was seriously divided: the views of the governor and most trustees contrasted with those of the Carolina campus. Student leadership was now aroused, perhaps permanently; faculty members, especially younger faculty, were expressing a new restiveness. Personally, Friday stated, he deplored the circumstances surrounding the invitation to the two speakers, but the university needed a way out. It was the duty of the UNC administration to offer "a reasonable solution," and he offered a plan that had emerged from what he called the "pooling" of ideas among administrators, faculty members, and students. He wanted, Friday said, to permit controversial speakers but to amend Dickson's proposals in some important respects. Like Dickson, Friday stressed regulating invitation policy rather than speaker policy. Unlike Dickson, Friday believed that each stage of the invitation process—consultation with advisers, request to the chancellor for approval, and further consideration by a student-faculty committee and other "constituted advisers"—provided an opportunity to reject a speaker.

The alternatives to compromise, Friday warned, were grim. Student opinion was now thoroughly mobilized; if rebuffed, it was likely that students would mount a full-scale legal challenge to the law. A hard line by trustees would invite constant challenges by more radical and less responsible groups than the students whom Dickson represented. A "deplorable weariness" was now setting in across campus; there would be further erosion of student and faculty morale unless the issue was settled in the right way. Friday warned that there would be "no end to vexations and contentions internally" if Wilkinson and Aptheker were not permitted to speak. The "whole fabric" of the UNC structure was under stress; strong leadership along the lines that he proposed would actually strengthen the authority of trustees.⁶¹

In the end, although trustees could accept Friday's further refinement of the speaker policy, they could not stomach the appearance of Aptheker and Wilkinson. Moore's strong opposition to permitting them to speak solidified wavering trustees, and well before the meeting's conclusion it had become certain that Friday would be unable to persuade them to permit either speaker on campus.⁶² When Friday asked the Executive Committee to consider the possibility of a panel discussion involving more speakers than just Aptheker, he received little support. Instead, after what the meeting's secretary succinctly described as an "extended debate," the Executive Committee instructed UNC administrators to deny the use of university facilities to either Aptheker or Wilkinson. A vote permanently barring Aptheker and Wilkinson carried, seven to four; the only trustees supporting Friday were Victor S. Bryant, George Watts Hill, Virginia Terrell Lathrop, and Mebane Burgwyn. Then, in a modified resolution, the Executive Committee refined the ban—in an eight-to-three vote in which Hill switched sides—by canceling the March engagements for the two speakers but leaving the possibility open for subsequent invitations to the two men. In the

61. Friday, notes of meeting of Executive Committee, February 7, 1966, "Visiting Speakers: General, 1966" file, subgroup 1, ser. 1, Friday Papers.

62. "Under the Dome," *News and Observer*, February 3, 1966, commented that Moore's public opposition "could turn the tide in what apparently was a delicate balance of opinion among members of the executive committee of the Consolidated University board of trustees." See also Grady Jefferys, "Speaker Ban Drama Ready for Curtain," and "Collision Course" (editorial), *News and Observer*, February 7, 1966.

meantime, trustees suspended all invitations to speakers until the UNC Board of Trustees met and ratified new speaker regulations.⁶³

The decision was released to the public shortly before 8:00 P.M., and an uproar ensued. Dickson declared that he was "greatly disturbed." Aptheker threatened no one; his Marxist message was less relevant than "the right to hear this man, and all others who would speak of the broad and dangerous world in which we live."⁶⁴ A sympathetic trustee wrote to Friday the day after the Executive Committee meeting that he shared his "grief" and felt like "hanging black crepe over the entrance to all of the buildings of the University and, as a matter of fact, over the State Capitol itself."⁶⁵ The *Greensboro Daily News* summarized the editorial opinion of the state's leading newspapers. "Bad for the [executive] committee" and "bad for the university," the decision suggested that North Carolinians feared free speech.⁶⁶

