

ASSOCIATED STUDENTS JUDICIARY

The Associated Students

vs.

The Creative Writing Club

Decision:

The A.S. Judiciary, at its 2/18/64 meeting voted without objection to revoke the charter of the "Creative Writing Club". In so doing the A.S. Judiciary acted under the authority of the A.S. Constitution, Article III, Section 5, Sub-section 5.

Summary Report:

On December 13, 1963, the Organizations Commissioner referred the Creative Writing Club to the A.S. Judiciary for failure to file the following:

1. Membership roster
2. Officer roster and report
3. Membership Certificate
4. Initiation Practices Certificate

It was the recommendation of the Organizations Commissioner that the "Creative Writing Club" be suspended.

On January 8, 1964, a letter was sent from the A.S. Judiciary to Dr. John Herman of the English Department, who was listed as the last faculty advisor to the club, requesting that some representative of the club be present at the 1/10/64 meeting of the Judiciary to answer the charges made against the club. No representative appeared nor was there any communication from the club. On February 11, 1964, the A.S. Judiciary sent a second letter to Dr. Herman, again requesting that some representative be present at the 2/13/64 meeting of the Judiciary. Again there was no response.

The continued failure of the "Creative Writing Club" to respond to the Judiciary's correspondence forced the Judiciary to act.

The decision to revoke the charter of the "Creative Writing Club" was reached due to the concern on the part of the justices that a suspension might cause an unclear situation. Since the meaning of suspension is not spelled out, there would remain room for such questions as: for how long, what needs to be done to get the suspension lifted, etc. A clear answer is provided for all such questions when a charter is revoked. It was also the feeling of the justices that little consideration should be given an organization that refuses to respond to repeated pleas from the Judiciary. Therefore the full force of the Judiciary authority was directed against the "Creative Writing Club".

*James D. Green Jr*

Associated Students Judiciary

The Associated Students vs The Society for the Advancement  
of Management

and

The Associated Students The Creative Writing Club

Decision:

The A.S. Judiciary sitting as a Court of Appeals at its March 17, 1964 meeting defeated the prosecution's motion for a reversal of its March 10, 1964 decision in reference to the above cases by a 2 - 3 vote. The Court, however, recommended to the clubs involved that they apply to the A.S. Senate for special legislation which would grant them a new charter. The Court will strongly recommend that the A.S. Senate act forwardly on such application. The vote of the Court was as follows:

Justice McFadden	No
Justice Metzger	No
Justice Fehn	No
Justice Kaeker	Yes
Chief Justice Greer	Yes

*James E. Greer Jr.*

A.S. Judiciary

MINORITY REPORT

March 17, 1964

RE: Associated Students vs Society for the Advancement of Management  
and Associated Students vs Creative Writing Club

The minority feels that when a charter is revoked it is not destroyed or disintergrated; rather, we feel that a revoked charter reverts from the club to the Associated Dean of Students or the Associated Students, but remains in existence. Therefore, we feel that it is possible for the A.S. Judiciary to reverse its decision ordering the charter revoked and return them to the organizations involved on the basis of new evidence. In taking this type of action, the Judiciary is not legislating and chartering or rechartering any organization, but it is seeing justice done by setting aside a wrong and unjust decision.

Further, we of the minority feel that anyone should have the right to appeal a decision of any court to the next highest authority, even if this should be the same body that originally decided the case. We cite as example, cases where decisions of the Supreme Court have been appealed back to that same body; this does not imply that the court must hear the appeal, but that it may reverse or sustain its decision.

