

SPEAKER BAN LAW STUDY COMMISSION

GENERAL RECORDS, SOUND RECORDINGS, AND CLIPPINGS, 1963-1968.

Accession Information: Transcripts of hearings on August 11-12 and September 8-9, 1965; the clippings, 1963-1968; and the sound recordings were received from the State Board of Higher Education and were accessioned on 27 January 1969. The remainder of these records were received from Court of Appeals Justice David M. Britt, and were accessioned on 27 October 1969.

Schedule Reference: None.

Arrangement: See description of contents below.

Finding Aid Prepared By: C. F. W. Coker.

Date: 22 October 1969.

In the closing days of the General Assembly of 1963, a law was passed (Chapter 1207, Session Laws, 1963, which see in Box 1, Folder 1, below) for the stated purpose of regulating visiting speakers on state supported college and university campuses in North Carolina. Proponents of the law generally held that it prevented communists' speaking in state financed facilities; and opponents held the law to be a violation of free speech and academic freedom.

Attempts to repeal the law in 1963 were unsuccessful, and the controversy surrounding the act--which came to be known variously as the Speaker Ban law or the Gag Law--continued actively for several years. The General Assembly of 1965 adopted a resolution (Resolution No. 85, Session Laws, 1965, which see in Box 1, Folder 2, below) to establish a commission to look into the consequences of the law, with a view toward making recommendations for amendment or repeal. Representative David M. Britt of Robeson County was appointed by Governor Dan K. Moore to chair the commission, and eight others were named as members. The commission was technically identified as the "Commission to Study the Statutes Relating to Visiting Speakers at State Supported Educational Institutions," but it was usually referred to--by friend and foe, alike--as the Speaker Ban Law Study Commission, and it is so identified in the Archives.

The commission sat during the summer, 1965, and conducted public hearings in August and September. Its final report was dated November 5, 1965, and the effect of this was to recommend amendments to the original act for the purpose of returning effective control of visiting speakers to the trustees and local administrators of the several colleges and universities involved, thereby preventing a loss of accreditation of these institutions by the Southern Association of Colleges and Universities.

In November, 1965, a special session of the General Assembly was called for the purpose of considering the recommendations, and the act was accordingly amended.

Subsequent to amendment, however, a ruling by U. S. District Court in Greensboro nullified the law as unconstitutional.

With the exception of the transcripts, clippings, and sound recordings, which were received from the State Board of Higher Education, the records

GENERAL RECORDS, SOUND RECORDINGS, AND CLIPPINGS, 1963-1968 (CON'T.)

in this group constitute the records of the Speaker Ban Study Commission. Mr. Britt, the chairman, may have removed certain pieces of confidential correspondence or other records prior to transferring these files to the Archives: quite specifically, almost nothing relating to Justice I. Beverly Lake or to former Senator Robert Morgan--both of whom play significant roles in the controversy--has been included in the records as received.

Correspondence in these records (see Boxes 2-7) has been arranged in three separate series: (1) General Correspondence of the Chairman or Commission is arranged chronologically and includes, in addition to correspondence of a business nature relating to the day to day operation of the commission, letters which replied to inquiries by the commission or which included information or opinions on which the commission based its findings. (2) Correspondence Favoring Repeal or Amendment, and (3) Correspondence Opposing Appeal or Amendment have each been arranged alphabetically by name of writer. Both of these last series are, generally speaking, letters urging one position or the other, and some were addressed directly to the commission.

The transcripts of the hearings (see Boxes 1-2) are not authenticated copies, nor is there any indication of who compiled or published them. The transcripts of the September hearings are not the same as the versions published by the University of North Carolina in Chapel Hill (which are available on microfilm in the State Library and can be purchased on film or xerox copy from the Photoduplication Service, U. N. C. Library, Chapel Hill), and one of the copies includes pencil corrections or additions in an unidentified hand. These copies were received from the State Board of Higher Education, but that agency has no information as to their source.