Friday was deeply aggrieved by the severest trustee rebuke—and the only time he was defeated in a trustee vote—of his presidency. He remembered the Executive Committee's vote as "quite a shock" and a "sad day." Stunned by the absence of trustee support, Friday also believed that his two-and-a-half-year campaign among trustees on the free-speech issue had failed. "I just couldn't make it work," he subsequently recalled; he had run "smack into a stone wall."⁶⁷ But Friday kept his frustration to himself, and in the weeks preceding the full Board of Trustees' consideration of the speaker regulations, at its regular meeting on February 28, 1966, he explored further compromise. The chancellor at UNCG, Mississippian James S. Ferguson, urged Friday to end the polarization. "Protest," he wrote a day after the Executive Committee met, was "no longer contained in trust"; it waxed "ever stronger, and the University, already laboring with difficulty to serve 'its owners,' must now divert much of its energy to a struggle with its captors."

Ferguson correctly identified the dilemma confronting Friday: he served two masters, the university community and the leadership and public opinion of North Carolina. What Ferguson called the "Compromise of 1965"—the Britt compromise—offered a middle position between "impetuous" academics and an impatient public. Yet Ferguson believed that the burden of responsibility lay with the state's political leaders who struck the compromise. They needed to realize that an "honest confrontation of contrary theories" was part of university life; rejecting that struck at the heart of academic integrity. If the Britt compromise was "truly a compromise and not a ruse, this burden cannot be tossed aside the first time the going gets tough."⁶⁸

63. Minutes of Executive Committee, February 7, 1966, subgroup 1, ser. 1, subseries 3, Friday Papers; Charles Hauser, "Trustee Committee Compromised in Its Speaker Ban Deliberations," *Greensboro Daily News*, February 9, 1966; Joe Doster, "Trustee Committee Bars Red Speaker from UNC," *Charlotte Observer*, February 8, 1966.

64. Clay, "Controversial Speakers Denied Forum."

65. Luther Hamilton to Friday, February 8, 1966, "Visiting Speakers: Aptheker-Wilkinson Appearance, Feb. 1966" file, subgroup 1, ser. 1, Friday Papers.

66. "The Aptheker Decision" (editorial), *Greensboro Daily News*, February 9, 1966.

67. Friday, interviews with author, November 26, 1990, Chapel Hill, May 5, 1992.

68. James S. Ferguson to Friday, February 8, 1966, "Visiting Speakers: General, 1966" file, subgroup 1, ser. 1, Friday Papers. Ferguson was responding to a letter from Britt to Friday, January 29, 1966. Friday commented that he "could not reduce my initial reactions to Britt's letter to paper because I fear I was more explosive than you." Friday to Ferguson, February 14, 1966, "Visiting Speakers: General, 1966" file, subgroup 1, ser. 1, Friday Papers.

Although it had banned Aptheker and Wilkinson, the Executive Committee had adopted Friday's invitation policy and created a three-man subcommittee, composed of Victor Bryant, Wade Barber of Pittsboro, and Reid Maynard of Burlington, to draft regulations to be adopted, as part of a speaker policy, during the Board of Trustees' meeting on February 28. Bryant, who had voted with Friday at the meeting but had always been independent-minded, drafted a new version of an invitation policy on February 9 that widened the gulf between Dickson's position and that of the UNC administration. Bryant's draft required each student group to obtain prior recognition as a campus organization with the chancellor; student groups with outside affiliations (such as SDS) needed administrative approval. Student groups would be required to sign a statement indicating that they were aware of the speaker policy and to notify the chancellor at least ten days in advance before inviting a speaker. The chancellors, in turn, were required to submit proposed invitations in writing to the UNC president; either the chancellor or president could veto the invitation.⁶⁹

The extent to which Friday endorsed Bryant's version of the invitation policy is unclear, and he proceeded, in typical fashion, to reach out to both sides in the controversy. He saw some merit in endorsing elements of Bryant's proposal, which at least provided a formula for returning control of speakers to the UNC administration. In late February 1966, Friday sought wider support by creating a faculty committee that would consider Bryant's proposals and offer its own solution to the trustees. Yet to some it appeared that Friday had tilted toward the Bryant draft. William D. Snider, editor of the *Greensboro Daily News* and staunch university loyalist, wrote that Bryant had created a "crisis" that "deeply disturbed" him. Worried that Friday backed the Bryant proposal, Snider feared that if Friday failed to "come up with a fairly stiff set of regulations the Trustees will impose a completely unacceptable set of rules." Snider regarded the direction of Bryant's proposal as "distasteful" and "one step toward killing the University of North Carolina as a true university." None of the administrators encircling Friday was facing up to the disastrous consequences of those proposals; instead, Snider argued, Friday should stand on principle and state "unequivocally" that he would resign rather than carry out such regulations.⁷⁰

