

ASSOCIATED STUDENTS JUDICIARY
California State College, Long Beach

JUDICIARY OPINION

Case of: DU MMIT v ANTHONY

Date: April 24, 1968

Charges: Violation of Elections Code Chapter I, Section 2(C), Section 3 (A and B) and Chapter II, Section I.

Plaintiff requested disqualification of Paul Anthony, duly elected Black Bart for 1968 Forty-Niner Days, from this position for the above violations.

Decision:

This case was heard by the Associated Students Judiciary, with Justices John Gorey, James Preston, Rick Richards, Dave Campbell and Don Eisenberg C. J. presiding.

After much consideration and deliberation the Associated Students Judiciary finds the defendant, Paul Anthony, not guilty of the charges alleged, and we raise the following issues.

Is the defendant responsible for the actions of the population of the Residence Halls? It can be conceded and there is no question in our minds that the defendant is responsible for his campaign workers (Election Code Ch. 1, Sec. 3 (A)). However, it has neither been established nor refuted whether the parties involved in the violations were his campaign workers.

There must be a distinction between a member of a voting constituency and a person who has an ~~an~~ integral relation with the campaign of a candidate. We have already made clear that a candidate is responsible for his campaign workers, but we cannot find that he be responsible for for any person who may be interested in his campaign but is in actuality no more than a constituent. We assert that a clarification is necessary to determine the extent of involvement commensurate with being a campaign worker. This can only be effectively accomplished if each candidate is required by the Elections Commission to submit the names of any and all persons who will be actively working in his campaign.

We do, however, assert that the Elections Commission must have criteria for determining what a campaign worker is. In the opinion of this court he is: 1) One who passes out literature in behalf of a particular candidate, and/or 2) takes part in the solicitation of campaign funds, and/or 3) helps in the functioning of a candidates campaign by giving speeches or presenting himself as an authorized representative of a candidate.

Furthermore it should be noted that the knowledge one has of violations alleged to him is of prime importance. The vast size of any constituency on this campus causes an extremely prohibitive burden upon a candidate were he to be responsible for their actions. We have no doubt about the existence of violations in this campaign, but we cannot by any stretch of the imagination justify disqualifying this candidate for something over which he had no control and which was not even sufficiently proven to be of his knowledge. We unequivocally declare that this scienter (Knowledge) criterion is to be considered of extreme importance in any action of similar nature to be taken in the future.

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Decision:

Where then must the blame be placed? We definitely see violations of faith occurring in this campaign and we must deal with them. Elections Code Chapter II, Section 2, Article 2 (A) asserts that the Residence Halls, both on and off-campus are part of the area approved for posting. The Dormitories do have a right to privacy of their residence, but any regulations effecting campaigning in the Residence Halls must be submitted well in advance of the campaign and must be approved by either the Elections Commission or Office of Student Affairs. There was a notable lack of this type of action in this case and we will not tolerate such inadequacies in the future. Each candidate is entitled to certain basic rights. We include among these, the right to campaign privileges on an equal basis without discrimination in all approved housing.

It is blatantly obvious that these rights were not provided for and we will neither tolerate nor permit this overt discrimination.

This Judiciary may well assert the rights of those who are called upon to judge. And let it be known that the Associated Students Judiciary and we who have decided this issue are in unanimous consent that this kind of activity shall not now nor ever be condoned by the students of this campus.

Roll Vote: 5-0


Presiding Justice

