

ASSOCIATED STUDENTS JUDICIARY
California State College at Long Beach

SUMMARY REPORT

Case of: James Newby VS AS Senate

Date: 11-13-68

Charges: Chairman of AS Senate ruled that J. Newby was not eligible for consideration to fill AS Senate Education vacancy. Newby contends that Chapter 2, Article 1, Section 10, Part A of the CSCLB AS By-Laws was violated.

MAJORITY OPINION:

Decision: After judiciary consideration of Ch.2, Art. 1, Sec. 10A of the By-Laws of California State College at Long Beach, it was determined that Mr. Newby is eligible for consideration for the position of AS Senator of Education.

The Court recognizes that there is a typing error in some of the copies, and that the term CSLB should be stricken from all existing copies of the By-Laws in Chapter 2, Article 1, Section 10A.

Further, we recognize that Sec. 10A supercedes all other requirements in filling vacancies in the Senate membership.

MINORITY OPINION:

Decision: Under Article 1. Sec. 10A of the AS By-Laws, I conclude that there are two requirements for filling vacancies in the AS Senate. One requirement is that of scholarship, in which I concur with the majority opinion of the court. But there is also a second requirement, however vaguely worded, that holds both parties responsible for acting within a stipulated time period. The Senate, in not properly following its requirement allowed the Senate seat to remain open. Even though it has been the practice of the Senate to hold positions open an indefinite length of time, it is not in keeping with the By-Laws governing its action.

Individuals applying for such a position should be held to recognize that such a time requirement is applicable to them. Mr. Newby, regardless of the Senate's inactivity, did not meet this requirement, and since he did not, I can only conclude that he, in fact, was not eligible for the open Senate position. He met only one requirement, that of scholarship, while he was negligent in pursuing the second requirement, that of time.

ROLL VOTE: Majority:3 Minority: 1

PREPARED BY Skip Marchel
Court Clerk

James R. Preston
PRESIDING JUSTICE
Jim Preston

ASSOCIATE JUSTICES: Don Smith
Dave Campbell
Larry Wilhelms

To be completed in triplicate

ASSOCIATED STUDENTS JUDICIARY
California State College at Long Beach

ORDER OF THE COURT

To: CSCLB Associated Student Senate

You are hereby ordered in compliance with the opinion held in the case _____

James Newby v AS Senate :

After judiciary consideration of Chapter 2, Article I, Section 10A of the By-Laws of California State College at Long Beach, it was determined that Mr. Newby is eligible for consideration for the position of AS Senator of Education.

~~The Court recognizes that there is a typing error in some of the copies, and that the term CSLB should be stricken from all existing copies of the By-Laws in Chapter 2, Article I, Section 10A.~~

Further, we recognize that Section 10A supercedes all other requirements in filling vacancies in the Senate membership.

This order is effective immediately unless otherwise stated herein:

Failure to comply will result in a contempt citation being issued against your name pursuant to the Rules of Procedure of the Associated Students Judiciary of California State College at Long Beach.

James R. Preston

Presiding Justice

Date: 11-13-68