Even while he appeared to embrace Bryant's concessions to hard-liners, however, Friday was opening new lines of communication to student leaders. Not long after the Executive Committee's decision of February 7, Dickson called Friday to request a conference. The two met and talked while sitting on the stone wall that enclosed the president's home on the Chapel Hill campus. Well before the current crisis, Friday and Dickson had established a working relationship; the student body president not only had informed Friday of developments and student opinion, but he had also occasionally even sought out his advice. For his part, Friday came to admire the student leader for his "enormous courage." No one, he subsequently recalled, "communicated the way Dickson did." He and Dickson, Friday recalled, developed a "very unusual personal relationship"; they became "perfectly open with each other" and "understood each other."

The partnership with Dickson provided another channel for Friday, who realized now more than ever before that the trustees' speaker policy could lead to confrontation with

69. Donald B. Anderson to UNC chancellors, February 9, 1966, box 2, Sharp Papers; Russell Clay, "Trustees to Tackle Speaker Rules," *News and Observer*, February 28, 1966.

70. William D. Snider to Aycock, February 21, 1966, "Visiting Speakers: General, 1966" file, subgroup 1, ser. 1, Friday Papers.

students, with potentially disastrous consequences. Friday later recalled that he and Dickson met regularly during the winter of 1966, though no one else knew of their contacts, and Dickson kept him "fully apprised of every move he was making." After the February 7 Executive Committee meeting their consultations intensified. Friday informed Dickson about his position; Dickson told Friday about his activities, which Friday made "absolutely no effort to restrain." Friday had become convinced that if "open communication" between students and administrators was not preserved, "real trouble could result." Out of the give and take of those conversations, Friday reached an important conclusion: the political leadership of North Carolina was incapable of resolving the Speaker Ban controversy. The only solution, he now believed, was a court challenge. Speaking with Dickson in February 1966, Friday urged Dickson to begin litigation—even if that meant a court challenge against Friday himself. "I ought to have been fired for what I did," Friday would later admit.⁷¹

Actually, Dickson and other student leaders preferred a course of action that went far beyond anything that Friday could publicly advocate. By early February 1966 Dickson had broken sharply with the administration, refused to cooperate in creating a speaker policy, and "steadfastly maintained" an absolute right to free speech.⁷² Dickson was aware of the gulf between students and trustees, and as early as February 2 told a *Greensboro Daily News* reporter that there was a "good possibility" of a lawsuit if Aptheker was denied permission to speak.⁷³ The day after the Executive Committee's meeting of February 7, Dickson and other student leaders created an umbrella organization, the Committee for Free Inquiry (CFI), to challenge the Speaker Ban; Dickson was elected chairman of its steering committee. Although the SDS participated in the CFI, centrist student leaders such as Dickson dominated it, and they rejected direct-action tactics such as strikes and sit-ins that had become popular in the civil rights movement and in Berkeley's Free Speech Movement. With the behind-the-scenes collaboration of Friday, Dickson fashioned an orderly movement that mounted a strong challenge to the legality of the new speaker policy.⁷⁴

On February 28, the full Board of Trustees, following a two-and-a-half-hour meeting, adopted Bryant's proposed new regulations about visiting speakers. Prior to the meeting, Friday and other UNC officials divided up the trustees and lobbied for adoption of Bryant's proposals.⁷⁵ Calling the proposed regulations a "reaffirmation of faith in the university, and in its process of education and the essentialness of freedom of discussion," Bryant faced

71. Friday, quoted in David Perkins, "Conflict, Growth: A UNC Era Ends As Friday Retires," *News and Observer*, March 2, 1986; Friday interviews, November 26, 1990, May 5, 1992. Although Dickson died prematurely and was unavailable for interview, a fellow student leader, Jim Medford, remembered his "clearly indicating" that he was in communication with Friday. James Medford, interview with William A. Stewart, Greensboro, January 27, 1988, North Carolina Speaker Ban Collection.

