

Council Makes Beall Report

Majority Decision Written By Leaders For Student Group

Beall Eligible Last Year And Neglected Opportunity To Run

BY SOL BLATT, JR.

Last week the Student Council met to decide whether or not Willis Beall was eligible to run for President of the Student Body. Mr. Beall claimed first that under his constitutional right he should be allowed to run at least one time while he was at Carolina, and according to his contention he was not eligible to run last year. He was coming before the Student Council because of a ruling made by the Student Council this year stating that no person could run for President of the Student Body unless he had between 93 and 105 credits in June.

There were four exceptions to this ruling, as follows:

1. That a person who entered school in February could drop back and run in that class after he had dropped back a semester.

2. That if a person in the engineering school, because of the extra-credit courses taken in that school should have an over abundance of credits and still have only been in school three years, he should be allowed to run.

3. That a student having made all A's in his entire three years in school and due to this fact had an extra supply of credits should be allowed to run and should not be excluded because he had an over supply of credits.

4. If any person apparently had been done an injustice by the decision of the Student Council, that he could come before us and appeal.

Since Mr. Beall will have 119 credits in June, 1941 and since he did not come within the above exceptions he came before us and appealed from the decision of the Student Council declaring him ineligible this year. As I have already stated, he felt he was not eligible last year, and under this ruling he was not eligible this year, and he felt that he should certainly be allowed to run one time. After much discussion, the Student Council narrowed the point down to the restriction as to whether or not Mr. Beall could have run last year. We reached the conclusion that had Mr. Beall been eligible and able to run last year, then he certainly should not be able to run this year, but had he not been able to run last year, that we would make an exception to our rule and let him run this year.

That decided, we appointed a committee to look up the facts in the Registrar's office as to Mr. Beall's credits and report back to us at a Student Council meeting on Thursday. On Thursday, after much discussion, the Student Council voted, seven to five not to allow him to run this year, one member refusing to vote, and one member being absent, and the President not being able to vote unless there had been a tie. On Friday there was a petition handed to the President of the Council requesting a meeting of the Student Council to reconsider the action that they took on Thursday. Such a meeting was called for Monday afternoon and this meeting was held. According to our rules, to reconsider, the motion

to reconsider must be made by a person who voted negative on the majority side of the question. In other words, a person must move to reconsider who had voted not to allow Mr. Beall to run.

After some discussion on Monday, a motion to reconsider was asked for, and because there was no such motion to reconsider since no one had any new evidence to offer on the subject, the Student Council passed a motion to prepare a statement for public record, by those voting on the majority side as to the reason they took the action that they did, and also a statement by those voting on the minority side as to why they decided as they did.

The two statements are as follows:

Report of the Majority

In order to clarify, not justify, our decision as regards our ruling declaring Willis Beall ineligible to offer as a candidate for the office of Student Body President for the year 1941-42, we, the majority members of the Student Council submit the following report:

1. That it was the unanimous opinion of the Student Council that every student should have one, and only one, opportunity to offer as a candidate for the office of Student Body President.

2. That it is our opinion, after an exhaustive investigation, that Willis Beall was eligible to offer for the office of Student Body President for the school year 1940-41, and would have been allowed to do so had he made application. The reasons for the above conclusion are:

A. That the Student Council is the sole and supreme body to construe the Constitution of the Student Body and to decide upon the eligibility of the candidates for the various campus offices. The authority for this function is as follows:

1. Student Body Constitution of 1937 (which was in effect last year, at which time we contend that Beall could have qualified to run for the office under consideration), Article 4, Section 1. "All Elections shall be conducted by secret ballot and shall be under the supervision and control of the Student Council." This constitution is published in *The Gamecock* each year.

2. We quote from page 28 of the *Garnet and Black* for the year 1939; "The Student Council must perform the duties outlined by the Constitution including the supervision of all elections and deciding on questions pertaining to nominations and eligibility of voters and candidates."

3. We quote from the *Garnet and Black* of the year 1940; "With two exceptions, the Student Council has no excuse to meet—one meeting to have their pictures made for the Year Book, the other to supervise elections by deciding questions in regard to nominations and the eligibility of voters and candidates."

4. We quote Mr. W. F. Gilliland, Assistant Registrar.

a. "The Registrar's Office takes no part in determining the eligibility of candidates for student offices, such being the prerogative of the Student Council, whose duty it is to enforce the By-Laws of the Student Body Constitution."

b. In answer to the following question, Mr. Gilliland answered.

Question: In your opinion, who declares the class standing of the student as relevant to elections—the Registrar or the Student Council?

