

Investigation Group Sustains Gambling Penalties, Etc.

(Continued from page two)

played for money. On March 7, "D" admitted his guilt before the Council; he told the story about the agreement to lie, and said that he had agreed to the plan. He was suspended for the remainder of the winter quarter and all of the spring quarter, 1927.

"E" appeared before the Council on March 7 of his own accord, before receiving the notice sent him by the Council. He admitted playing for money, but said that he did so voluntarily. Having been advised by a friend several weeks before the investigation by the Council to move away from "A's" room in order to get away from the bad influences prevalent there, he did so, and secured a room in town. But he continued to play poker in "A's" room, and was in the game which lasted all night on Saturday, February 26. "E" knew of the plan to tell the lie in regard to gambling, but did not agree to it, and there is no record of his having made any false statements to the Council.

"F" was suspended for the remainder of the winter quarter and all of the spring quarter, 1927.

On March 7, "F" appeared before the Council, and admitted that he was guilty of gambling. He knew of, but did not agree to, the plan to lie in regard to playing for money. He had stopped playing at mid-term of winter quarter, and had played no more since then.

"G" was suspended for the spring quarter, 1927.

On March 9, "G" came before the Council on appeal, but his sentence was affirmed.

When "G" came before the Council on March 7, he refused to give any information about the other men or about himself. He stated that he did not intend to tell a lie, and did not want any questions asked him. The first time he was asked if he had played for money, he refused to answer, but later said that he had played for money several times. He went to "A's" room to play when asked to go there by "A." "G" was sentenced to suspension, to begin immediately and extend to the fall quarter, 1928.

On March 9, "G" appeared before the Council on appeal, and his sentence was mitigated, his suspension to be only for the spring quarter, 1927, on the basis that he was misled by talking to the other boys, and did not intend to lie about the gambling.

"H" appeared before the Council on March 7, before he had ever been officially summoned, and admitted having gambled. His testimony was clear and uncontradictory. He played in "A's" room about ten times. He was not a party to the scheme to lie to the Council. His sentence was suspension for the spring quarter, 1927.

"H" appeared before the Council on March 9 on appeal; his sentence was affirmed.

"I" appeared before the Council on March 7, and admitted that he had been gambling; he was in the game which lasted all night Saturday, February 26. He was not in on the plan to lie in regard to gambling. He was sentenced to suspension for the spring quarter, 1927.

"I" appeared before the Council on March 9, but stated that he preferred to let his sentence stand as it was.

"J" appeared before the Council on March 7, and admitted that he was guilty of gambling. He did not play all night at any time, and he stopped playing about a month before the investigation was begun. He was suspended for the spring quarter, 1927.

"J" appeared before the Council on March 9; his sentence was affirmed.

"K" appeared before the Council on March 7, and admitted that he was guilty of gambling. He was not in the plan to lie in regard to playing for money. He was sentenced to suspension for the spring quarter, 1927.

"K" appeared before the Council on March 9; he said he felt that the Council gave him justice; his sentence was affirmed.

"K" appeared before the Committee voluntarily, after the investigation had been under way for two or three days, and withdrew his appeal, stating that he felt that the action of the Council was justified in his case.

"L" appeared before the Council on March 7, and admitted having played poker for money in "A's" room, but denied that he had played until a late hour. He knew nothing about the plan to lie in regard to gambling. No coercion was used by the Council to make him tell on the others. He was suspended for the spring quarter, 1927.

"M" appeared before the Council on March 7, and admitted having twice played poker for money in "A's" room. He played in the afternoon on both occasions. He had no knowledge of the plan to lie in regard to gambling. He was given a suspended sentence of suspension, under which he is on probation as to classes and general conduct, and is required to report to the Student Council every Monday night.

"M" is a medical student. The Committee finds that the basis of the Council's decision in this case was the fact that "M" had played less than any other participants, and that if his suspension took effect he would lose credit for work already done this year—i. e., a year's work in the medical school; whereas, in regard to the other men sentenced, it was pointed out that no penalty by loss of work already done would be suf-

ferred on account of the suspension. Further Recommendations on the basis of the problems of Student Government brought to light in the investigation.

1. No definite sentence of suspension should be imposed for a period of more than a year. The Committee feels that suspensions for a longer period are inconsistent with the nature of suspensions and fatal to a complete effectuation of their purpose. A suspension sentence is corrective, and contemplates reinstatement of the individual after he has had time during the period of the suspension, to think over his case. But any suspension for more than a year's time causes too great a break in a man's college career to be effective toward such an end. If a student is an undesirable citizen, he should be sent away from the University permanently; but if it is felt that suspension would set him aright, he should be suspended for a reasonable time only, in order that his educational plans would not thereby be defeated. In this particular case, the Committee feels that effectual to do harm because the men upon whom they were placed are undesirable citizens.