72. Sitterson to Frank Porter Graham, April 5, 1966, box 5, Papers of J. Carlyle Sitterson, University Archives.

73. Arthur Johnsey, "Students Split on Barring Red," *Greensboro Daily News*, February 3, 1966.

74. Perry Young, "Students Invite Moore to Speak," *News and Observer*, February 9, 1966; Aycock interview, April 11, 1990. The group adopted the name Committee for Free Inquiry after suggestions that to name it the Committee for Free Speech would confuse it with the Berkeley Free Speech Movement. "For us to take the same name as the Berkeley movement," said one student, "would be a prostitution of our purpose." Pat Stith, "UNC Students Delay Action," *Greensboro Daily News*, February 9, 1966.

75. Sitterson to Frank Porter Graham, April 5, 1966, box 5, Sitterson Papers.

the lone opposition of Tom White.⁷⁶ Bryant told trustees that the new regulations, including a new policy toward inviting speakers, had been "hammered out on the anvil of discussion in many long hours of conference and study." Dickson, given the floor, opposed any restrictions on the right to free speech. Friday spoke on behalf of the regulations and endorsed them, according to one account, "with unusual conviction and authority" and with a tone that was "polite, but edged with steel." Friday described the new speaker policy as a compromise; it was not in the "best interest" of the university or the state "to protract the issue of visiting speakers longer than necessary."⁷⁷

The student leadership responded quickly. On March 1, 1966, the CFI reissued invitations to Wilkinson and Aptheker, who were scheduled to appear on March 2 and 9, respectively; the group reported the invitations to Chancellor Sitterson. Dickson, urging students to proceed carefully so as to lay the basis for a court challenge, promised that in the event of a ban, Wilkinson would speak on the sidewalk running along Franklin Street; on the other side of the famous campus wall—which Dickson called "Dan Moore's wall of repression"—the student audience could stand at McCorkle Place. That action would "show to the people of this state how ridiculous and absurd this law really is."⁷⁸

A joint student-faculty committee to advise Chancellor Sitterson on visiting speakers, established by the Board of Trustees on February 28, convened on March 1. After considerable discussion, it endorsed rejecting the reinvitation to Wilkinson.⁷⁹ Like Friday, Sitterson believed that it was futile and ultimately self-defeating to defy the trustees' edict. To overrule the Executive Committee, he later recalled, would amount to administrative anarchy. Sitterson feared that if the administration clashed with the trustees, the result

76. Arthur Johnsey, "Trustees Give Chancellors Decision on Red Speakers," *Greensboro Daily News*, March 1, 1966.

77. William D. Snider, "Tar Heel Talk," *Greensboro Daily News*, March 2, 1966; Russell Clay, "Chancellors Get Speaker Control," *News and Observer*, March 1, 1966; Jay Jenkins, "Authority over Speakers Returned to UNC Heads," *Charlotte Observer*, March 1, 1966.

78. "UNC Ponders Wilkinson Talk," *News and Observer*, March 2, 1966; Ed Freakley, "Students to Hear Wilkinson Talks," *Greensboro Daily News*, March 2, 1966.

