

UNIVERSITY OF NORTH CAROLINA
BOARD OF GOVERNORS
COMMITTEE ON EDUCATIONAL PLANNING,
POLICIES, AND PROGRAMS
SPECIAL MEETING - AUGUST 22, 2002

REMARKS OF CHARLES H. MERCER, JR.

The people of North Carolina have a long and proud history of supporting freedom of association and freedom of expression. North Carolina demanded the inclusion of a Bill of Rights before it ratified the United States Constitution in 1789. This demand demonstrated the true spirit of North Carolinians, a people who value individual freedom --- freedom of speech, freedom of inquiry, freedom to worship as we choose, and freedom to educate ourselves, generation by generation.

North Carolina's historical freedom is linked to higher education in North Carolina. North Carolina's first Constitution, adopted on December 18, 1776, provided that "all useful learning shall be duly encouraged and promoted in one or more universities."¹

On December 11, 1789, the General Assembly ratified the charter giving birth to the University of North Carolina, our nation's oldest state university.² And for more than 200 years, the University of North Carolina has been the tap root of this State --- providing superior educational opportunities for our people, creating a well prepared work force, providing economic development opportunities, preparing new generations to be good citizens and great leaders, and promoting a strong body politic.

The Seal of the University of North Carolina at Chapel Hill affirms its tradition of support for academic freedom and open dialog and inquiry. For the motto on that seal is "lux and libertas" --- light and freedom. The light that emanates from learning and the freedom of speech that promotes intellectual discourse have been linchpins of the University of North Carolina at Chapel Hill since 1789. And these linchpins have expanded to each of our University's constituent institutions.

From time to time there have been proposals to limit the freedom of speech on our campuses, but our state's institutions, including the University, the Legislature, and the Courts, consistently have responded on the side of preserving academic freedom.

It was true in 1925 when there was introduced in the Legislature the "Poole Bill", which sought to prevent the teaching of evolution in state schools. The "Poole Bill", which was opposed by University of North Carolina President Harry Woodburn Chase, was defeated by the North Carolina House of Representatives on February 19, 1925.³

It was true in 1968, when a federal court found unconstitutional the Speaker-Ban Law, "an act to regulate visiting speakers at State-supported colleges and universities".⁴

It is true in 2002, as is demonstrated by the language in the Code of the Board of Governors of the University of North Carolina and as will be reaffirmed by the Board of Governors' support for this resolution.

In offering my support for this resolution, I endorse the statement of Robert Shelton, Provost for the University of North Carolina at Chapel Hill, with respect to the Board of Governors action on the resolution offered at the August 9, 2002 meeting of the Board of Governors. Provost Shelton said, "I don't think this sends the message that they [meaning The University of North Carolina Board of Governors] don't support academic freedom." Provost Shelton has it right. This Board supports academic freedom.

With our vote on this resolution today, let it be known that the members of this Board of Governors recognize and endorse academic freedom in our University and endorse the words of Frank Porter Graham, former President of the University of North Carolina: "Without freedom there can be neither culture nor real democracy. Without freedom there can be no university."⁵

¹ Kemp P. Battle, History of the University of North Carolina, Volume 1, The Reprint Company, Spartanburg, South Carolina, 1974 (from 1912 edition of the North Carolina Collection, University of North Carolina, Chapel Hill, North Carolina), pages 1-2.

² See Battle, *supra*, at page 6.

³ Warren Ashby, Frank Porter Graham: A Southern Liberal, John F. Blair, Publisher, Winston-Salem, North Carolina, 1980, pages 59-60.

⁴ Arnold K. King, The Multicampus University of North Carolina Comes of Age, 1956-1986, The University of North Carolina, Chapel Hill, North Carolina 1987, Chapter 4, page 57 see discussion at pages 57-69.

⁵ Ashby, *supra*, at page 124.