2. It came to light during the investigation that in the past the Student Council had suspended men by a vote that was not unanimous of the quorum. However, in this case, the vote of the Council was unanimous, as was the vote of the Committee in sustaining the sentences. The Committee recommends that in future no student be either suspended or expelled from the University except by a unanimous vote of a quorum of the Student Council.

Consideration of Confused State of Opinion in Regard to the Honor System and Student Government.

The Committee was impressed, during the investigation and discussion, with the hazy and confused conception that the student body had in regard to the Honor System, and student government. Even the members of the Council were not in agreement, nor did they seem to be entirely sure as to the entity and of the relation between student government and the Honor System.

However, the Committee does feel that it is expressing the sentiment of the student body in recommending that the Honor System be limited to cheating, stealing, and lying; that each individual, in the interest of the whole student body, is honor bound not to cheat, steal, or lie, and to report these same dishonorable acts when committed by others.

Gambling, drinking, and immorality, all "shipping" offenses, are not laid down as matters of honor, but as courses of conduct that are detrimental to the rights, interests, and liberty of others and of the student body as a whole. These matters come under student government, which is self-government, and the regulations concerning them should be followed and observed in a spirit that does not countenance interference with the rights, interests, and liberties of fellow students, and for the good of our Alma Mater.

Not only is the burden upon the individual to regulate his own conduct, but he should be interested enough in his own fellow student and in student government to report to the Student Council men whose flagrant misconduct is detrimental per se to the interests of the group, and to help and advise his fellow students in cases of minor infractions.

THE COMMITTEE.

In brief, the Committee recommends that the sentences of all the men involved be sustained as imposed by the Council.

It is obviously impossible to present in this report every circumstance in the case. Only the material facts upon which the Committee based its conclusions are recorded here. Speaking broadly, in sustaining the decisions of the Council, the Committee was moved by the following elements in the case:

1. "A," "B," "C," and "D" were not only guilty of gambling, but also of violating the Honor System as to lying.

2. With the exception of "M" all of the men played habitually over at least a moderate period of time.

3. All the participants in the gambling contributed to the nuisance that disturbed other students occupying the building.

4. "E" lived for a time in the room where the gambling took place, and even after he was persuaded to move away he persisted in coming back to play poker.

Gambling is a so-called "shipping" offense, subjecting a student to suspension from the University if convicted thereof. Such has been the status of the offense for many years, but that some students were surprised to hear of suspension sentences in this case was to be expected in view of the fact that it is well known that considerable gambling is done on the campus and that the guilty parties are seldom apprehended and punished.

The committee's report upon the question of suspending men for failure to report other participants. As an objective institution, our student government functions best when it functions least. It is essentially subjective; in short, self-government. Its fundamental principle is individual responsibility; the major responsibility rests upon the student body as a group of individuals, and not upon the Student Council.

The first corollary of that fundamental principle is co-operation. If students do not feel their special obligations, student government fails.

The Student Council is closer to the heart of student government and the Honor System than is the rest of the campus, and is a powerful force in unifying student opinion in these matters of government. It truly deserves the co-operation and support of the student body, of which it is the functioning organ in matters of conduct and discipline.

In this case, the Council suspended three men for not reporting the names of other men involved in the affair. The Council had two motives in their action. We will consider these mo-

tives separately. 1. The Council wanted to get the other men before it in order to clarify the charges against "A," "B," and "C." The Committee feels that the Council was justified in its action, in that it had evidence to the effect that "A," "B" and "C" were lying—that they were guilty of gambling, and it wished to obtain still stronger evidence, either to corroborate or refute the testimony of "A," "B" and "C," in order to clear up the matter entirely in regard to gambling and lying (the latter a breach of the Honor System).

2. The Council wanted to get the other men before it in order to examine them on the charge of gambling. The Committee commends the Council for its earnest efforts to clear out this particular gambling nest, and in no particular questions its sincerity. However, in this instance the Committee feels that it cannot sustain the action of the Council. Granting, and even declaring, that a man is obligated to report misconduct such as gambling, the Committee is of the opinion that a man is not in honor bound to do so, as he is so bound in the case of lying, cheating, and stealing, and that he should not be compelled to bring men to trial who have not already been charged. Of course, once a man is charged and before the Council, any student summoned must tell the truth about what he knows of that man's case.

The Committee wishes to be clearly understood in this opinion. The Committee feels that the sentences imposed by the Student Council be affirmed. The accused were all confessedly guilty of an offense for which they could be suspended. They were given a fair trial, and the punishments imposed were strictly in keeping with the nature and degree of the offenses. In the ultimate analysis, justice was done. It is not correct to say that the accused were done an injustice because they were guilty and justly deserved to be brought to trial.

Minority Report

We, the undersigned, being in the minority on the committee appointed to investigate the recent action of the Student Council desire to exercise our prerogative and hereby submit a report of the minority.