79. "Motion of the American Association of University Professors and the University of North Carolina Conference for Leave to File a Brief as *Amicus Curiae*," North Carolina Speaker Ban Collection; Sitterson to Victor S. Bryant, March 4, 1966; Sitterson to Michael Simpson, March 22, 1966, box 5, Sitterson Papers. The committee was composed of three students appointed by Dickson and three faculty members: chairman of the faculty Corydon P. Spruill, chairman of the Faculty Advisory Committee George Nicholson, and chairman of the Committee on Established Lectures Arnold Perry. The committee was sharply divided, but four of the six present recommended that the Wilkinson invitation be vetoed. Unable to agree on a report to Chancellor Sitterson, the committee asked to meet with him on the morning of March 2 to communicate their opinions. One committee member strongly supported permitting an appearance by Wilkinson; others believed that it should be postponed; still others that it should be unconditionally rejected. Sitterson realized that he was in an untenable position. The students had forced the issue; their reinvitations to Aptheker and Wilkinson, he explained days later, had not permitted "any time for much further thought and consideration." Sitterson, a UNC-trained historian of the South, found any banning of speakers personally repugnant. Returning home for lunch following the meeting with the faculty-student committee, he remembered having become "so sick of this" that he told his wife: "You know, I just can't stand going through this anymore. I think I'm just going to go ahead and admit these speakers." Back on campus after lunch, Sitterson consulted with the Faculty Advisory Committee for two hours, beginning at 2:00 p.m. The committee recommended rejecting the invitations to both Wilkinson and Aptheker. Sitterson interviews, November 4, 1987, March 6, 1991, Southern Oral History Program.

would have been a “really untenable” crisis in the UNC administrative chain of command.⁸⁰ The decision was contrary to Sitterson’s “basic principles” and his “concept of what a university should be,” he later explained to Victor Bryant, but Aptheker and Wilkinson had become “emotional symbols,” and permitting them to speak meant losing the “confidence of the people of the State.” He expected patience from most students, except from the “active few.”⁸¹

After conferring with faculty on March 2, Sitterson telephoned Friday, who was then in Raleigh. Friday gave him his full support, and that afternoon Sitterson barred Wilkinson from speaking on campus. Two days later, Sitterson also informed the faculty-student committee that, based on the same considerations, he would also prohibit Aptheker from speaking on March 9. Although Sitterson was hoping for a cooling-off period—he planned to permit other controversial speakers in the future, if only UNC could ride out the current controversy⁸²—the subtleties of his approach were lost on student activists, who continued to press their case. On the morning of March 2, speaking from the sidewalk across from the stone wall on Franklin Street that separated the university from the town of Chapel Hill, Wilkinson delivered a ten-minute speech to a group of twelve hundred people. Later that day, after several unsuccessful attempts to speak on campus, he delivered a lecture at Hillel House, which housed the Jewish Student Center. Dickson orchestrated the Wilkinson appearance to maximize public exposure, demonstrate the absurdity of the law, and, most importantly, “arrange a confrontation” as a future basis for a court challenge.⁸³ Litigation was uppermost in Dickson’s mind. A reporter described the student government officers, when word arrived about Sitterson’s decision to ban Wilkinson, as “anything but glum.” When he heard the news, Dickson rubbed his hands together and yelled, “Man, we’ve got ‘em now.” Soon after he heard of Sitterson’s ban, Dickson telephoned two lawyers who had been informally advising the students about a court challenge, Greensboro attorney McNeill Smith and Duke University law professor William Van Alstyne. The student leadership would, Dickson told reporters, “file suit as soon as we can.”⁸⁴

A week later, on March 9, when Aptheker arrived and was refused permission to speak on campus, editorialists around the state sympathized with the students. Aptheker’s message was “nonsense,” said the *News and Observer* of Raleigh, but the views of that “Communist bogey-man” would not stand the scrutiny of open disclosure. “The best way to deal with such persons,” it concluded, was “to let ‘em come and squirm in their own holes.”⁸⁵

80. *Dickson v. Sitterson*, 280 F.Supp. 486 (1968), at 493; Sitterson interviews, November 4, 1987, March 6, 1991.

81. Sitterson to Bryant, March 4, 1966, box 5, Sitterson Papers.

82. “Down to the Pinfeathers” (editorial), *Greensboro Daily News*, March 4, 1966; “Chancellor Bans Aptheker but Approves Other Reds,” *Greensboro Daily News*, March 5, 1966.