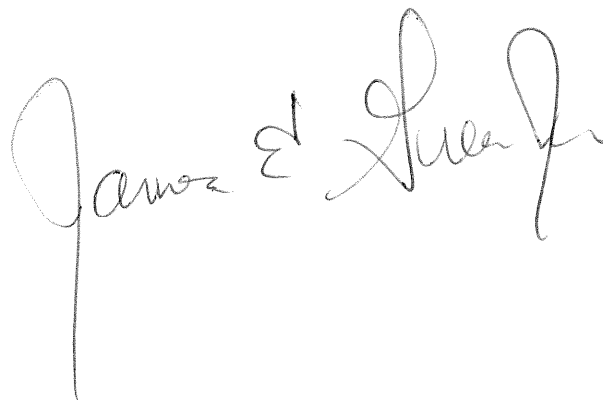
Although it may have been through mechanical breakdown that the Judiciary did not receive written notice that the regulations had been complied with, and that the charges were being dropped, we still hold that it is, and was the responsibility of the plaintiff, namely, the A.S. President, or his representative, to make certain that the Judiciary did in fact receive such notice. It is

A.S. Judiciary  
MINORITY REPORT  
March 17, 1964

the responsibility of the plaintiff and of the defendant to be present in court until the final decision of the Judiciary has been rendered; thus, they will not only be aware of the decision, but also the reasons for it and the manner in which the Judiciary arrived at the decision.

Written by : Baruch Kaelter

Concerning: James Greer

A handwritten signature in cursive script, appearing to read "James E. Greer". The signature is written in dark ink and is positioned to the right of the typed name "James Greer".

Decision of the A.S. Judiciary  
April 7, 1964

Creative Writing Club

vs

Associated Students

The A.S. Judiciary feels that in its decision to reject the charter of the Creative Writing Club was in error; and thus, hereby, sets aside the verdict of guilty.

James E. Linn Jr.

State of California

# Memorandum

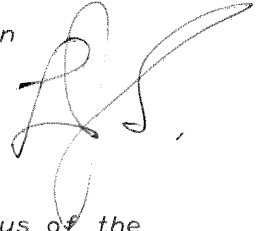
To : David Knowles, Chief Justice  
Associated Students

Date : January 5, 1965

File No.:

From : CALIFORNIA STATE COLLEGE AT LONG BEACH - Lois J. Swanson

Subject: Status of Creative Writing Club



I have been requested to write to you regarding the status of the Creative Writing Club. This organization was organized in the spring of 1951 to encourage and increase the abilities of its members to do creative writing. In most of the years since that time, it has been the group that edited the Hornspoon. The forms required of recognized organizations were last filed in the spring of 1964. Their last Annual Report filed on April 27, 1964, lists soliciting manuscripts for the Hornspoon as a project, and lists Drs. John Hermann and Richard Lee as advisers. In the meantime, I understand that because of some questions and problems that existed, the Hornspoon was not budgeted for 1964-65. Both Dr. Hermann and Dr. Lee have resigned officially. In so far as we know, no meetings have been held by the organization, no roster of members has been filed, and no officers elected for the fall semester. It would therefore appear that the organization, as such, no longer exists and I would recommend that this be declared officially.

LJS/ph

To:

January 8, 1964

From:

Subject: Dr. John Herman  
English Dept. (F03-316)  
Long Beach State College

Dear Dr. Herman:

It has been brought to the attention of the A. S. Judiciary that your organization has not filed with the Office of Student Affairs the following documents:

1. Membership roster
2. Officer roster and report
3. Membership certificate
4. Initiation practices certificate

The Organizations Commission has recommended to the Judiciary that your organization be suspended for not filing the above documents.

The Judiciary is meeting Friday (1/10/64) to consider the Organizations Commission's motion. If either yourself, or another representative from the organization could attend our meeting, it would be greatly appreciated.

The meeting will be held at 12:00 noon in the A. S. Senate Chambers.

Sincerely,

Jim Greer  
A. S. Chief Justice

JG/lk

Dr. John Herman  
English Dept. (F03-316)  
Long Beach State College

Dear Dr. Herman,

On Jan. 8, the A.S. Judiciary requested that some representative of the Creative Writing Club be present at its Jan. 10 meeting to answer charges made by the Organizations Commissioner. The charges as stated in my letter of 1/8/64 were as follows:

1. Failure to file membership roster
2. Failure to file officer roster and report
3. Failure to file membership certificate
4. Failure to file initiation practices certificate

The Judiciary will be meeting again to discuss the case of the Creative Writing Club. Again we are requesting that some representative of the organization be present.

