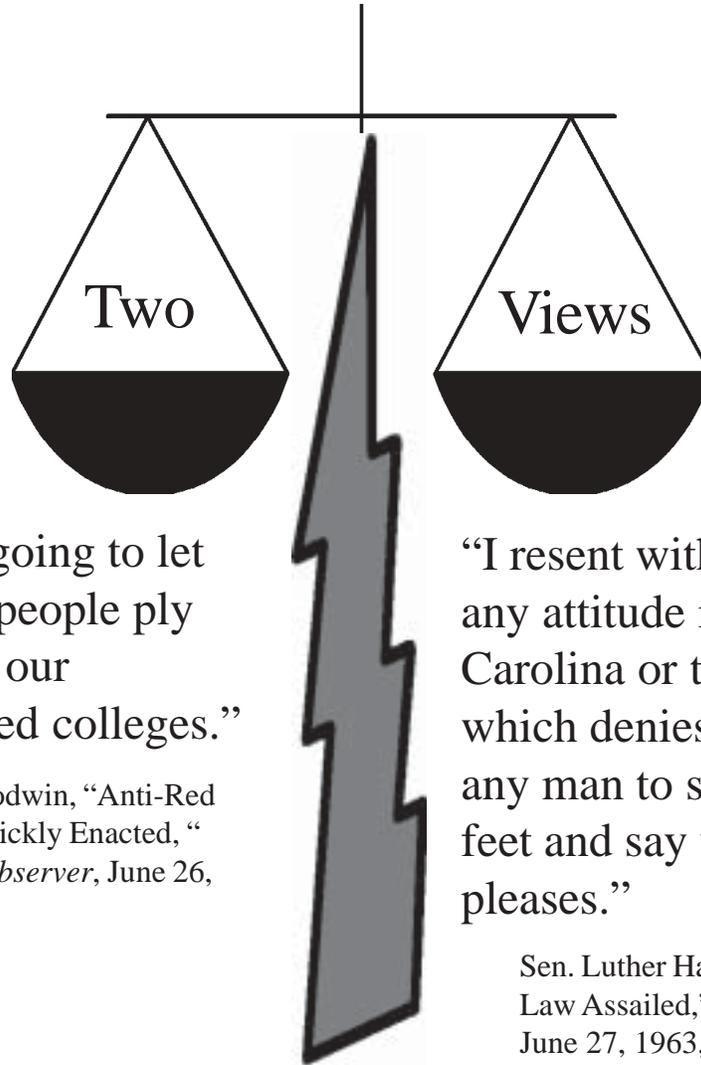


# The Speaker Ban Law

## STRIKING A BALANCE: RIGHTS AND RESPONSIBILITIES



“We are not going to let these sort of people ply their trade in our state-supported colleges.”

Rep. Phil Godwin, “Anti-Red Measure Quickly Enacted,” *News and Observer*, June 26, 1963, p. 2.

“I resent with all my being any attitude in North Carolina or the country which denies the right of any man to stand on his feet and say what he pleases.”

Sen. Luther Hamilton, “Communist Ban Law Assailed,” *News and Observer*, June 27, 1963, p. 2.

“An Act to Regulate Visiting Speakers at State-Supported Colleges and Universities”

*Session Laws of North Carolina, 1963*, c. 1207, s. 1.

No college or university, which receives any state funds in support thereof, shall permit any person to use the facilities of such college or university for speaker purposes, who:

- A) Is a known member of the Communist Party;
- B) Is known to advocate the overthrow of the Constitution of the United States or the State of North Carolina;
- C) Has pleaded the Fifth Amendment of the Constitution of the United States in refusing to answer any question, with respect to communist or subversive connections, or activities, before any duly constituted legislative committee, any judicial tribunal, or any executive or administrative board of the United States or any state.

## Teacher Notes

The purpose of this exercise is to encourage students to examine the political climate that led to the passage of the Speaker Ban Law and to study the arguments, pro and con, in regard to the law. Students can also be encouraged to compare the concerns and fears prompted by Communism to similar issues that have been raised by the war on terrorism.

### Provide Background Information

To begin, provide background information to the students about the political situation in the world in the early 1960s. Students can then use the poster to answer the questions on the accompanying worksheet.

The poster includes two primary sources. Be sure students understand a primary source is one that was created or in use during the time period being studied. Upon examining the poster, students should be able to identify as primary sources the quotes from newspaper articles in the *News and Observer* and the passage from the *Session Laws of North Carolina, 1963*.