The supporting Documents I-V in Boxes 3-4 are mostly printed pamphlets and reports and were apparently considered by the Commission in its findings. Some of these may have been enclosures in letters filed under Correspondence.

The Sound Recordings in Box 8 have not been tested and, in part, are not identified.

Although a number of letters in this group were originally addressed to Governor Moore, it should be noted by researchers that many more letters and other records relating to the Speaker Ban controversy are still to be found in the Governor's Papers in the Archives.

<u>Box No.</u>	<u>Contents</u>
1	General Records <u>Session Laws</u> , 1963, Chapter 1207, "The Speaker Ban Law."

GENERAL RECORDS, SOUND RECORDINGS, AND CLIPPINGS, 1963-1968 (CON'T.)

<u>Box No.</u>	<u>Contents</u>
1 (Con't)	<p><u>Session Laws</u>, 1965, Resolution 85, establishing Speaker Ban Law Study Commission.</p> <p>Rosters of Commission Members; Minutes of Meetings, 1965.</p> <p>Meeting Agendas and Memorandums, 1965.</p> <p>Final Report of Commission, 5 November 1965.</p> <p>Transcript of Hearings, August 11, 1965 (Morning).</p> <p>Transcript of Hearings, August 11, 1965 (Afternoon).</p> <p>Transcript of Hearings, August 12, 1965 (Morning).</p> <p>Transcript of Hearings, August 12, 1965 (Afternoon).</p>
2	<p>General Records</p> <p>Draft of Transcript of Hearings, September 8, 1965.</p> <p>Transcript of Hearings, September 8, 1965 (Morning).</p> <p>Corrected or Amended Draft of Transcript, September 8, 1965.</p> <p>Transcript of Hearings, September 8, 1965 (Morning).</p> <p>Draft of Transcript of Hearings, September 9, 1965.</p> <p>Transcript of Hearings, September 9, 1965 (Morning).</p> <p>Suggested Form of Bill to Amend the Speaker Ban Law.</p>
2a	<p>General Records</p> <p>General Correspondence of Chairman, May--September, 1965.</p>
3	<p>General Records</p> <p>General Correspondence of Chairman, October--December, 1965.</p> <p>Commission Vouchers and Expense Statements.</p> <p>American Association of University Professors Newsletters and Releases, 1963-1965.</p> <p>Supporting Documents I</p> <p>Supporting Documents II</p> <p>Supporting Documents III</p>
4	<p>General Records</p> <p>Supporting Documents IV</p> <p>Supporting Documents V</p> <p>Petitions to Governor Moore and to the Commission in regard to the Speaker Ban Law.</p> <p><u>Sanford Herald Poll</u>: Replies Favoring the Law.</p> <p><u>Sanford Herald Poll</u>: Replies Opposing the Law.</p>
5	<p>General Records</p> <p>Correspondence, 1965, to Governor Moore and to the Commission, Opposing Repeal or Amendment of the Law, A-Z, and from Organizations and Special Interest Groups.</p>
6	<p>General Records</p> <p>Correspondence, 1965, to Governor Moore and to the Commission, Opposing Repeal or Amendment of the Law, A-L.</p>

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<u>Box No.</u>	<u>Contents</u>
7	General Records Correspondence, 1965, to Governor Moore and to the Commission, Opposing Repeal or Amendment of the Law, M-Z, and from Organizations or Anonymous Sources.
8	Sound Recordings September 8, 1965, Hearing (5 reels) Dr. Jenkins' [statement?] (2 reels) Unidentified tape (1 reel) Unidentified disks (5)
9	Clippings, June, 1963-April, 1964
10	Clippings, May-June, 1965
11	Clippings, July 1-August 13, 1965
12	Clippings, August 14-September 14, 1965
13	Clippings, September 15-October 31, 1965
14	Clippings, November 1-16, 1965
15	Clippings, November 17, 1965-January, 1966
16	Clippings, February 1-16, 1966
17	Clippings, March 1, 1966-March, 1968 and undated clippings.