The meeting will be Tuesday, Feb. 18th, at 1:00 p.m. in the A.S. Senate chambers.

Sincerely

Jim Greer  
A.S. Chief Justice

cc: Organizations Commissioner ✓

*Charter reviewed  
not represented  
at 2 court  
sessions.*

RECEIVED  
FEB 13 1964  
ASSOC. STUDENT BODY

Defendant's A

Re: Associated Students vs. Creative Writing Club

Sam:  
Creative  
Writing  
Club Case:

Barbara Crutchfield Moore

ATTORNEY AT LAW  
4252 VICTORIA AVENUE  
LOS ANGELES 8, CALIFORNIA

AXMINSTER 4-8785

In the event that a court makes an error and a judgment is entered incorrectly, that court may upon the proper motion vacate the judgment and a new judgment may be entered. This is according to the California Code of Civil Procedure, Section 663 which states:

A judgment or decree, when based upon findings of fact made by the court, or the special verdict of a jury, may, upon motion of the party aggrieved, be set aside and vacated by the same court, and another judgment entered, for either of the following causes, materially affecting the substantial rights of such party and entitling him to a different judgment:

1. Incorrect or erroneous conclusions of law not consistent with or not supported by the findings of fact; and in such case when the judgment is set aside, the conclusions of law shall be amended and corrected.
2. A judgment or decree not consistent with or not supported by the special verdict.

Barbara Crutchfield Moore

State of California

# Memorandum

To : John Johnston  
A. S. President

Date : March 11, 1964

File No.:

From : Long Beach State College - Sharon Wehr  
Student Affairs Office

Subject:

In the absence of the Commissioner of Organizations, we would like to report that the Creative Writing Club, Society for Advancement of Management both have all forms and certificates on file in our office. — 257

SW

p.s. We have nothing for Pi Gamma Mu.

Received 3-17-64

ASSOCIATED STUDENTS OF LONG BEACH STATE COLLEGE

Long Beach 15, California

**Interdepartmental Communication**

To: James E. Greer, Chief Justice, A.S. Judiciary

Date: March 20, 1964

File No.

From: John Johnston, A.S. President

Subject: Judgment on Charters

The defendants, the Society for Advancement of Management, and the Creative Writing Club at CSCLB, hereby move that the court should vacate and set aside the judgment revoking the charters of the above organizations, because there was an incorrect or erroneous conclusion of law not consistent with, and not supported, by the findings of fact.

The defendants also move that the court should, subsequent to vacating the previous judgment, enter a judgment that the charters of the Society for Advancement of Management, and the Creative Writing Club at CSCLB should be retained.

*John Johnston*

To: President of Creative Writing Club

March 20, 1964

From: James Greer, A.S. Chief Justice

Subject:

C

ORDER TO APPEAR

O

The A.S. President is requesting that the decision of the A.S. Judiciary in the case of "A.S. vs CREATING WRITING CLUB" be set aside. Therefore, the A.S. Judiciary orders you to appear at its March 31 session at 1:00 pm in the Senate chambers.

P

Y

# A.S. VS. CREATIVE WRITING CLUB.

ISSUES: 1. REVOKE a charter of an organization  
2. Can A.S. Judiciary set aside an unjust decision?

Decision: 1. The charter ~~it~~ can be revoked yet this was reversed in this case because of facts not consistent with the law.  
2. The initial decision of guilty was reversed by the same A.S. Judiciary.

Basis: 1. A.S. Constitution, Art. III, Sec. 5, sub-sec. 5  
2. A court can reverse its own decision if there is an incorrect conclusion of law as per Calif. Code of Civil Procedure Sec. 663.