

in triplicate

ASSOCIATED STUDENTS JUDICIARY
California State College, Long Beach

COMPLAINT TO REQUEST A DECLARATORY JUDGMENT

To: Associated Students Judiciary

From: Eddie W. Shaw

Date: 2/11/72

The undersigned requests a review of the rights and duties pursuant to:

Associated Students Inc. ver 49th Bookstore Inc.

Cause for request: a complaint has been filed at the Attorney General's office concerning the legality of the fining of two students by Jerry Tubbs, Manager of 49th Bookstore at the 49th Bookstore.

Briefly explain the substance of your issue: The Attorney General requests to know does the Associated Students Inc. have jurisdiction powers over the 49th Bookstore Inc. In other words can a student file a complaint against the 49th Bookstore Inc. and if so can the matter be adjudicated in the U.S. Court.

The undersigned does hereby request a judgment on the preceding issue.

Signed Eddie W. Shaw
A.S. Attorney General

ASSOCIATED STUDENTS JUDICIARY

CALIFORNIA STATE UNIVERSITY LONG BEACH

DECLARATORY JUDGMENT

ADJUDICATED THIS 22nd DAY OF FEBRUARY, 1972

Plaintiff: Eddie Shaw

In this case the Plaintiff requests to know whether or not the A.S. Judiciary has jurisdictional powers over the Forty-Niner Shops, Inc. Specifically, over the termination of student employees by the Forty-Niner Bookstore.

The A.S. Judiciary does not have jurisdictional powers over the Forty-Niner Shops, Inc. The reason is that there are two separate and distinct corporations involved. The first corporation is the Associated Students California State College Long Beach. The second corporation is the Forty-Niner Shops, Inc. The A.S. Judiciary has jurisdictional powers in the first corporation, the Associated Students California State College Long Beach, but not the second.

Therefore, the A.S. Judiciary is powerless to act, or become involved in the termination of student employees by the Forty-Niner Bookstore.

Vote 5-0-0: Unanimous

Majority Decision Written by D. Schmidt

Justices present: Montejano, Park, Walker, Wysocki, Schmidt

Justice absent: Fairbanks

Ronald Montejano
Ronald Montejano, Associate Justice

Gordon Park
Gordon Park, Associate Justice

James Walker
James Walker, Associate Justice

David Wysocki, Associate Justice

David E. Schmidt
David Schmidt, Chief Justice

ASSOCIATED STUDENTS JUDICIARY

CALIFORNIA STATE COLLEGE, LONG BEACH

REJECTION OF A REQUEST FOR A DECLARATORY JUDGMENT

CONCURRING OPINION

PLAINTIFF: EDDIE W. SHAW

In the present case, the A.S. Attorney General Eddie Shaw asks the Court to determine the jurisdictional powers of the Associated Students, Inc. over the Forty-Niner Shops, Inc., with specific reference to the Forty-Niner Bookstore. In fact, the Associated Students does not have any jurisdiction over the Forty-Niner Shops.

To quote the Preface of the Associated Students Judiciary Rules of Procedure, "The Associated Students Judiciary shall be mindful at all times that its basic function is to act in the best interests of the Associated Students...". It is my opinion that the best interests of the Associated Students are not served by the Forty-Niner Shops, Inc., especially the Forty-Niner Bookstore.

The entire concept of a regulated monopoly, such as the Bookstore, is that by allowing such a situation to exist, it meets the interests and the needs of the people it serves. Ideally, a government allows a number of monopolies to supply necessary items to its citizens only as long as the services rendered are fair to and in the best interests of the people it serves. When these services fail to achieve these goals, it is time for change.

I fail to understand how the high prices and the poor service offered by the Forty-Niner Bookstore are in the best interests of the Associated Students. I believe that are very few students or faculty members who have not been affected by the inefficiency of the Bookstore. I continue to hear the many excuses used to explain the failures of the Bookstore management and the assurances that new attempts are being made to correct these problems. Words are cheap, but books and supplies are not.

In my opinion, it is now time to examine the relationship of the Associated Students and the Forty-Niner Shops. Perhaps the best solution is to have the Forty-Niner Shops under the jurisdiction of the Associated Students. Regardless, action should be initiated to correct this very unfair situation which has been forced upon the students.

Concurring decision delivered by Justice Ronald Montejano.
February 29, 1972.