Answer: "In my opinion, it is a matter to be determined entirely by the Student Council. Once per session the Registrar's Office classifies students according to classes (Freshmen, Sophomore, Junior, and Senior) as prescribed by the regulations of the University Faculty, which are published in the University catalogue. These classifications are based solely on academic standing and to my knowledge the Registrar's office has never made any attempt to regulate the policies of the Student Council in classifying students as to their eligibility for the various student offices, nor does it intend to do so in this instance."

c. The statement in *The Gamecock* that Mr. Gilliland said that Willis Beall was ineligible to run for the President of the Student Body last year was not true. We quote Mr. Gilliland again.

Question: Did you tell Willis Beall that he was not eligible to run for Student Body President last year?

Answer: "I did not because had he asked me this question I would have told him that the Registrar's Office takes no part in determining the eligibility of candidates for student offices."

B. That based on the ruling of the Student Council of last year, Willis Beall could have at that time qualified as a candidate for Student Body President. This conclusion is founded on the following facts:

1. In as much as Ryan Scott, who had seventy-six credits on February 1, 1940, and who was taking enough work to give him eighty-nine credits in June, 1940, but who only had 77 credits in June, 1940, was allowed to run, and

2. In as much as Sol Blatt, who had only been in school two and a half years in February, 1940, was allowed to run, therefore

3. Willis Beall would have been allowed to run because his status was as follows:

a. As of February 1, 1940, Willis Beall had 76 credits, with a condition subsequent that he take Economics 22. Also, that he registered for enough work to give him 89 credits in June, 1940, which he completed. Had he included Economics 22 as one of his courses, he would have had 72 credits in June, 1940.

b. He had been in school two and a half years as of February, 1940.

c. That had Willis Beall returned to academic school this year he could have easily graduated in the Class of 1941 by taking fifteen credits the first semester, and one extra subject the second semester, which he would have been permitted to take had he requested permission from the extra course committee because he would have been a senior and would have needed it to graduate. However, he selected to enter Law School, making it impossible for him to take those required courses necessary for him to obtain his academic degree. At present his status is that of a rising Junior in the Law School and in the event that he has not gotten his required work off by the end of next year (1942) he would still be in the same situation as he is this year in as much as he would never have completed his required work in academic school to make him an eligible candidate for a Bachelor of Arts degree. Therefore he would

be eligible in 1942 to be candidate for both President and Vice-President of the Student Body, were the contention of Willis Beall allowed.

D. That socially Willis Beall was considered, and considered himself, a rising Senior as of last year, as evidenced by the fact he voted in the Rising Senior class elections of last year.

E. By his own admission in giving information to the Blue Key Directory, he classified himself as a Junior last year.

Therefore we have concluded after earnest deliberation that Willis Beall was an eligible candidate for Student Body President last year and that he is not again eligible to run for this office, because he has already had his opportunity to run.

Respectfully submitted,

James Galloway,
Dan Hollis,
Bill Rhodes,
Maude Byrnes Chisholm,
Frances Meeks,
Barney Timmons,
David Murray.

Minority View

According to the unanimous agreement of the Student Council that each student should have one opportunity to run for President of the Student Body while a student at the University of South Carolina; and since it was further agreed that if Mr. Beall was ineligible last year, he should be allowed to run this year; and since the Student Council further agreed that if he used due diligence in ascertaining his status last year, and conscientiously came to the conclusion that he was not eligible, then he should be allowed to run this year, the question resolves itself into whether he was eligible last year or exercised such diligence.

We, the minority, base our holding on the following facts and circumstances:

1. Under the Student Body Constitution one in order to be eligible for President of the Student Body must be a "rising senior." The Registrar's Office does not class one as a rising senior until he has accumulated a total of ninety-three (93) credits. Since Mr. Beall was to have accumulated only a total of eighty-nine (89) credits by June, 1940, we definitely conclude that he could not have been deemed a "rising senior."

2. We contend that the supreme authority as to a student's class standing was, and always has been, the records of the Registrar's Office. Certainly this is the most desirable criterion, as the files of the Registrar's Office are a matter of public record and not of opinion, and thus not susceptible to the inevitable infiltrations of political and human prejudices.