83. Medford interview, January 27, 1988.

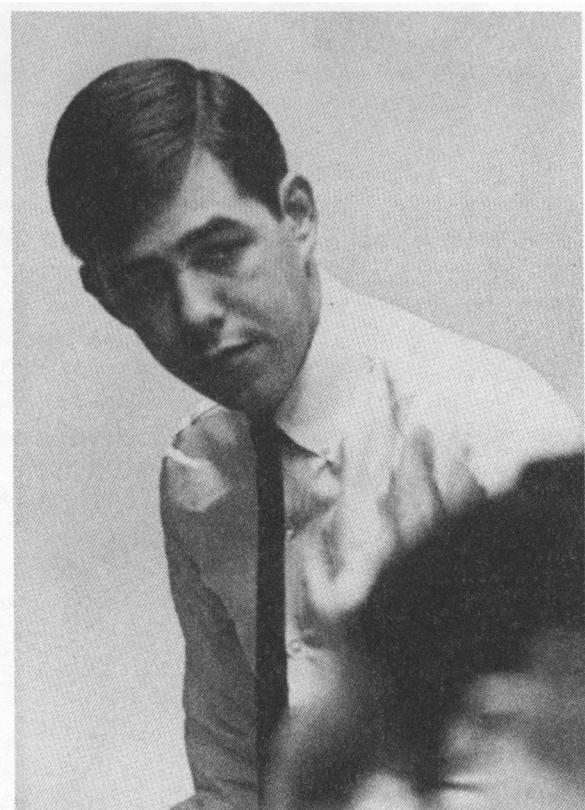
84. Perry Young, “Wilkinson Barred from UNC,” *News and Observer*, March 3, 1966; Pat Stith, “Wilkinson Speaks from Off Campus” and “Students Plan Wilkinson Ban Test in Court,” *Greensboro Daily News*, March 3, 1966; King, *Multicampus University of North Carolina*, 66; “Motion of the American Association of University Professors”; Sitterson deposition, October 5, 1966; Sitterson, press release, March 1, 1966; Sitterson to Dickson, March 4, 1966, box 5, Sitterson Papers.

85. “Aptheker Speaks at Chapel Hill” and “Freedom Dodger” (editorials), *News and Observer*, March 10, 1966; “Motion of the American Association of University Professors”; Joseph Knox, “Aptheker Speaks in Chapel Hill after Banishment from Campus,” *Greensboro Daily News*, March 10, 1966; Jay Jenkins, “TV Camera Spots Aptheker Anguish,” *Charlotte Observer*, March 10, 1966.



On the evening of February 7, 1966, the UNC Board of Trustees announced its decision to deny the use of university facilities to Wilkinson and Aptheker. Thus banned, the two men nevertheless delivered speeches off campus on March 2 and 9 respectively. Wilkinson is shown here giving a ten-minute oration from the sidewalk in front of the stone wall on Franklin Street that separated the university from the town of Chapel Hill. Photograph from State Archives.

In the aftermath of the Wilkinson and Aptheker visits, Dickson and CFI pursued a legal challenge. The students' suit, *Dickson v. Sitterson*, was decided by a three-judge federal district court in Greensboro on February 19, 1968. Declaring that the law failed to establish "clear, narrow and objective standards," the court ruled the Speaker Ban law and the trustees' regulations to be unconstitutional because of their vagueness. The trustees could regulate speakers; no one possessed the unlimited right to speak on a college campus. But, the court ruled, once the campus admitted speakers, "it must do so under principles that are constitutionally valid." The limitations over legislative or trustee powers were strict when it came to free-speech issues. The original Speaker Ban law proscribed "known" Communists, but, the court asked, "'known' to whom, and to what degree of certainty?" Did the advocacy of the overthrow of established government include the violent overthrow or simply the "advocacy of ideas?" Did pleading the Fifth Amendment encompass self-incrimination? If so, the Speaker Ban's proscription of speakers was not only vague but also violated the protections extended by the amendment in the first place. In order for the speaker regulations to stand scrutiny, the decision continued, trustees were required to impose a "purely ministerial duty" on administrators supervising the invitation of speakers, or they had to contain "standards sufficiently detailed to define the bounds of discretion." The trustees' speaker policy failed on all those counts. Citing a recent Supreme Court decision that struck down loyalty oaths in New York because of their vagueness, the