### Historical Perspective

In June, 1963, the General Assembly of North Carolina passed a bill that became known as the Speaker Ban Law. It was controversial at the time of passage, and the debate continued for years, prompting Gov. Dan K. Moore to create a commission to study the issue. Based on the commission's recommendations, the law was revised; however, the legislation was eventually declared unconstitutional by the federal courts and repealed by the state legislature.

The **rise of Communism in eastern Europe following World War II** contributed to a climate of fear and suspicion in America. Many Americans became concerned that democracy was in danger. The **McCarthy hearings** of the 1950s were one manifestation of these fears. Events such as the building of the **Berlin Wall** and the **Cuban Missile Crisis** caused many to believe the Communists were intent upon world domination. By 1963, the United States had fought in the **Korean War** and was becoming more involved in **Vietnam**. Supporters of our involvement saw the conflicts as a continued struggle between democracy and Communism. But, unlike World War II when the American public was strongly united behind the effort, these wars generated a great deal of controversy. The goals, objectives, and threats to America were not so clearly defined, causing many to question America's involvement. In subsequent years **widespread protests**, particularly on college campuses, occurred. It was in the midst of these security concerns that the **Speaker Ban Law** was passed.

The law banned from any state-supported university those speakers who were known to belong to the Communist Party; who were known to advocate overthrow of the constitutions of the United States or North Carolina; or who had ever used the Fifth Amendment of the Constitution to avoid answering questions about Communist activities. Using the quotes on the poster, help students analyze the two points of view. On the one hand, people like Rep. Phil Godwin, who sponsored the bill, believed that North Carolinians had the right to determine how state dollars were spent at public universities and had the responsibility to protect democracy against the threat of Communism. The opponents, represented here by Sen. Luther Hamilton, believed that the law violated the right of free speech as guaranteed by the First Amendment of the Constitution. He felt the greater responsibility of the legislature

was to protect that right. Many leaders at the universities also opposed the law. They felt it hindered academic freedom and limited learning which, they argued, depended upon the free flow of ideas.

### Make a Connection

Many of the same concerns Americans once had about Communism they now have about the Islamic extremists. Consequently some of the same issues have arisen: How can Americans protect their way of life and yet preserve their constitutional freedoms? What are the responsibilities of the government to protect citizens, and what measures can it take without compromising the rights of those citizens?

### Suggested Activities for Further Study

1. Divide students into two teams. Assign one team to debate in favor of the Speaker Ban Law while the other team is directed to take the opposition position. Have a second debate that addresses Islamic extremists speaking on state campuses financed with public funds.
2. Have students write editorials or letters to the editor in favor of or opposed to the law.
3. Direct students to read and summarize the original newspaper articles. They can be found on microfilm in larger libraries.
4. Assign students to do more in-depth research on one or more of the topics highlighted in the background section of this leaflet.
5. Assign students to find newspaper, magazine, or internet sources that discuss the pros and cons of the following current topics. Compare these concerns to the issues surrounding the Speaker Ban Law debate.

National ID Card  
Surveillance  
Racial or cultural profiling  
Non-confidentiality of library records  
Rights of foreign nationals in America  
Military tribunals  
Fundraising for Islamic charities

### Bibliography

*News and Observer*, June 1963.  
*Session Laws of North Carolina, 1963*.  
William J. Billingsley, *Communists on Campus*



National History Day in North Carolina  
4610 Mail Service Center  
Raleigh, NC 27699-4610  
(919) 733-7305 phone  
(919) 733-8807 fax  
[www.ah.dcr.state.nc.us/edu-outrch/historyday.html](http://www.ah.dcr.state.nc.us/edu-outrch/historyday.html)

## THE SPEAKER BAN LAW: Student Worksheet

In June 1963, the General Assembly of North Carolina passed a law that became widely known as the Speaker Ban Law. Feelings ran strong both for and against the law. Using the information on the poster, as well as other sources as needed, answer the following questions.

1. The poster quotes from two primary sources.
  - A. Define a primary source:
  
  - B. Name the two primary sources used on the poster:
2. Using textbooks, the internet, newspapers, or classroom information, research and write a paragraph about some of the foreign policy issues and concerns prior to 1963 that contributed to the passage of the Speaker Ban Law.
3. Using the poster as your source, write in your own words what the law said:

Look at the quotes included on the poster and answer the following questions.

4. Which man spoke in favor of the law (circle the correct answer): Representative Godwin  
Senator Hamilton

What rights and responsibilities did he feel were carried out by passage of this law:

5. Which man spoke against the law (circle the correct answer): Representative Godwin  
Senator Hamilton

What rights and responsibilities did he feel he was promoting by opposing the law?

6. Think about recent world events. Write a short essay describing how the concerns of Americans today are similar to those of Americans in 1963.