3. We are satisfied that Mr. Beall used due diligence last year, in that he investigated the files and records of the Registrar's Office and applied his findings to the best of his ability to a literal interpretation of the Student Body Constitution. Any irregularities that may have been committed in closed meetings of last year's Student Council letting down the bars of eligibility in the case of certain other candidates

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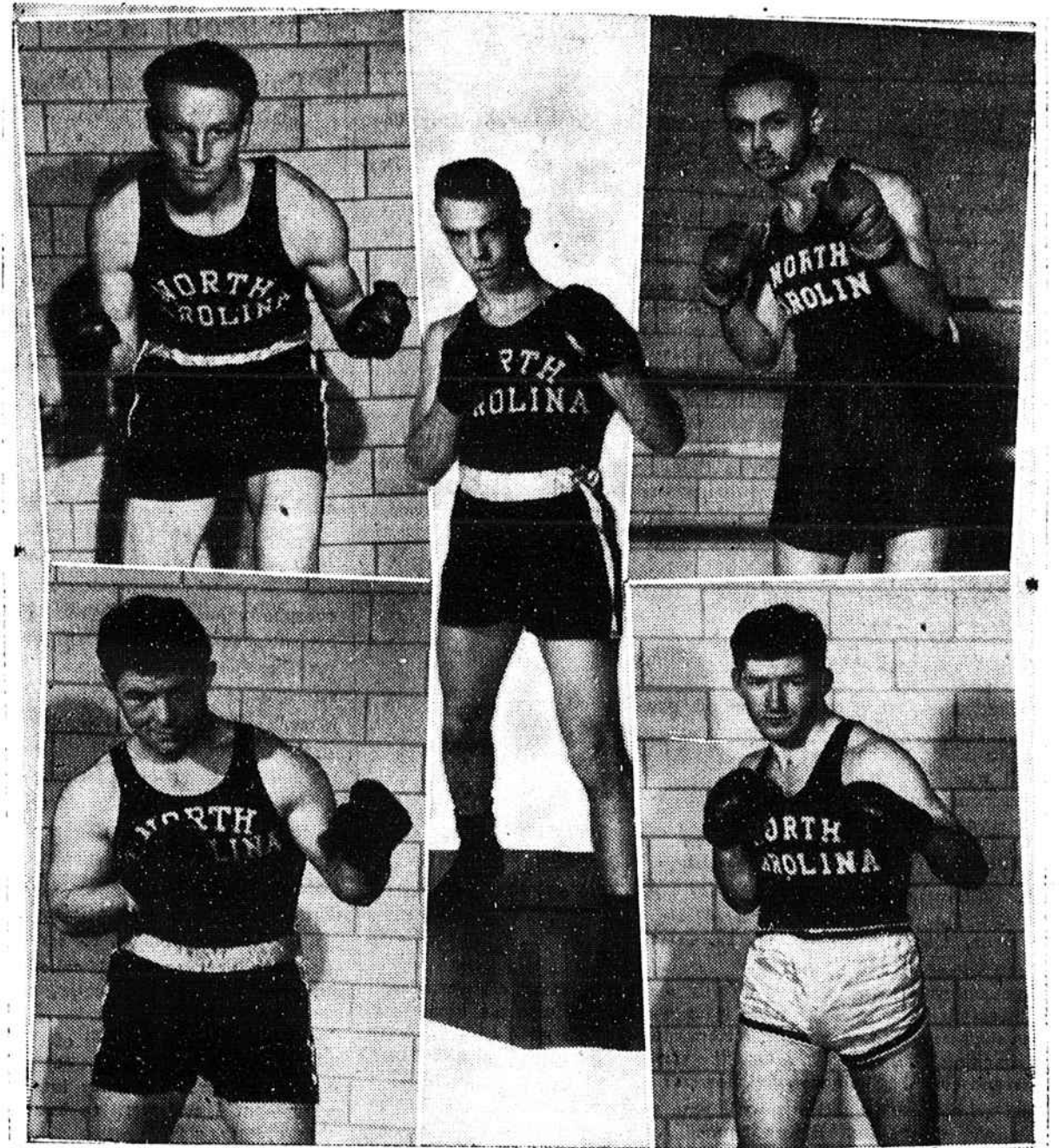
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Strong favorites to cop top honors in the fifteenth annual Southern conference boxing tournament are the University of North Carolina pugilists pictured here. Upper left, Elden (Red) Sanders, last year's 165-pound titalist, upper right, Bob Farris, 155-pound champion, now fighting at 145 pounds; bottom left, Gates Kimball, 1940 heavyweight runner-up; lower right Morris Moskov, 155 pound alternate, and center, Andy Gennett, 125 pound co-captain.

Mental Contests Prelims Are Held

Preliminary examinations in the South Carolina High School League's annual mental contest program will be held throughout the state between March 31 and April 4. The University personnel bureau is the testing agency which handles the contests each year.

Winners from nearly ten thousand pupils who will take part in the pre-

liminaries will come to Columbia in April for the state-wide High School Week. The schools participating in the mental contests this year will number about 175, the influence and participation of the contests increasing annually.

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