We wish to make it plain at the beginning that we do not go on record as approving gambling on the Campus, but there are inconsistencies in the majority report which we cannot, in our sense of justice to all parties concerned, adhere to.

The Committee voted unanimously to sustain the sentences imposed by the Council (With the exception of the case of B). Yet following this

action the Committee passed the following motion: "Upon the basis of the facts that the Council wished to charge other participants with gambling was the Council justified in suspending the first three men for failure to report the other participants?" The majority held no.

The vote concerning the measure in controversy was nine to seven.

The evidence shows that not A, B, and C were reported, but that the group as a whole was reported, although A and C's names were the only names actually turned in at first. The specific charge that was preferred against A was as follows: "Creating a disturbance in the dormitory, gambling in the form of playing poker, and leaving the room open for other boys to come and play poker."

It can be seen from this charge that a group of men were reported and we feel that the Council, in order to do complete justice to the Campus, to the parties concerned, and to this institution was in duty obliged to get at the bottom of the affair and impose upon all their share of the burden. It can be seen that A was a part of a "poker den" and the Council felt, and we think that they were justified in this attitude, that it was their duty to ascertain the names of the other participants even though they were obliged to employ the methods they did employ. A, B, and C admitted on the third hearing before the Council that they had played poker, that they had played for money, and that a large number of men were frequently involved and at this time refused to divulge the names of other men implicated or to cooperate with the Council in clearing up an insidious gambling den which was spreading its poisoning influence throughout the student body.

It appears to the undersigned that the following issue has been clearly raised:

When three men in open confession before the Council admit that they have grossly and frequently violated the accepted code of honor, as well as the laws of the state, and upon request refused to cooperate with the Council in securing the names of other such offenders implicated with them, is the Council, which is pledged to enforce the commonly accepted code of honor and which is in duty bound to do so, justified in resorting to indirect compulsion in order to secure the names of those offenders?

We feel that the two motions mentioned above are inherently irrational, illogical and inconsistent on the basis of the entire findings of the Committee. Men cannot blow hot and cold with the same breath and yet that is what these two motions attempt to do. The first motion by a unanimous vote agreed that, "The Council was justified in suspending the first three men for failing to report other participants as a means of

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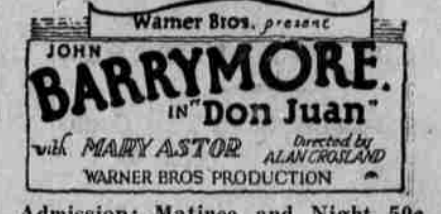
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6:45, 8:30

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SATURDAY, MARCH 26
Laura La Plante and Tom Moore in
"THE LOVE THRILL"

MONDAY, MARCH 28



clarifying the situation." Yet the second motion condemns the Council for giving a suspended sentence for "failing to report the other participants in order to bring charges against those men implicated." Their inconsistencies in these two motions which the minority cannot reconcile. It is apparent that the only means of clarifying the situation was to investigate the conduct of the men involved. The first motion granted unanimously that the situation ought to be "clarified," yet the second motion condemns the only means which the Council possessed to bring about clarification. As regarding the "situation" the minority feel that this embraced the entire affair considered as a unit and still leaves open the question as to what shall be done with the last ten men.

The motions were passed with two inconsistent attitudes in mind, first to sustain the sentences imposed by the Council and, secondly, to condemn the Council for securing evidence sufficient to convict the last ten men. The first motion agrees that the men ought to have been punished, and that the Council was obligated to punish them while the second motion implies that the Council was not obligated to investigate an offensive situation and to do what was in its power to remedy the evil.

Granting, for a moment, the motion passed by the majority condemning the Council and its tactics is correct then the last ten men were unjustly summoned before the Council and unjustly condemned. On this basis the Committee is admitting to be true the first point in the appeal of the accused men, namely: the methods used in securing the evidence for convicting those last ten men. There is, in the motion to sustain the sentences imposed by the Council and the motion to condemn the Council

for the methods used in securing the information on which the sentences were based, an irreconcilable inconsistency which cannot stand in the face of close scrutiny. If the latter motion is to be interpreted as the true opinion of the Committee then those appealing are justified in their contention that unfair methods were used and the sentence should never have been imposed.

The majority view in the first motion expressed the sentiment, which will be considered by all outside the student body, as the attitude of the entire student body. It is this. Although the Council may be assured from words and rumors of those outside the student body, and implications from evidence that an offensive situation exists upon the campus, yet if the men themselves refuse to testify the hands of the Council are bound. By the report of the majority the Council is made a passive organization, restricted in its power to remedy evils, whereas it should be an active force with the power to investigate and determine the truth, and render its decision accordingly.

Signed:

- W. H. STRICKLAND
- J. O. DUNLAP
- H. N. LOCKHART
- W. H. MADISON
- J. N. CALLAHAN
- J. M. WILLIAMS
- C. H. WHITE

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