Paul Dickson, UNC student body president and an Air Force veteran who served in Vietnam, led the opposition to the Speaker Ban law. His efforts culminated in *Dickson v. Sitterson*, a case in which a federal district court ruled that the law was unconstitutional. Photograph from North Carolina Collection, University of North Carolina Library at Chapel Hill.

court held that legislators and trustees were obliged to provide "clear, narrow and objective standards" when limiting free speech.⁸⁶

Actually, by 1968, the environment had so changed that the Speaker Ban had few active supporters. The civil rights movement had passed into a different phase; North Carolina was experiencing a major transition in racial attitudes and practices. A few Speaker Ban stalwarts remained, to be sure. Phil Godwin described the court's criticism of "vagueness" in the law as irrelevant. "If you ask me," he said, "the whole world situation is pretty 'vague' when we've got boys dying over there in Vietnam, fighting communism, and the court rules that this law is 'vague.'" Aside from Godwin and a few others, however, the majority of legislators were happy to see the Speaker Ban issue disappear. As McNeill Smith subsequently wrote, the political leadership was "relieved" and even "off the hook" when the suit was filed because they could say "that the matter was in the bosom of the court

86. *Dickson v. Sitterson*, 280 F. Supp. 486 (1968), 497-499; "Federal Court Rule Puts End to Speaker Ban," *News and Observer*, February 20, 1968.

and they did not have to comment." The Speaker Ban was a "millstone around everyone's neck," and few mourned its passing.⁸⁷

University administrators and most trustees greeted the court's decision with relief and happily relegated the Speaker Ban to oblivion. It was his hope, Friday declared in a statement along with Sitterson on the day of the court's decision, that "the opinion released by the three-judge federal court today brings this long and costly controversy to an end."⁸⁸ Four days after the *Dickson* ruling, Governor Moore announced that the state would not appeal the decision, adding that the decision nonetheless permitted trustees to ensure that "those invited to speak have something to offer the cause of education as opposed to the creation of sensationalism and discord." On February 26, the Board of Trustees instructed Moore to appoint a special committee, headed by Virginia Lathrop, to study what remained of a speaker policy. On May 27, 1968, the committee recommended and the trustees adopted changes that provided for virtually complete campus autonomy over speakers.⁸⁹

For Friday, the *Dickson* ruling provided the only way out of the Speaker Ban imbroglio, what Sitterson later called an "absolutely unresolvable issue, except finally in the way that it was resolved."⁹⁰ The passage of the law raised fundamental issues not only about academic freedom but also about the hostile climate encircling UNC in the midst of the civil rights revolution. Throughout those years, Friday sought mediation and compromise, yet in the end he discovered that mediation in the polarized environment of the mid-1960s was impossible. The Britt compromise, which Friday at first regarded as workable if distasteful, collapsed with the onset of a determined student uprising, and it was the students, fully aware that three years of political debate had resulted in stalemate, who succeeded in finally eliminating the Speaker Ban. As McNeill Smith recalled, in 1963 free speech was "hung on the scaffold"; two years later, with the Britt compromise, the legislature created "a different, perhaps gentler executioner." In the end, it was the students "who took the rope away."⁹¹

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87. McNeill Smith to Albert Coates (extract), 1975; Smith to Vermont Royster, February 2, 1979, North Carolina Speaker Ban Collection.

88. "UNC Officials Hope Issue Is Dead," *News and Observer*, February 20, 1968; David S. Greene, "State's Speaker Ban Law Nullified by Federal Court," *Greensboro Daily News*, February 20, 1968; Jay Jenkins, "There Will Be Shouting and Hollering, but Speaker Ban Revivial Is Doubtful," *Charlotte Observer*, February 21, 1968.

89. King, *Multicampus University of North Carolina*, 67-68; minutes of Executive Committee, March 8, May 13, 1968, subgroup 1, ser. 1, subseries 3, Friday Papers.

90. Sitterson interview, March 6, 1991.

91. McNeill Smith to William D. Snider, January 25, 1979, North Carolina Speaker Ban Collection.